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City of Richmond Unified Development Ordinance

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Appendix A: Land Use Matrix

Article

1

Ordinance Foundation

*City of Richmond
Unified Development
Ordinance*

Basic Provisions

1.01 Title

This ordinance shall be formally known as the “*City of Richmond Unified Development Ordinance*,” and may be cited and referred to as “*Chapter 154 Unified Development Ordinance*,” “*Zoning Ordinance*,” “*Subdivision Control Ordinance*,” or “*Unified Development Ordinance*.”

1.02 Unified Development Ordinance

The City of Richmond's Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. Article 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

1.04 Authority

This Unified Development Ordinance is adopted by the City pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4 et seq.*

1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of the City in accordance with the *City of Richmond Comprehensive Plan* for the following purposes:

- A. Basic Rights: To secure adequate light, air, convenience of access and safety from fire, flood and other dangers, which may include providing adequate open spaces for light, air, and outdoor uses.
- B. General Welfare: To promote the public health, safety, morals, comfort, convenience, and general welfare.
- C. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with the City of Richmond's land use policy.
- D. Character: To protect the character and stability of agricultural, residential, institutional, commercial, industrial, and natural areas.
- E. Circulation: To minimize or avoid congestion on public streets and to ensure safe, convenient, and efficient traffic circulation.
- F. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction.
- G. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. Intensity: To regulate and restrict the use of buildings, structures, and land for business, industry, residence and other uses.
- I. Public Service: To define the powers and duties of administrative officers and bodies, and to establish procedures for the implementation and enforcement of this Unified Development Ordinance.
- J. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of this Unified Development Ordinance.

1.06 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued. For information regarding nonconforming structures, see *Article 8: Nonconformances*.

1.07 Severability

If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

Basic Provisions

1.08 Interpretation

- A. Minimum Requirements: The provisions of this Unified Development Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large.
- B. Conflict or Inconsistency:
 - 1. *Internal*: Unless otherwise specifically stated within this Unified Development Ordinance, if two or more provisions of this ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.
 - 2. *Federal, State, and Local*:
 - a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation or other City ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
 - b. Whenever a provision of any State or federal code or regulation or other City ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation or other City ordinance or regulation shall apply.
 - 3. *Other*: Whenever a private covenant, contract, commitment, agreement or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the City is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements or other similar regulations.
- C. Text: If differences are found between the meaning or implication of any drawing, table, figure, title, or section heading, the text of this Unified Development Ordinance shall apply.
- D. Time Frames: Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the City offices are closed, the time frame will be extended to the end of the next business day.
- E. Delegation of Authority: If a provision in this Unified Development Ordinance requires the Zoning Administrator or other City officer to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator unless specified otherwise.
- F. Mandatory and Permissive Terms: The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive.
- G. Words Used: If words used in this Unified Development Ordinance are not defined in *Article 11: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by appropriate lexicon or current and common dictionary.
- H. Tense: If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless the context clearly indicates a single tense.
- I. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless the context clearly indicates the contrary.
- J. Gender: If a feminine term is used, the masculine shall also apply and vice versa.
- K. Conjunctions: The word “and” shall be construed to include all connected items in a series, conditions and provisions. The word “or” shall be construed to include one or more of the items in a series, conditions and provisions, unless the context clearly suggests the contrary.
- L. Rounding: If a formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature, the non-whole number shall be rounded to the next highest whole number.

Basic Provisions

1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the corporate limits of Richmond, Indiana.

1.10 Repealer

The following Richmond ordinances are hereby repealed and are replaced by the *City of Richmond Unified Development Ordinance* and Official Zoning Map:

- A. Zoning Ordinance: Chapter 154: Zoning Code as amended, and its associated Zoning Map.
- B. Subdivision Control: Chapter 153: Subdivision Control as amended.

1.11 Transition Rules

- A. Plan Commission: Any application (e.g. Development Plan Review, or Primary Plat) filed with the Plan Commission or its designees that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that were in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- B. Rezoning: Any application for a Zone Map Amendment (Rezoning) filed with the Plan Commission or its designees, that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, or Administrative Appeal) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing, provided that:
 - 1. *Required*: The application is still required by the terms of this Unified Development Ordinance; or
 - 2. *Additional Approvals*: If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. Planned Development:
 - 1. *Detailed Development Plan*: A Detailed Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment.
 - 2. *Final Development Plan*: A Final Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the Planned Development District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.

Basic Provisions

- E. **Building Sites:** All new building sites shall meet the requirements of the Unified Development Ordinance unless:
1. *Building Permit:* A complete Building Permit application was filed and is still valid; or
 2. *Improvement Location Permit:* A complete Improvement Location Permit application was filed and is still valid; or
 3. *Buildable Lot:* A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Secondary Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
 4. *Primary Plat:* A complete and valid Primary Plat application has been filed with the Planning Department prior to the effective date of this Unified Development Ordinance.
- F. **Recorded Commitments:** Any recorded commitments for a lot as a part of rezoning, established prior to the Unified Development Ordinance's effective date, shall remain in effect and in force regardless of allowances provided in the Unified Development Ordinance. Recorded commitments for a lot as part of a rezoning may petition for those commitments to be removed or modified through the Zoning Map Amendment (i.e. Rezoning) process.

1.12 Administrative Officer

The Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the City's planning jurisdiction.

1.13 Enforcement Official

The Enforcement Officer shall have the primary responsibility for enforcement of the Unified Development Ordinance within the City's planning jurisdiction.

1.14 Saving Provision

This Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, Subdivision Control Ordinance, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.15 Effect of Annexation or Vacation on Zoning

The Plan Commission shall be guided by the principles and directives of the *City of Richmond Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the Common Council regarding zoning district classifications for newly annexed areas.

1.16 Statutory Changes

Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

1.17 References

Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.

1.18 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and is not a part of a hierarchy or pyramidal system of zoning. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of the Unified Development Ordinance, the City of Richmond has established the following zoning districts:

Zoning District Code	Zoning District Name	Zoning District Purpose
PR	Parks and Recreation	This district is established for parks, recreational areas, open space, and trails.
AG	Agricultural	This district is established for agricultural areas and buildings associated with agricultural production.
IA	Intense Agricultural	This district is established for medium to high intensity agricultural operations or operations likely to have a significant adverse impact on surrounding non-agricultural uses.
R1	Low Density Single-family Residential	This district is established for single-family detached, medium to large sized homes on large sized lots.
R2	Medium Density Single-family Residential	This district is established for single-family detached, medium sized homes on medium sized lots.
R3	High Density Single-family Residential	This district is established for single-family detached, small to medium sized homes on small sized lots.
UR	Urban Residential	This district is established for a mix of residential uses on small lots.
M1	Multiple-family Residential	This district is established for two to four-unit buildings on single lot.
M2	Multiple-family Residential	This district is established for apartment complexes and other large scale multiple-family residential development.
MP	Manufactured Home Park	This district is established for developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
UV	University	This district is established for various uses related to the higher educational needs of a university or college.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
NC	Neighborhood Commercial	This district is established for small-scale, low intensity businesses offering retail goods and services for the convenience of nearby neighborhoods.
LC	Limited Commercial	This district is established for a variety of moderate-scale, moderate-intensity retail goods, service, entertainment, and dining establishments.
GC	General Commercial	This district is established for a wide variety of retail, service, entertainment, and dining establishments.
OC	Outdoor Commercial	This district is established for businesses with significant outdoor display areas for merchandise.
CB	Central Business	This district is established for a mix of retail, commercial, entertainment, governmental, and professional uses with upper floor office and residential uses that complement a urban commercial setting. This district is intended primarily for the existing central business area.
HC	Highway Commercial	This district is established for commercial uses that are closely related to the special needs of the traveling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.
EP	Ed-Med-Tech Park	This district is established for higher education, medical offices, and technology business uses in a business park setting.
IC	Industrial Commercial	This district is established for light to moderate intensity industrial uses, industrial uses with showroom sales, distribution facilities with retail sales, and outdoor commercial sales and maintenance of large vehicles and construction equipment.
I1	Low to Moderate Intensity Industrial	This district is established for low to moderate intensity industrial uses and light manufacturing facilities.
I2	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for uses that may have a high impact to the community.

Zoning Districts

1.19 Establishment of Overlay Districts

The overlay districts as noted below have been established to add additional and unique development standards which will help the City accomplish its goals. For the purpose of this Unified Development Ordinance, the following overlay districts have been established for the purpose as stated:

Zoning District Code	Zoning District Name	Zoning District Purpose
ACO	Airport Compatibility Overlay	This district is established to disallow land uses which are in conflict with or are adversely affected by normal airport operations, to help mitigate wildlife incursions, and to promote compatible uses.
APO	Aquifer Protection Overlay	This district is established to guide development and existing uses in those areas where an aquifer has been identified as deserving of detailed standards because of the existence of a wellfield providing potable water to the local water utility.
NCO	North Corridor Overlay	This district is established to promote the City's goals for the north U.S. 27 corridor and gateway by promoting safe pedestrian and vehicular circulation, architectural enhancements, high quality site design, and a sense of place.
TCO	Transitional Corridor Overlay	This district is established to permit logical and appropriate transition from residential or low intensity commercial uses to higher intensity mixed-uses.
NTO	Neighborhood Transition Overlay	This district is established to promote the City's goals for specific neighborhoods, including the recognition of historic character, within the City to evolve to appropriate mixed-uses compatible with adjacent and nearby existing homes.
MUO	Mixed-Use Overlay	This district is established to promote the City's goals for specific areas zoned General Commercial with existing development plans or zoning approvals in place prior to the adoption of the Unified Development Ordinance that would otherwise not be permitted in the Unified Development Ordinance.

1.20 Establishment of Planned Development Districts

As provided for in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a Planned Development District: PR, AG, IA, R1, R2, R3, UR, M1, M2, UV, IS, NC, LC, GC, OC, CB, HC, EP, IC, I1, I2, and HI.

1.21 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 2: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two kinds: permitted uses and special exception uses. the City of Richmond's permitted and special exception uses for each district are noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

1.22 Unlisted Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, shall be prohibited in that particular zoning district.

1.23 Questionable Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, but that is similar or related to a use that is a permitted use or a special exception use in that zoning district may be deemed permitted through a Questionable Land Use Interpretation by the Zoning Administrator.

1.24 Official Zoning Map

- A. Description: The map labeled “Official Zoning Map” maintained by the Plan Commission is hereby included as part of the Unified Development Ordinance and is to function as the means to apply a zoning district to each lot within the City's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Richmond Zoning Map” or the “Zoning Map.”
- B. Location: The Official Zoning Map will be located in the Planning Department and maintained by the Plan Commission.
- C. Zoning District Boundaries:
1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The two-digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend shall be used to identify the zoning districts on the map.
 2. *Overlay Districts*: The overlay district boundaries shown on the Official Zoning Map shall be interpreted as follows:
 - a. *Labeling*: An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
 - b. *Fully Covered*: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 3: Overlay Districts*.
 - c. *Partially Covered*: A lot that is partially covered (i.e. transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.
 3. *Standards*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
 - a. *Streets*: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement, or right-of-way.
 - b. *Section Lines*: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or City's corporation lines shall be construed as following or paralleling such lines.
 - c. *Water*: Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other moving bodies of water shall be construed to follow such centerlines.
 - d. *Vacated*: Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. The following exception applies:
 - i. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
 4. *Disputes*: Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Unified Development Ordinance.
- D. Regular Revisions: The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (e.g. rezonings, planned developments, or annexations) or as the Zoning Administrator determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting errors, clerical errors, or omissions on the map.

- E. Copies: Print copies of the Official Zoning Map may be distributed. Each copy of the Official Zoning Map shall be accurate only to the date on which it was last modified. The date of the latest revision shall be printed on copies of the Official Zoning Map.
- F. Damage, Destruction or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Plan Commission may prepare a new map which shall depict the Official Zoning Map as best as possible, and shall supersede the prior map upon approval by the Common Council. The new map shall not have the effect of amending the Official Zoning Map.

Powers and Duties

1.25 Common Council Summary of Powers and Duties

The powers and duties of the Common Council are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

A. Common Council Duties:

1. *Documents:* Adopt, reject or amend the *City of Richmond Comprehensive Plan*, strategic plans or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
2. *Amendments:* Adopt, reject, or amend proposals to amend or partially repeal the text of the *City of Richmond Comprehensive Plan*, strategic plans, or Unified Development Ordinance that has been certified and submitted by the Plan Commission.
3. *Zoning Map:* Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. *Fee Schedule:* Adopt, reject, or amend a fee schedule.
5. *Enforcement:* Enforce regulations and procedures of the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance* to the extent of the local resolutions, ordinances, and State of Indiana Law.
6. *Other:* Other duties as permitted by Indiana Code.

B. Common Council Powers:

1. *Document Amendment Initiation:* Initiate amendments to the *City of Richmond Comprehensive Plan*, strategic plans, or Unified Development Ordinance by making the proposal to the Plan Commission.
2. *Zoning Map Amendment Initiation:* Initiate amendments to the Official Zoning Map by making the proposal to the Plan Commission.
3. *Other:* Other powers as permitted by Indiana Code.

1.26 Plan Commission Summary of Powers and Duties

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional and may be initiated.

A. Plan Commission Duties:

1. *Documents:* Adopt and maintain the Common Council approved *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance* as authorized under Indiana State Law.
2. *Rules of Procedure:* Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance*.
3. *Records:* Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. *Materials:* Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
5. *Process and Seal:* Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. *Recommendations for Documents:* Certify and submit recommendations to the Common Council including new versions of and revisions to the *City of Richmond Comprehensive Plan*, *City of Richmond Unified Development Ordinance*, and Official Zoning Map.
7. *Recommendations for Planned Developments:* Certify and submit recommendations to the Common Council for adopting a Planned Development District.
8. *Fiscal Records:* Maintain monetary and fiscal records of the Plan Commission.
9. *Budget:* Prepare and submit an annual budget to the Common Council.
10. *Plats:* Approve or deny plats or replats of subdivisions.
11. *Waivers:* Approve or deny request for waivers to the subdivision requirements of the Unified Development Ordinance.
12. *Development Plans:* Approve or deny development plans and amendments to development plans.
13. *Names:* Approve or deny proposed subdivision names, street names and addresses in new developments.

Powers and Duties

14. *Enforcement*: Enforce regulations and procedures of the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance* to the extent of the local resolutions, ordinances and State of Indiana Law.
15. *Other*: Other duties as permitted by Indiana Code.

B. Plan Commission Powers:

1. *Staff*: Hire, remove, and determine job descriptions for support staff with the Planning Department.
2. *Committees*: Establish advisory committees as necessary.
3. *Funding*: Seek funding assistance through grant programs as necessary.
4. *Distribution*: Distribute copies or summaries of the *City of Richmond Comprehensive Plan* or *City of Richmond Unified Development Ordinance* to the general public and development community.
5. *Compensation*: Determine the compensation for support staff and members as provided within the budget submission to Common Council.
6. *Other*: Other powers as permitted by Indiana Code.

1.27 Board of Zoning Appeals Summary of Duties

The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

A. Board of Zoning Appeals Duties:

1. *Appeals*: Hear and determine appeals from, and review any order, requirement, decision or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of the Unified Development Ordinance.
2. *Exceptions*: Authorize exceptions to the zoning district and overlay district regulations only in the classes of uses or in particular situations as specified in this Unified Development Ordinance.
3. *Variances*: Authorize, on appeal in specific cases, variances from the terms of the Unified Development Ordinance.
4. *Interpretations*: Interpret the Official Zoning Map.
5. *Other*: Other duties as permitted by Indiana Code.

1.28 Zoning Administrator Summary of Duties

The duties delegated by the Plan Commission to the Zoning Administrator are described below. Duties should be interpreted as activities that are obligations.

A. Zoning Administrator Duties:

1. *Plan Commission Files*: Maintain complete records of all meetings, hearings, correspondences, budgets, rules of procedure, memberships, term expirations and general affairs of the Plan Commission.
2. *Plan Commission Meetings*: Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information and serving as Plan Commission Secretary.
3. *Publish*: Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
4. *Public Interaction*: Be available as a first point of contact for planning and zoning questions from the public.
5. *Administrative Decisions*: Make administrative decisions based on the standards and procedures in the Unified Development Ordinance.
6. *Interpretations*: Interpret the standards in the Unified Development Ordinance.
7. *Applications*: Process applications submitted to the Planning Department.
8. *Review*: Review permit applications and issue or deny permits submitted to the Planning Department.
9. *Inspections and Enforcement*: Complete field inspections of improvements, structures and uses to verify compliance with the Unified Development Ordinance.
10. *Recommendations*: Prepare and present Plan Commission recommendations to other commissions and boards.
11. *Other*: Other duties that may be delegated by the Plan Commission from time to time.

1.29 Plan Commission Certification

The Unified Development Ordinance was certified with a favorable recommendation for adoption then forwarded to the legislative body. Amendments were made to the certified draft by the Common Council. The amendments to the Unified Development Ordinance were then certified on the 22nd of July, 2010 by the City of Richmond Plan Commission. The certification was made by the following Plan Commission vote:

Signatures:

The Advisory Plan Commission of Richmond, Indiana.

AYE		NAY
	Bruce Wissel, President	
	Joe Price, Vice President	
	Kenyatta Cox, Member	
	Jennifer Eastman, Member	
	Ray Ontko, Member	
	Jerry Middleton, Member	
	Greg Stiens Member	
	Gary Turner Member	
	Jason Whitney Member	
	Gary Wiggans Member	
	Benny Young, Member	

Attest:

Tony Foster, Plan Commission Secretary

Date

Form and content approved by:
Walter S. Chidester, City Attorney



Certification and Adoption

1.30 Unified Development Ordinance Adoption/Effective Date

The Unified Development Ordinance was adopted by the Common Council of Richmond, Indiana on the 6th of July, 2010. The Unified Development Ordinance shall become effective 30 days following the City of Richmond Plan Commission's certification of amendments made by the Common Council.

Signatures:

The Common Council of Richmond, Indiana

AYE

NAY

_____	J. Clayton Miller, President	_____
_____	Diana Pappin, Vice President	_____
_____	Kelley Cruse-Nicholson, Member	_____
_____	Jack Elstro, Member	_____
_____	Bob Goodwin, Member	_____
_____	Larry Parker, Member	_____
_____	Phil Quinn Member	_____
_____	Bing Welch Member	_____
_____	Bruce Wissel Member	_____
_____	Benny Young, Member	_____

Attest:

Karen Chasteen, City Clerk, Richmond, Indiana

Date

Form and content approved by:
Walter S. Chidester, City Attorney

Article

2

Zoning Districts

*City of Richmond
Unified Development
Ordinance*

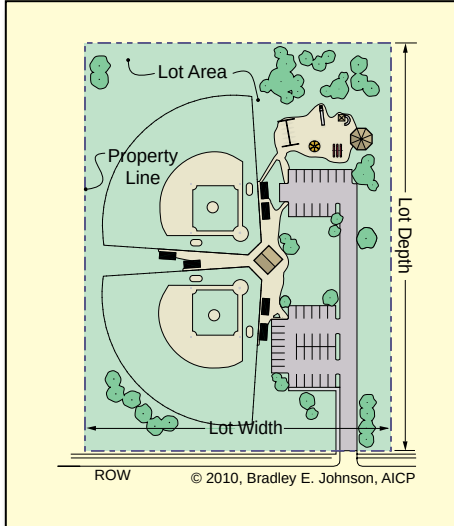
Parks and Recreation (PR) District

2.01 PR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The PR (Parks and Recreation) District is intended to be used as follows: Use Type and Intensity • All intensities of active and passive recreation including parks, picnic areas, trails, playgrounds, and sports fields • Used to protect land for open space and conservation areas Application of PR District • Existing and new facilities • PR Districts are typically spot zoned and distributed around the community • Buffer and transitional zoning district Development Standards • Promote high quality recreational areas for public use and enjoyment Appropriate Adjacent Zoning Districts • All zoning districts Plan Commission • Use the PR District for existing and new parks and recreation facilities • Protect the land and uses within the PR District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks Board of Zoning Appeals • Protect the integrity of land and uses within the PR District	Accessory Permitted Uses • farmer's market • small wind turbine system • solar panels Commercial Permitted Uses • campground • country club • driving range • farmer's market • golf course • miniature golf • recreation center/play center • seasonal attraction • sports complex (outdoor) • swimming pool Institutional Permitted Uses • nature center • park • pool, public • skate park	Accessory Special Exception Uses • dwelling unit • large wind turbine system Commercial Special Exception Uses • paintball facility • sports complex (indoor) • watercraft rental • waterpark Industrial Special Exception Uses • telecommunication facility Institutional Special Exception Uses • stadium

Parks and Recreation (PR) District

2.02 PR District Development Standards



Minimum Lot Area

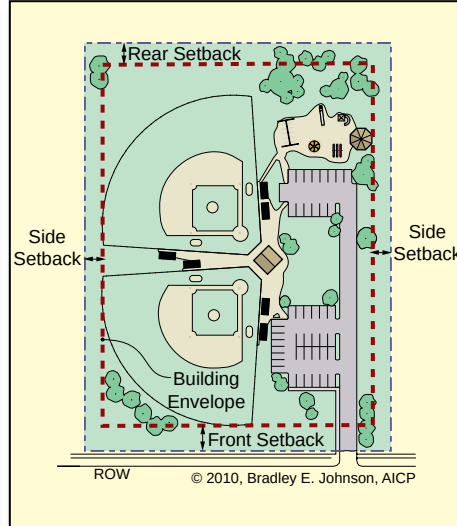
- n/a

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility not required unless within 300 feet of water/sewer utility connection



Minimum Front Yard Setback

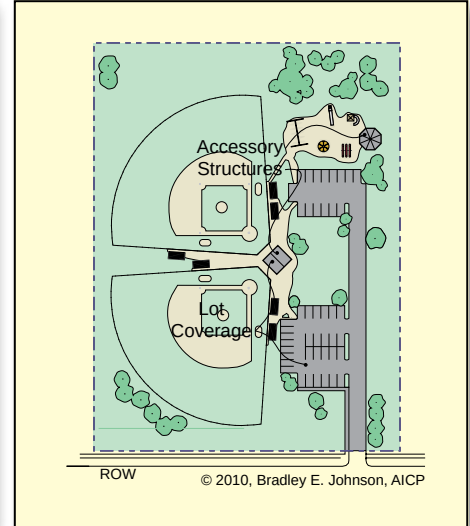
- 50 feet for primary and accessory structures

Minimum Side Yard Setback

- 50 feet for primary and accessory structures

Minimum Rear Yard Setback

- 50 feet for primary and accessory structures



Maximum Lot Coverage

- 50% of lot area

Minimum Main Floor Area

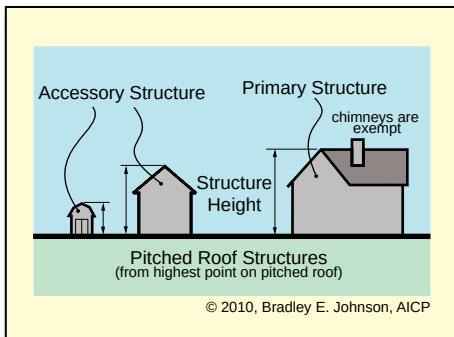
- n/a

Minimum Dwelling Unit Size

- n/a

Maximum Primary Structures

- no limit



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structure		Lighting		Telecommunication	
• AS-01	5-6	• LT-01	5-43	• TC-01	5-100
• AS-02	5-7	Lot		Temporary Use	
Density and Intensity		• LO-01	5-45	• TU-01	5-102
• DI-01	5-16	Parking		• TU-02	5-103
Driveway		• PK-01	5-53	Trash Receptacle	
• DW-01	5-17	• PK-07	5-55	• TR-01	5-105
• DW-04	5-20	Performance		Vision Clearance	
Environmental		• PF-01	5-61	• VC-01	5-106
• EN-01	5-21	Public Improvement		Wind Turbine System	
Fence and Wall		• PI-01	5-62	• WT-01	5-107
• FW-01	5-22	Setback		• WT-02	5-109
• FW-02	5-22	• SB-01	5-64		
Floodplain		Sewer and Water			
• FP-01	5-26	• SW-01	5-66		
Floor Area		Sign			
• FA-01	5-27	• SI-01	5-68		
Height		• SI-06	5-79		
• HT-01	5-28	Special Exception			
Landscaping		• SE-01	5-97		
• LA-01	5-37	Storage Tank			
• LA-02	5-38	• SR-02	5-98		
• LA-07	5-40	Structure			
• LA-08	5-41	• ST-01	5-99		

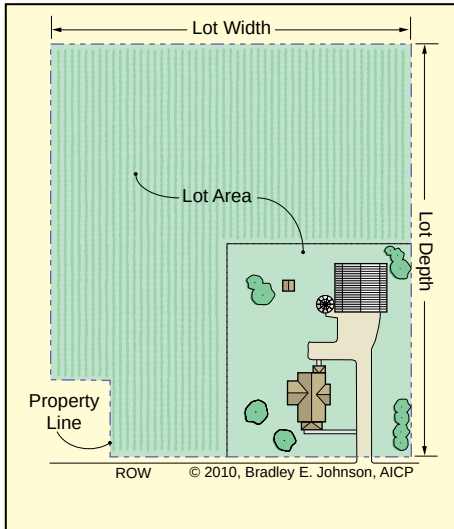
Agricultural (AG) District

2.03 AG District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The AG (Agricultural) District is intended to be used as follows: Use Type and Intensity - Low to medium intensity general agricultural operations Application of AG District - Existing agricultural land Development Standards - Enact development standards to maximize protection of common agricultural practices Appropriate Adjacent Zoning Districts - PR, AG, IA, R1, R2, R3, M1, MP, UV, IS, NC, LC, GC, OC, HC, EP, IC, I1, I2, and HI Plan Commission - Use the AG District for existing agricultural land - Protect the land and operations within the AG District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks Board of Zoning Appeals - Protect the integrity of land and operations within the AG District	Accessory Permitted Uses - agricultural tourism - dwelling unit - farmers market - home business (type 1) - home business (type 2) - roadside sales - small wind turbine system - solar panels Agricultural Permitted Uses - agricultural crop production - hobby farming - land conservation - orchard - raising of farm animals - roadside sales - stable (private) - storage of agricultural products - tree farm - truck farming - vineyard - wholesale tree nursery Commercial Permitted Uses - plant nursery - stable Residential Permitted Uses - dwelling, single-family detached - fair housing facility (small)	Accessory Special Exception Uses - airport, private - dwelling unit - heliport, private - home business (type 3) - large wind turbine system Agricultural Special Exception Uses - confined feeding operation (small) - farm implement sales - processing of agricultural products - raising of exotic animals - sales of agricultural products Commercial Special Exception Uses - campground - event barn - farmer's market - kennel (commercial) - kennel (home enterprise) - seasonal attraction - winery Industrial Special Exception Uses - solar park - telecommunication facility Institutional Special Exception Uses - cemetery/mausoleum - police or fire station Residential Special Exception Uses - bed and breakfast

Agricultural (AG) District

2.04 AG District Development Standards



Minimum Lot Area

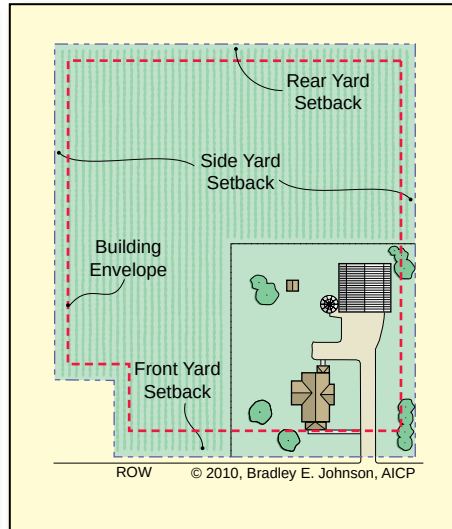
- 1 acre

Minimum Lot Width

- 200 feet

Sewer and Water

- Sanitary sewer and water utility are not required



Minimum Front Yard Setback

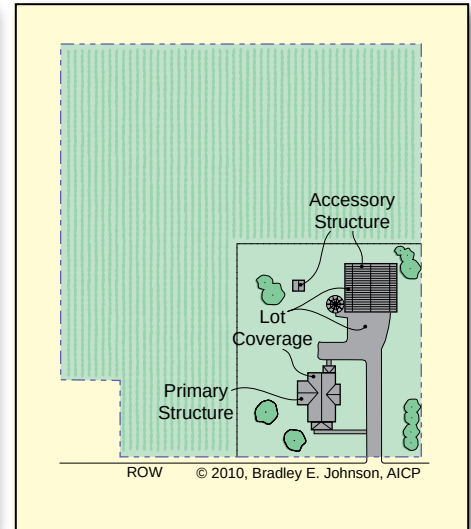
- 75 feet for primary and accessory structures

Minimum Side Yard Setback

- 40 feet for primary structure
- 20 feet for accessory structure; 10 feet on all legacy lots less than 1 acre

Minimum Rear Yard Setback

- 40 feet for primary structure
- 20 feet for accessory structure; 10 feet on all legacy lots less than 1 acre



Maximum Lot Coverage

- 30% of lot area

Minimum Main Floor Area

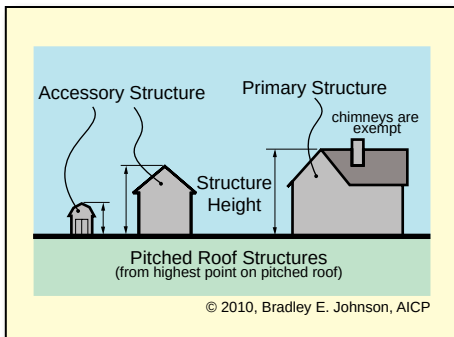
- n/a

Minimum Dwelling Unit Size

- 1,000 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 40 feet for primary structure
- 25 feet for accessory structure
- 2 ½ stories

Additional Development Standards that Apply

Accessory Dwellings • AD-01 5-4 Accessory Structure • AS-01 5-6 • AS-02 5-7 Confined Feeding • CF-01 5-15 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-02 5-18 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-03 5-23 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28	Home Business • HB-01 5-29 • HB-02 5-30 • HB-03 5-31 Keeping of Animals • KA-03 5-34 Kennel • KL-01 5-35 • KL-02 5-36 Landscaping • LA-01 5-37 • LA-02 5-38 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Lot • LO-01 5-45 Outdoor Storage • OS-01 5-51 Parking • PK-01 5-53 Performance • PF-01 5-61 Setback • SB-01 5-64	Sewer and Water • SW-01 5-66 Sign • SI-01 5-68 • SI-02 5-71 Special Exception • SE-01 5-97 Storage Tank • SR-03 5-98 Structure • ST-01 5-99 Telecommunication • TC-01 5-100 Temporary Use • TU-01 5-102 • TU-02 5-103 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107 • WT-02 5-109

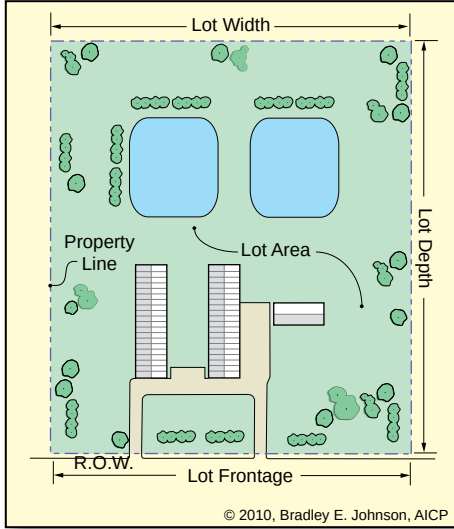
Intense Agricultural (IA) District

2.05 IA District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The IA (Intense Agricultural) District is intended to be used as follows: Use Type and Intensity - Medium to high intensity agricultural operations that may have a higher impact on adjacent properties Application of IA District - Existing agricultural land Development Standards - Enact strict development standards to maximize protection of common agricultural practices Appropriate Adjacent Zoning Districts - PR, AG, IA, I1, I2, and HI Plan Commission - Use the IA District for existing agricultural land - Protect the land and operations within the IA District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks Board of Zoning Appeals - Protect the integrity of land and operations within the IA District - Be sensitive to the potential for water pollution and other negative impacts to nearby agricultural, residential, and commercial land	Accessory Permitted Uses - small wind turbine system - solar panel Agricultural Permitted Uses - agricultural crop production - confined feeding operation (small) - grain elevator - hobby farming - land conservation - orchard - processing of agricultural products - raising of exotic animals - raising of farm animals - roadside sales - sales of agricultural products - stable (private) - storage of agricultural products - tree farm - truck farming - vineyard - wholesale tree nursery Institutional Permitted Uses - composting facility, public Residential Permitted Uses - dwelling, single-family detached - fair housing facility (small)	Agricultural Special Exception Uses - confined feeding operation (large) Commercial Special Exception Uses - kennel (commercial)

Intense Agricultural (IA) District

2.06 IA District Development Standards



Minimum Lot Area

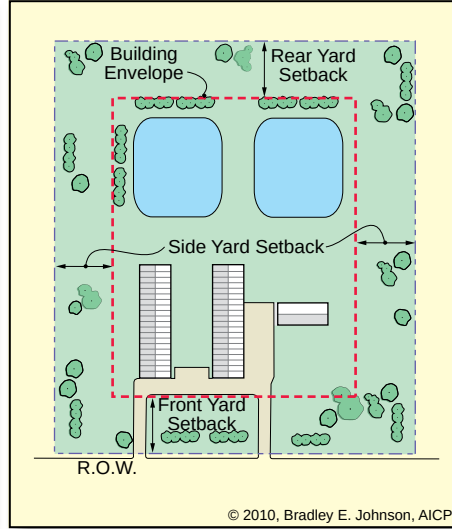
- 5 acres

Minimum Lot Width

- 1,600 feet

Sewer and Water

- Sanitary sewer and water utility are not required



Minimum Front Yard Setback

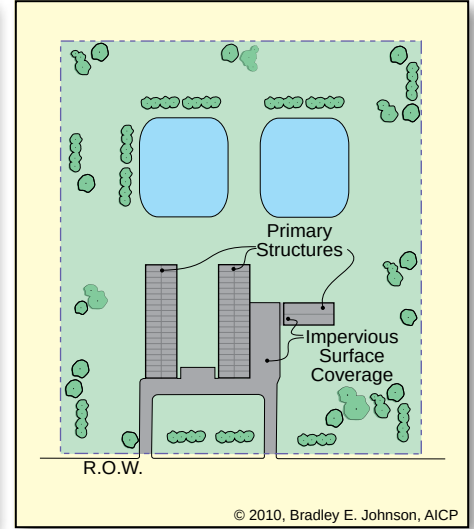
- 750 feet for primary and accessory structures

Minimum Side Yard Setback

- 750 feet for primary and accessory structures

Minimum Rear Yard Setback

- 750 feet for primary and accessory structures



Maximum Lot Coverage

- 15% of lot area

Minimum Main Floor Area

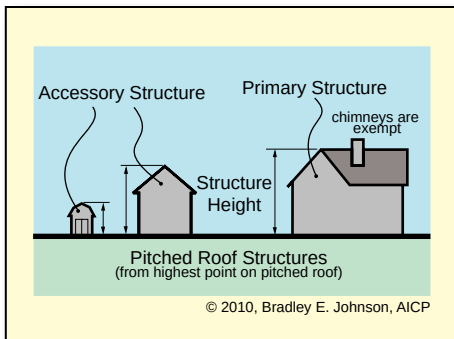
- n/a

Minimum Dwelling Unit Size

- 1,000 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 40 feet for primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure	5-6	Keeping of Animals	5-34	Signs	
• AS-01	5-6	• KA-03	5-34	• SI-01	5-68
Confined Feeding		Kennel		• SI-05	5-75
• CF-01	5-15	• KL-01	5-35	Special Exception	
Density and Intensity		Landscaping		• SE-01	5-97
• DI-01	5-16	• LA-01	5-37	Storage Tank	
Driveway		• LA-02	5-38	• SR-03	5-98
• DW-01	5-17	• LA-07	5-40	Structure	
• DW-02	5-18	• LA-08	5-41	• ST-01	5-99
Environmental		Lighting		Temporary Use	
• EN-01	5-21	• LT-01	5-43	• TU-01	5-102
Fence and Wall		Lot		Trash Receptacle	
• FW-01	5-22	• LO-01	5-45	• TR-01	5-105
• FW-03	5-23	Parking		Vision Clearance	
Floodplain		• PK-01	5-53	• VC-01	5-106
• FP-01	5-26	Performance		Wind Turbine System	
Floor Area		• PF-01	5-61	• WT-01	5-107
• FA-01	5-27	Public Improvement		• WT-02	5-109
Height		• PI-01	5-62		
• HT-01	5-28	Setback			
Home Business		• SB-01	5-64		
• HB-01	5-29	• SB-02	5-65		
• HB-02	5-30	Sewer and Water			
• HB-03	5-31	• SW-01	5-66		

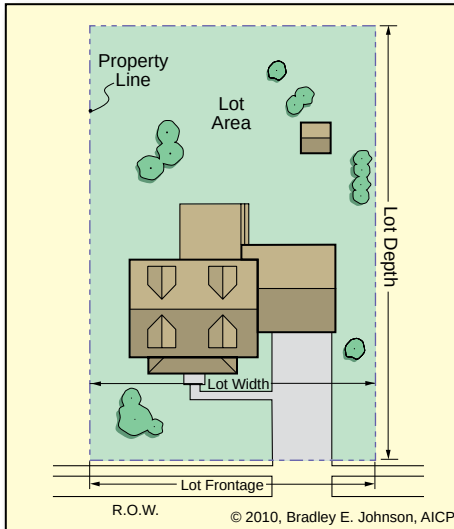
Low Density Single-family Residential (R1) District

2.07 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The R1 (Low Density Single-family Residential) District is intended to be used as follows: Use Type and Intensity - Low density single-family detached homes on large sized lots Application of R1 District - Existing and new development - Small area zoning Development Standards - Promote low-impact development in harmony with a natural setting Appropriate Adjacent Zoning Districts - PR, AG, R1, R2, R3, IS, and NC Plan Commission - Use the R1 District for existing developments and carefully for new residential development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses - dwelling unit - home business (type 1) - small wind turbine system - solar panels Agricultural Permitted Uses - hobby farming Residential Permitted Uses - dwelling, single-family detached - fair housing facility (small)	Accessory Special Exception Uses - home business (type 2) Commercial Special Exception Uses - non-owner occupied short-term rental Institutional Special Exception Uses - police or fire station Residential Special Exception Uses - bed and breakfast

Low Density Single-family Residential (R1) District

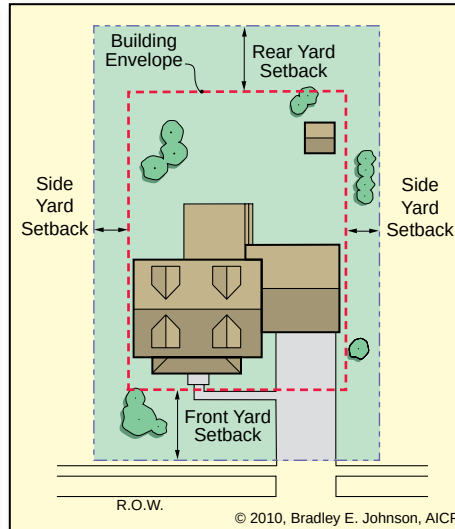
2.08 R1 District Development Standards



Minimum Lot Area
• 22,000 square feet

Minimum Lot Width
• 100 feet

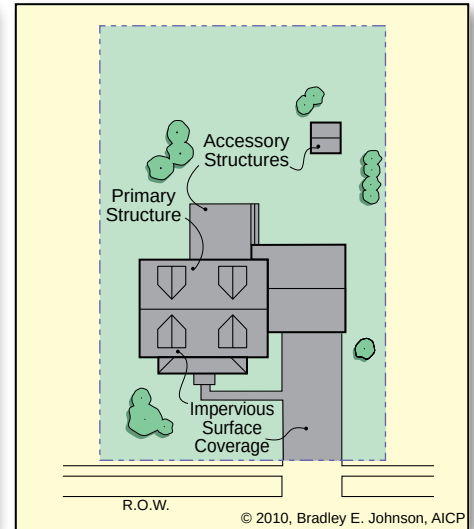
Sewer and Water
• Sanitary sewer and water utility required



Minimum Front Yard Setback
• 30 feet for primary and accessory structures

Minimum Side Yard Setback
• 10 feet for primary and accessory structures

Minimum Rear Yard Setback
• 30 feet for primary structure
• 10 feet for accessory structure

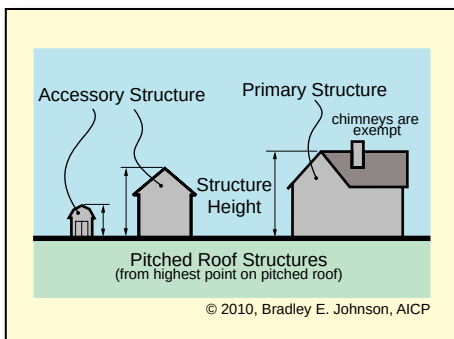


Maximum Lot Coverage
• 50% of lot area

Minimum Main Floor Area
• n/a

Minimum Dwelling Unit Size
• 1,200 square feet

Maximum Primary Structures
• 1 per lot



Maximum Structure Height
• 40 feet for primary structure
• 20 feet for accessory structure or 100% of height of primary structure, whichever is less
• 2 ½ stories

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-03 5-8 Architecture • AR-01 5-14 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-03 5-19 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-04 5-23 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28 Home Business • HB-01 5-29 • HB-02 5-30 Keeping of Animals • KA-01 5-33	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-03 5-38 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Lot • LO-01 5-45 Outdoor Storage • OS-01 5-51 Parking • PK-01 5-53 • PK-02 5-53 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64 Sewer and Water • SW-01 5-66 Sign • SI-01 5-68 • SI-03 5-72	Special Exception • SE-01 5-97 Storage Tank • SR-01 5-98 Structure • ST-01 5-99 Temporary Use • TU-01 5-102 • TU-03 5-103 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107

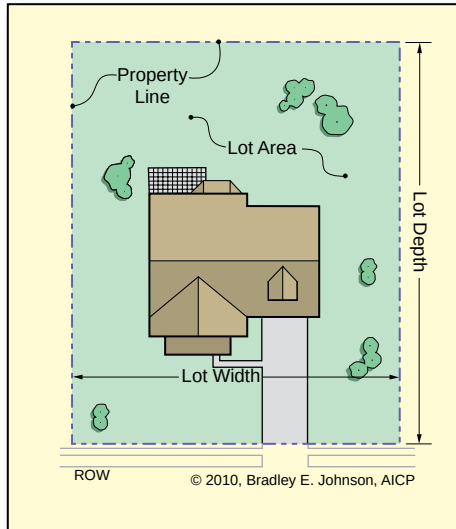
Medium Density Single-family Residential (R2) District

2.09 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The R2 (Medium Density Single-family Residential) District is intended to be used as follows: Use Type and Intensity - Medium density single-family detached homes on medium sized lots Application of R2 District - Existing and new development - Small to large area zoning Development Standards - Promote low impact development Appropriate Adjacent Zoning Districts - PR, AG, R1, R2, R3, UR, UV, IS, and NC Plan Commission - Use the R2 District for existing developments and carefully for new residential development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses - home business (type 1) - small wind turbine system - solar panels Residential Permitted Uses - dwelling, single-family detached - fair housing facility (small)	Accessory Special Exception Uses - dwelling unit - home business (type 2) Commercial Special Exception Uses - non-owner occupied short-term rental Institutional Special Exception Uses - police or fire station

Medium Density Single-family Residential (R2) District

2.10 R2 District Development Standards

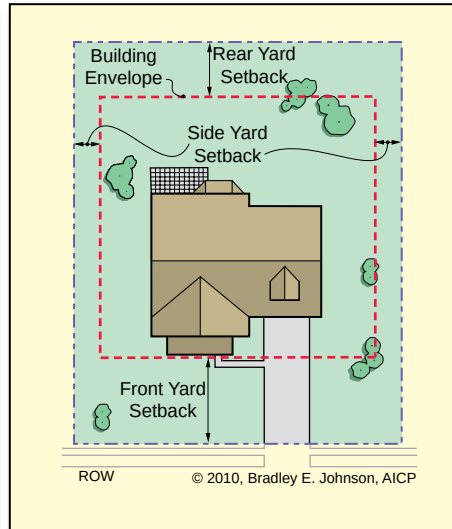


Minimum Lot Area
• 12,000 square feet

Minimum Lot Width
• 80 feet

Sewer and Water

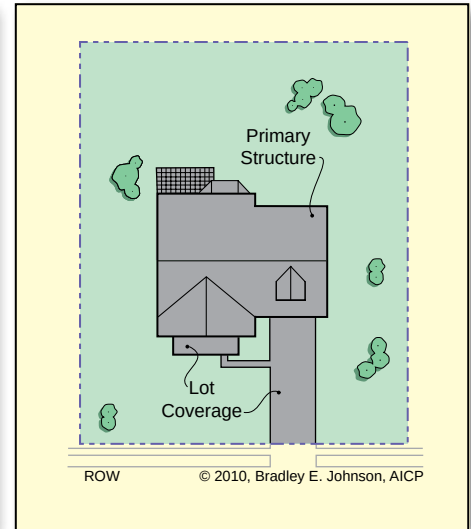
- Sanitary sewer and water utility required



Minimum Front Yard Setback
• 30 feet for primary and accessory structures

Minimum Side Yard Setback
• 10 feet for primary structures
• 5 feet for accessory structures

Minimum Rear Yard Setback
• 30 feet for primary structures
• 5 feet for accessory structures

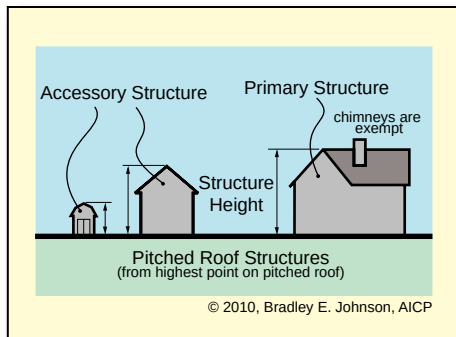


Maximum Lot Coverage
• 50% of lot area

Minimum Main Floor Area
• n/a

Minimum Dwelling Unit Size
• 1,000 square feet

Maximum Primary Structures
• 1 per lot



Maximum Structure Height
• 40 feet for primary structure
• 20 feet for accessory structure or 100% of height of primary structure, whichever is less
• 2 ½ stories

Additional Development Standards that Apply

Accessory Structure		Landscaping		Special Exception	
• AS-01	5-6	• LA-01	5-37	• SE-01	5-97
• AS-03	5-8	• LA-02	5-38	Storage Tank	
Architecture		• LA-03	5-38	• SR-01	5-98
• AR-01	5-14	• LA-07	5-40	Structure	
Density and Intensity		• LA-08	5-41	• ST-01	5-99
• DI-01	5-16	Lighting		Temporary Use	
Driveway		• LT-01	5-43	• TU-01	5-102
• DW-01	5-17	Lot		• TU-03	5-103
• DW-03	5-19	• LO-01	5-45	Vision Clearance	
Environmental		Outdoor Storage		• VC-01	5-106
• EN-01	5-21	• OS-01	5-51	Wind Turbine System	
Fence and Wall		Parking		• WT-01	5-107
• FW-01	5-22	• PK-01	5-53		
• FW-04	5-23	• PK-02	5-53		
Floodplain		Performance			
• FP-01	5-26	• PF-01	5-61		
Floor Area		Public Improvement			
• FA-01	5-27	• PI-01	5-62		
Height		Setback			
• HT-01	5-28	• SB-01	5-64		
Home Business		Sewer and Water			
• HB-01	5-29	• SW-01	5-66		
• HB-02	5-30	Sign			
Keeping of Animals		• SI-01	5-68		
• KA-01	5-33	• SI-03	5-72		

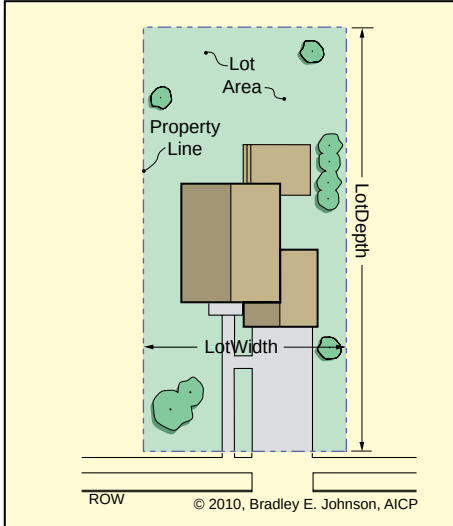
High Density Single-family Residential (R3) District

2.11 R3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The R3 (High Density Single-family Residential) District is intended to be used as follows: Use Type and Intensity - High density single-family detached homes on small sized lots Application of R3 District - Existing and new development - Small to large area zoning Development Standards - Promote low impact development Appropriate Adjacent Zoning Districts - PR, AG, R1, R2, R3, UR, M1, M2, MP, UV, IS, NC, and LC Plan Commission - Use the R3 District for existing developments and carefully for new residential development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses - home business (type 1) - small wind turbine system - solar panels Residential Permitted Uses - dwelling, single-family detached - fair housing facility (small)	Accessory Special Exception Uses - dwelling unit - home business (type 2) Commercial Special Exception Uses - non-owner occupied short-term rental Institutional Special Exception Uses - police or fire station

High Density Single-family Residential (R3) District

2.12 R3 District Development Standards



Minimum Lot Area

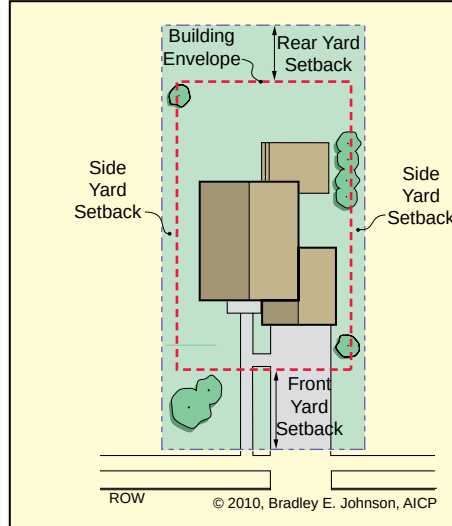
- 8,000 square feet

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

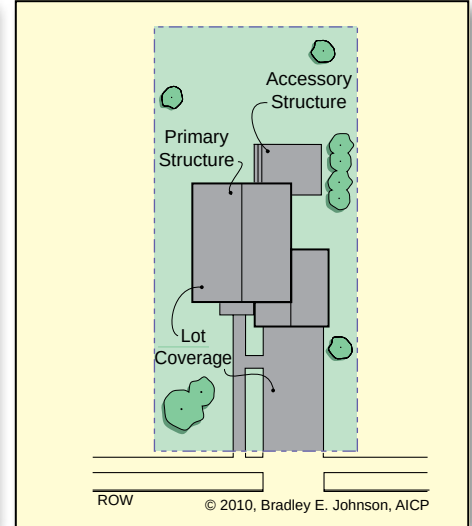
- 20 feet for primary and accessory structures

Minimum Side Yard Setback

- 6 feet for primary and accessory structures

Minimum Rear Yard Setback

- 30 feet for primary structures
- 5 feet for accessory structures



Maximum Lot Coverage

- 80% of lot area

Minimum Main Floor Area

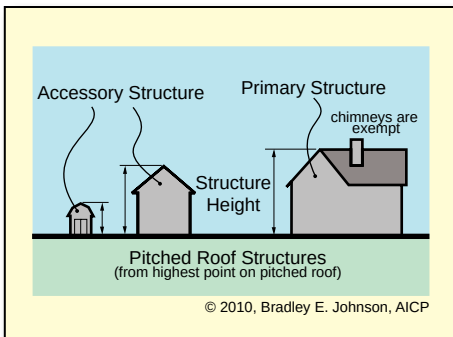
- n/a

Minimum Dwelling Unit Size

- 1,000 square feet

Maximum Primary Structures

- 1 per lot



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure or 100% of height of primary structure, whichever is less
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structure		Landscaping		Special Exception	
• AS-01	5-6	• LA-01	5-37	• SE-01	5-97
• AS-03	5-8	• LA-02	5-38	Storage Tank	
Architecture		• LA-03	5-38	• SR-01	5-98
• AR-01	5-14	• LA-07	5-40	Structure	
Density and Intensity		• LA-08	5-41	• ST-01	5-99
• DI-01	5-16	Lighting		Temporary Use	
Driveway		• LT-01	5-43	• TU-01	5-102
• DW-01	5-17	Lot		• TU-03	5-103
• DW-03	5-19	• LO-01	5-45	Vision Clearance	
Environmental		Outdoor Storage		• VC-01	5-106
• EN-01	5-21	• OS-01	5-51	Wind Turbine System	
Fence and Wall		Parking		• WT-01	5-107
• FW-01	5-22	• PK-01	5-53		
• FW-04	5-23	• PK-02	5-53		
Floodplain		Performance			
• FP-01	5-26	• PF-01	5-61		
Floor Area		Public Improvement			
• FA-01	5-27	• PI-01	5-62		
Height		Setback			
• HT-01	5-28	• SB-01	5-64		
Home Business		Sewer and Water			
• HB-01	5-29	• SW-01	5-66		
• HB-02	5-30	Sign			
Keeping of Animals		• SI-01	5-68		
• KA-01	5-33	• SI-03	5-72		

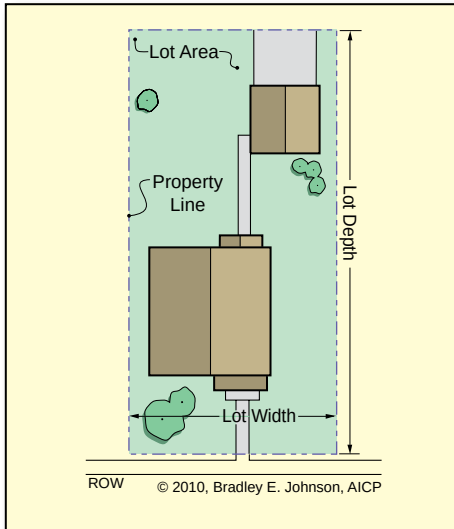
Urban Residential (UR) District

2.13 UR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The UR (Urban Residential) District is intended to be used as follows: Use Type and Intensity - Medium to high density single-family detached homes, single-family attached homes, and multiple-family homes on small sized lots Application of UR District - Existing residential development - Limited use for new development Development Standards - Flexible development standards to accommodate existing developments Appropriate Adjacent Zoning Districts - PR, R2, R3, UR, M1, M2, UV, IS, NC, LC, and CB Plan Commission - Use the UR District for existing developments and limited use for new development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses - home business (type 1) - solar panels Residential Permitted Uses - dwelling, multiple-family (2 or 3 units) - dwelling, single-family attached - dwelling, single-family detached - dwelling unit (upper floors) - fair housing facility (small)	Accessory Special Exception Uses - dwelling unit - home business (type 2) Commercial Special Exception Uses - non-owner occupied short-term rental Residential Special Exception Uses - bed and breakfast

Urban Residential (UR) District

2.14 UR District Development Standards



Minimum Lot Area

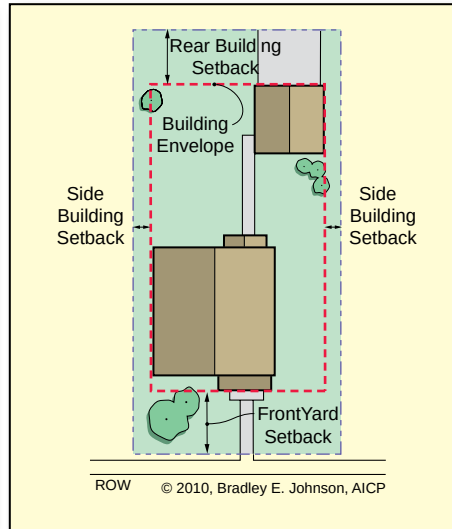
- 5,000 square feet

Minimum Lot Width

- 40 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

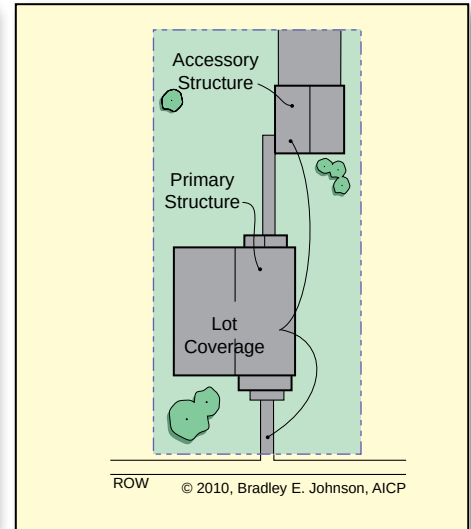
- 15 feet for primary and accessory structures

Minimum Side Yard Setback

- 5 feet for primary and accessory structures

Minimum Rear Yard Setback

- 25 feet for primary structure
- 5 feet for accessory structure



Maximum Lot Coverage

- 80% of lot area

Minimum Main Floor Area

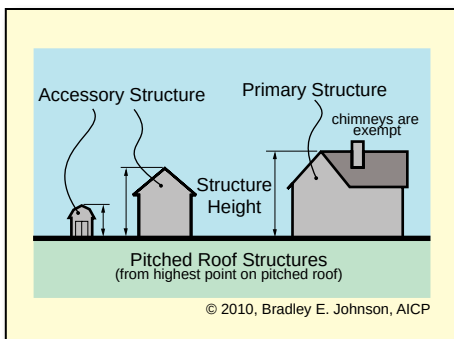
- n/a

Minimum Dwelling Unit Size

- 900 square feet with an average of 1,000 square feet

Maximum Primary Structures

- 1 per lot



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure or 100% of height of primary structure, whichever is less
- 2 ½ stories

Additional Development Standards that Apply

Accessory Structure		Landscaping		Special Exception	
• AS-01	5-6	• LA-01	5-37	• SE-01	5-97
• AS-03	5-8	• LA-02	5-38	Storage Tank	
Architecture		• LA-03	5-38	• SR-01	5-98
• AR-01	5-14	• LA-07	5-40	Structure	
Density and Intensity		• LA-08	5-41	• ST-01	5-99
• DI-01	5-16	Lighting		Temporary Use	
Driveway		• LT-01	5-43	• TU-01	5-102
• DW-01	5-17	Lot		Vision Clearance	
• DW-03	5-19	• LO-01	5-45	• VC-01	5-106
Environmental		Outdoor Storage			
• EN-01	5-21	• OS-01	5-51		
Fence and Wall		Parking			
• FW-01	5-22	• PK-01	5-53		
• FW-04	5-23	• PK-03	5-54		
Floodplain		Performance			
• FP-01	5-26	• PF-01	5-61		
Floor Area		Public Improvement			
• FA-01	5-27	• PI-01	5-62		
Height		Setback			
• HT-01	5-28	• SB-01	5-64		
Home Business		Sewer and Water			
• HB-01	5-29	• SW-01	5-66		
• HB-02	5-30	Sign			
Keeping of Animals		• SI-01	5-68		
• KA-01	5-33	• SI-03	5-72		

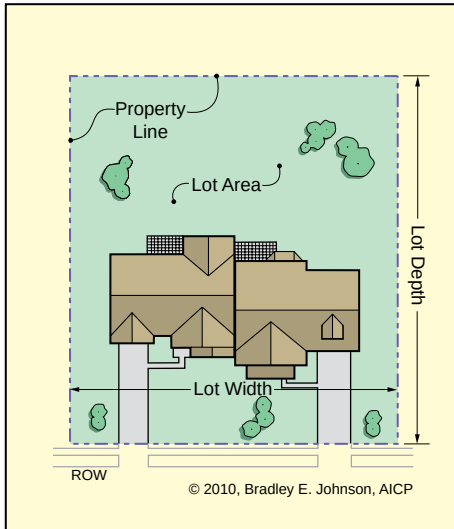
Multiple-family Residential (M1) District

2.15 M1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The M1 (Multiple-family Residential) District is intended to be used as follows: Use Type and Intensity - Medium density two-family homes on small to medium sized lots Application of M1 District - Existing and new development - Small area zoning Development Standards - Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts Appropriate Adjacent Zoning Districts - PR, AG, R3, UR, M1, M2, MP, UV, IS, NC, and LC Plan Commission - Use the M1 district for existing developments and carefully for new multiple-family residential development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses - home business (type 1) - small wind turbine system - solar panels Residential Permitted Uses - dwelling, multiple-family (2 or 3 units) - dwelling, multiple-family (4 to 6 units) - dwelling, single-family attached - dwelling, single-family detached - fair housing facility (small)	Residential Special Exception Uses dwelling, multiple-family (7 to 15 units)

Multiple-family Residential (M1) District

2.16 M1 District Development Standards



Minimum Lot Area

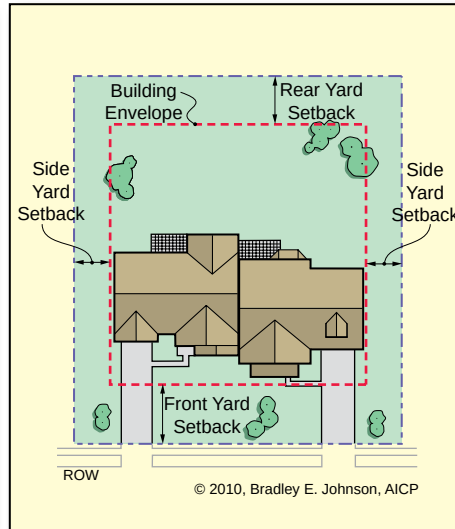
- 6,000 square feet

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

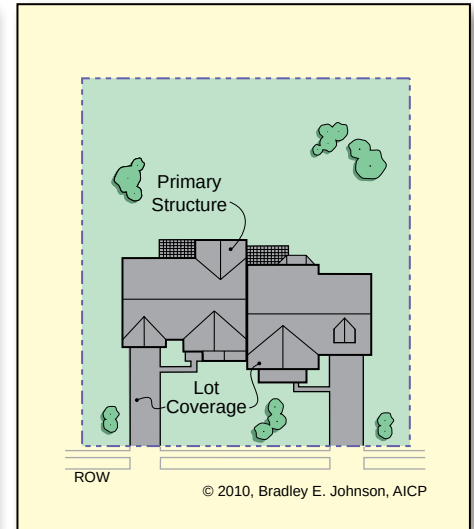
- 25 feet for primary and accessory structures

Minimum Side Yard Setback

- 20 feet aggregate setback for primary structures, with 8 feet minimum setback for any one side yard or 0 feet for attached dwellings with a common wall on the property line
- Accessory structures 5 feet

Minimum Rear Yard Setback

- 30 feet for primary structure
- 15 feet for accessory structure



Maximum Lot Coverage

- 50% of lot area

Minimum Main Floor Area

- n/a

Minimum Dwelling Unit Size

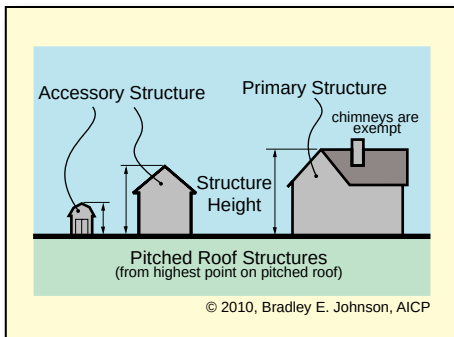
- 1,000 square feet Maximum

Density

- 12 units per acre

Maximum Primary Structures

- 1 per lot



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure or 100% of height of primary structure, whichever is less
- 2 stories

Additional Development Standards that Apply

Accessory Structure		Landscaping		Special Exception	
• AS-01	5-6	• LA-01	5-37	• SE-01	5-97
• AS-04	5-9	• LA-02	5-38	Storage Tank	
Density and Intensity		• LA-03	5-38	• SR-01	5-98
• DI-01	5-16	• LA-07	5-40	Structure	
Driveway		• LA-08	5-41	• ST-01	5-99
• DW-01	5-17	Lighting		Temporary Use	
• DW-04	5-20	• LT-01	5-43	• TU-01	5-102
Environmental		Lot		• TU-03	5-103
• EN-01	5-21	• LO-01	5-45	Trash Receptacle	
Fence and Wall		Outdoor Storage		• TR-01	5-105
• FW-01	5-22	• OS-01	5-51	Vision Clearance	
• FW-04	5-23	Parking		• VC-01	5-106
Floodplain		• PK-01	5-53	Wind Turbine System	
• FP-01	5-26	• PK-04	5-54	• WT-01	5-107
Floor Area		Performance			
• FA-01	5-27	• PF-01	5-61		
Height		Public Improvement			
• HT-01	5-28	• PI-01	5-62		
Home Business		Setback			
• HB-01	5-29	• SB-01	5-64		
Keeping of Animals		Sewer and Water			
• KA-01	5-33	• SW-01	5-66		
		Sign			
		• SI-01	5-68		
		• SI-04	5-73		

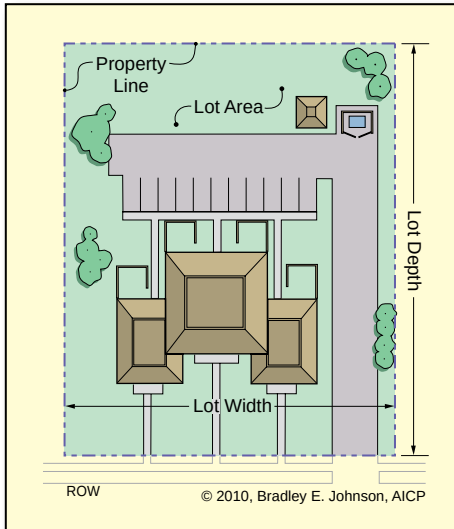
Intense Multiple-family Residential (M2) District

2.17 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The M2 (Intense Multiple-family Residential) District is intended to be used as follows: Use Type and Intensity • Medium to high density two and three-family homes on varying sized lots Application of M2 District • Existing and new development • Small area zoning Development Standards • Enact stringent development standards to protect the quality of life for tenants and surrounding zoning districts Appropriate Adjacent Zoning Districts • PR, R3, UR, M1, M2, MP, UV, IS, NC, LC, GC, and HC Plan Commission • Use the M2 District for existing developments and carefully for new multiple-family residential development Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses • home business (type 1) • small wind turbine system • solar panels Residential Permitted Uses • assisted living facility • dwelling, multiple-family (2 or 3 units) • dwelling, multiple-family (4 to 6 units) • dwelling, multiple-family (7 to 15 units) • dwelling, multiple-family (16 to 24 units) • dwelling, single-family attached • fair housing facility (small) • nursing home • retirement community	Accessory Special Exception Uses • large wind turbine system Residential Special Exception Uses • dwelling, multiple-family (24+ units) • dwelling, single-family detached

Intense Multiple-family Residential (M2) District

2.18 M2 District Development Standards



Minimum Lot Area

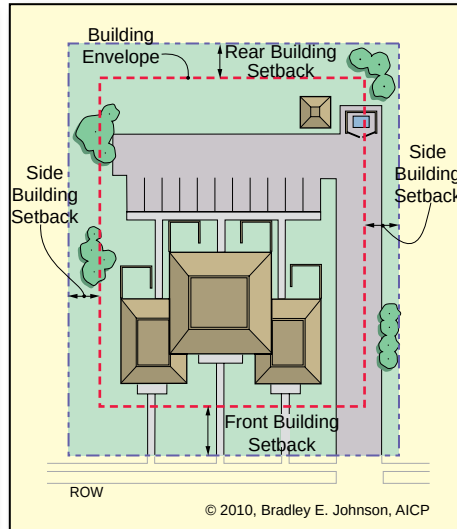
- 14,000 square feet

Minimum Lot Width

- 100 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

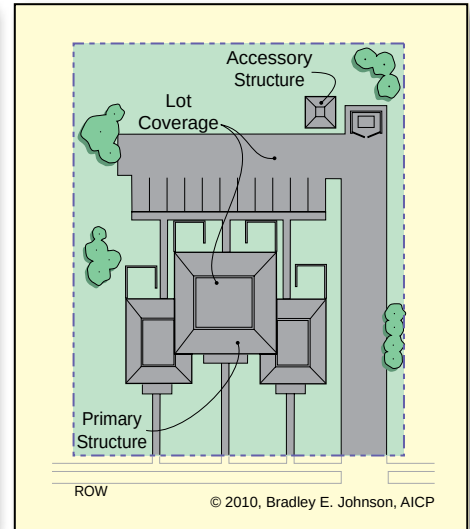
- 25 feet for primary and accessory structures

Minimum Side Yard Setback

- 16 feet for primary and accessory structures

Minimum Rear Yard Setback

- 40 feet for primary structure
- 15 feet for accessory structure



Maximum Lot Coverage

- 70% of lot area

Minimum Main Floor Area

- n/a

Minimum Dwelling Unit Size

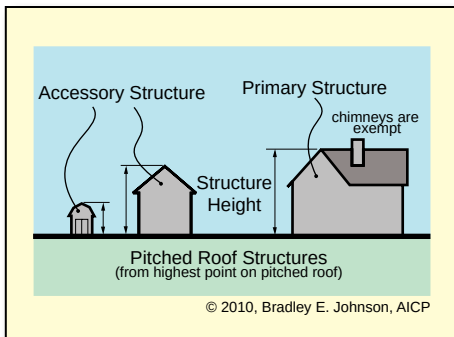
- 700 square feet with an average of 900 square feet

Maximum Density

- 24 units per acre

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 60 feet for primary structure
- 20 feet for accessory structure
- 4 stories

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-04 5-9 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-04 5-20 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-04 5-23 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28 Home Business • HB-01 5-29 Keeping of Animals • KA-02 5-33	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-04 5-39 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Lot • LO-01 5-45 Outdoor Storage • OS-01 5-51 Parking • PK-01 5-53 • PK-04 5-54 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64 Sewer and Water • SW-01 5-66	Signs • SI-01 5-68 • SI-04 5-73 Special Exception • SE-01 5-97 Storage Tank • SR-01 5-98 Structure • ST-01 5-99 Temporary Use • TU-01 5-102 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107 • WT-02 5-109

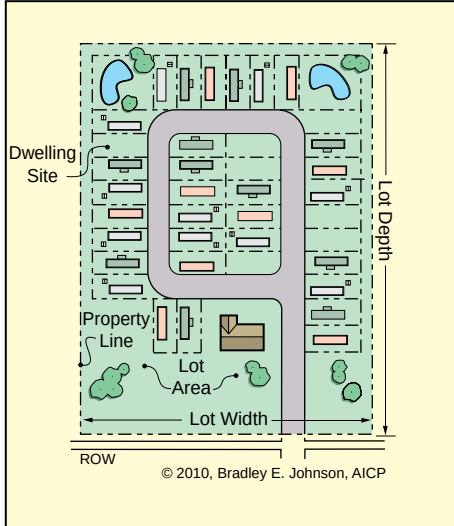
Manufactured Home Park (MP) District

2.19 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The MP (Manufactured Home Park) District is intended to be used as follows: Use Type and Intensity • Medium to high intensity lease-lot housing developments • State licensed mobile home parks Application of MP District • Existing and new development • Small area zoning Development Standards • Enact stringent development standards to protect the quality of life of tenants and surrounding zoning districts. Appropriate Adjacent Zoning Districts • PR, AG, R3, M1, M2, MP, IS, NC, and LC Plan Commission • Use the MP District for existing developments and with sensitivity for new residential development Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding residential areas	Accessory Permitted Uses • home business (type 1) • small wind turbine system • solar panels Residential Permitted Uses • dwelling, mobile home • manufactured home park • retirement community	Residential Special Exception Uses • dwelling, single-family detached

Manufactured Home Park (MP) District

2.20 MP District Development Standards



Minimum Lot Area
• 5 acres

Minimum Lot Width
• 250 feet

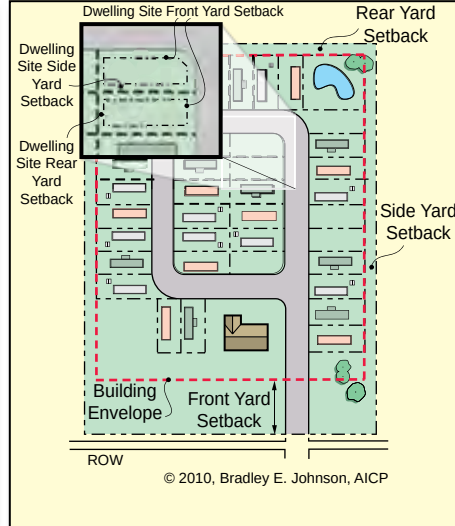
Minimum Front Yard Setback
• 40 feet to any dwelling site, or primary or accessory structure

Minimum Side Yard Setback
• 20 feet to any dwelling site, or primary or accessory structure

Minimum Rear Yard Setback
• 20 feet to any dwelling site, or primary or accessory structure

Sewer and Water

- Sanitary sewer and water utility required



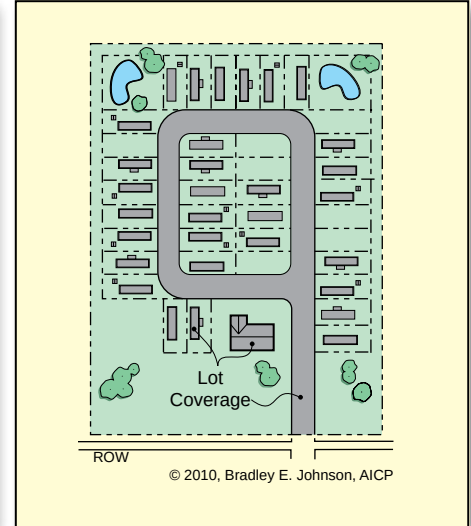
Minimum Dwelling Site Area
• 3,000 square feet

Minimum Dwelling Site Width
• 30 feet

Minimum Dwelling Site Front Yard Setback
• 10 feet from edge of pavement of interior streets

Minimum Dwelling Site Side Yard Setback
• 5 feet for primary or accessory structure

Minimum Dwelling Site Rear Yard Setback
• 5 feet for primary or accessory structure

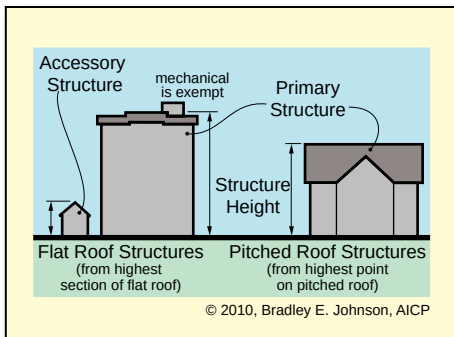


Maximum Lot Coverage
• 65% of lot area

Minimum Dwelling Unit Size
• 860 square feet

Maximum Density
• 9 units per acre

Maximum Primary Structures
• 1 per dwelling site



Maximum Structure Height
• 25 feet for primary structure
• 20 feet for accessory structure

Additional Development Standards that Apply

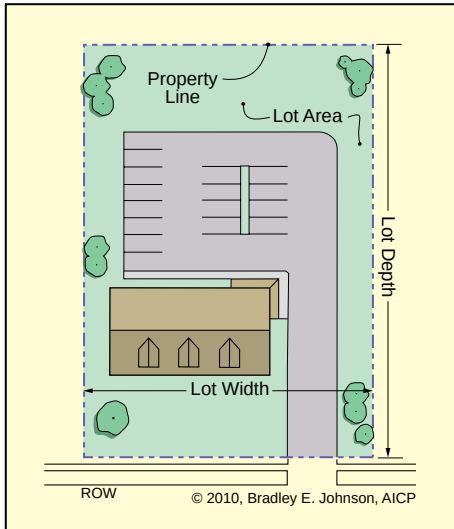
Accessory Structure • AS-01 5-6 • AS-05 5-10 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-04 5-20 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-05 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28 Home Business • HB-01 5-29 Keeping of Animals • KA-02 5-33	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-05 5-39 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Lot • LO-01 5-45 Mobile Homes • MH-01 5-46 Outdoor Storage • OS-01 5-51 Parking • PK-01 5-53 • PK-05 5-54 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64 Sewer and Water • SW-01 5-66	Signs • SI-01 5-68 • SI-04 5-73 Special Exception • SE-01 5-97 Storage Tank • SR-01 5-98 Structure • ST-01 5-99 Temporary Use • TU-01 5-102 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107

University (UV) District

2.21 UV District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The UV (University) District is intended to be used as follows: Use Type and Intensity - Varying intensities of institutional, commercial, retail, entertainment, and dining uses directly related to university operations and campus life Application of UV District - Existing and new development - Only on private or public college or university property - Promote the mixture and flexibility of uses that make universities and colleges unique and functional while protecting the character of adjacent districts - Enact stringent form standards due to the flexibility permitted in the UV District Appropriate Adjacent Zoning Districts - PR, AG, R2, R3, UR, M1, M2, UV, IS, NC, LC, CB, and EP Plan Commission - Use the UV District for existing developments and carefully for new development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - bank machine/atm - barber/beauty shop - billiard/arcade room - bowling alley - broadcast studio - coffee shop - coin laundry - dance/night club - delicatessen - fitness center/health club - hotel/motel - office, general services - office, medical services - restaurant - retail (type 1), very low intensity - retail (type 2), low intensity - sports complex (indoor) - sports complex (outdoor) Institutional Permitted Uses - bus station - church, temple, or mosque - community center - library - medical center - museum - park - parking lot, public - police or fire station - pool, public - post office - rescue station - stadium - university or college Residential Permitted Uses - dwelling, multiple-family (2 or 3 units) - dwelling, multiple-family (4 to 6 units) - dwelling, multiple-family (7 to 15 units) - residence hall	Accessory Special Exception Uses - large wind turbine system Commercial Special Exception Uses - bar/tavern - restaurant with drive-up window

2.22 UV District Development Standards



Minimum Lot Area

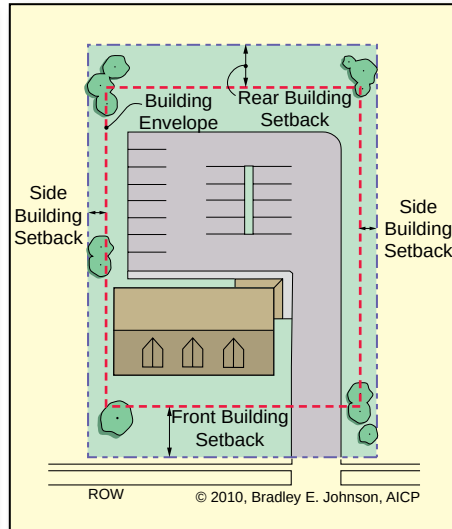
- 5,000 square feet

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

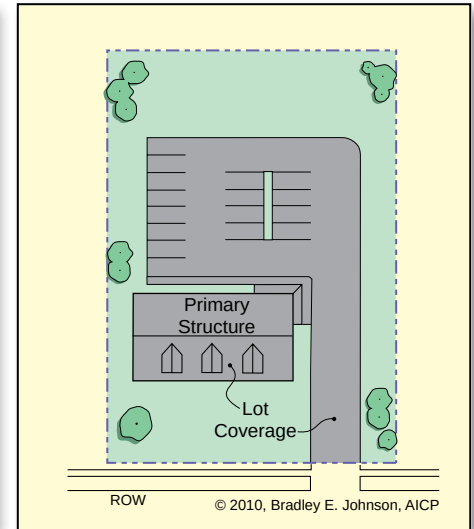
- 20 feet for primary and accessory structures

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary and accessory structures



Maximum Lot Coverage

- 70% of lot area

Minimum Main Floor Area

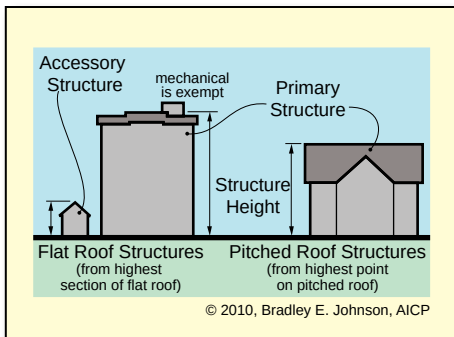
- 1,000 square feet

Minimum Dwelling Unit Size

- 700 square feet per housing unit
- 150 square feet per dormitory room

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 60 feet for primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure		
• AS-01	5-6	
• AS-06	5-11	
Density and Intensity		
• DI-01	5-16	
Driveway		
• DW-01	5-17	
• DW-04	5-20	
Environmental		
• EN-01	5-21	
Fence and Wall		
• FW-01	5-22	
• FW-06	5-24	
Floodplain		
• FP-01	5-26	
Floor Area		
• FA-01	5-27	
Height		
• HT-01	5-28	
Landscaping		
• LA-01	5-37	
• LA-02	5-38	
• LA-04	5-39	
• LA-06	5-40	
• LA-07	5-40	
• LA-08	5-41	
Lighting		
• LT-01	5-43	
Lot		
• LO-01	5-45	
Parking		
• PK-01	5-53	
• PK-07	5-55	
Performance		
• PF-01	5-61	
Public Improvement		
• PI-01	5-62	
Setback		
• SB-01	5-64	
Sewer and Water		
• SW-01	5-66	
Sign		
• SI-01	5-68	
• SI-05	5-75	
Special Exception		
• SE-01	5-97	
Storage Tank		
• SR-03	5-98	
Structure		
• ST-01	5-99	
Temporary Use		
• TU-01	5-102	
Trash Receptacle		
• TR-01	5-105	
Vision Clearance		
• VC-01	5-106	
Wind Turbine System		
• WT-01	5-107	
• WT-02	5-109	

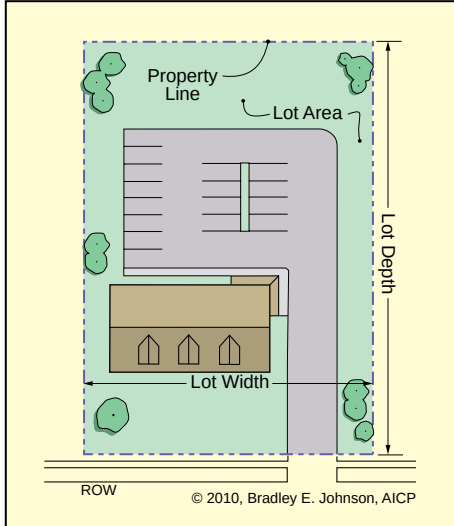
Institutional (IS) District

2.23 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The IS (Institutional) District is intended to be used as follows: Use Type and Intensity - Varying intensity institutionally owned lands, including State, County, and City facilities Application of IS District - Existing and new development - Buffer district or transitional zoning district - Small area zoning Development Standards - Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community Appropriate Adjacent Zoning Districts - PR, AG, R1, R2, R3, UR, M1, M2, MP, UV, IS, NC, LC, GC, OC, CB, HC, EP, IC, I1, and I2 Plan Commission - Use the IS District for existing developments and carefully for new institutional development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - commercial training facility or school - farmer's market - seasonal attraction - swimming pool Industrial Permitted Uses - sewage treatment plant - water treatment plant Institutional Permitted Uses - airport, public - bus station - camp - cemetery/mausoleum - child care institution - church, temple, or mosque - community center - heliport, public - hospital - library - museum - nature center - police or fire station - pool, public - post office - rescue station - retreat center - school (P-12) - trade or business school Residential Permitted Uses - assisted living facility - fair housing facility (large) - fair housing facility (small) - nursing home	Accessory Special Exception Uses - large wind turbine system Industrial Special Exception Uses - telecommunication facility Institutional Special Exception Uses - composting facility, public - crematory - jail - recycling collection point - sports complex - stadium

Institutional (IS) District

2.24 IS District Development Standards



Minimum Lot Area

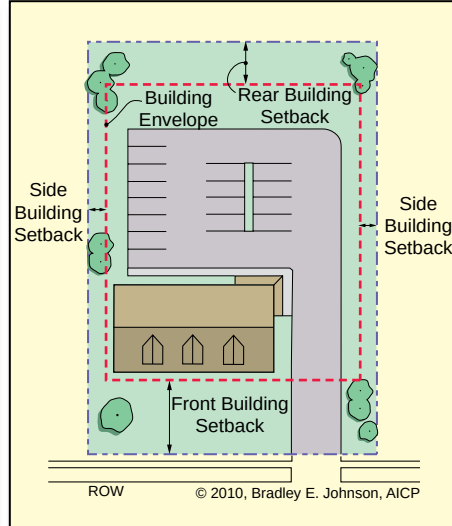
- n/a

Minimum Lot Width

- n/a

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

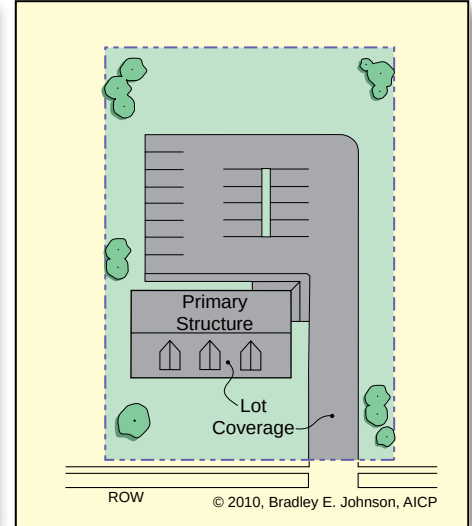
- 30 feet for primary and accessory structures

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary and accessory structures



Maximum Lot Coverage

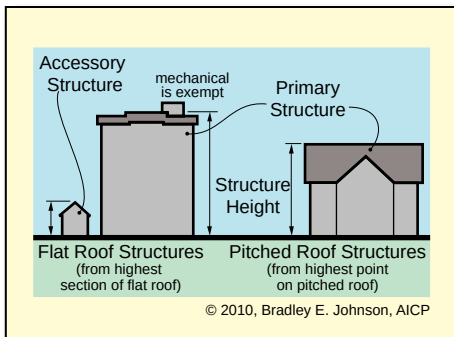
- 70% of lot area

Minimum Main Floor Area

- 1,000 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 60 feet for primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure		Landscaping		Special Exception	
• AS-01	5-6	• LA-01	5-37	• SE-01	5-97
• AS-07	5-11	• LA-02	5-38	Storage Tank	
Architecture		• LA-04	5-39	• SR-03	5-98
• AR-02	5-14	• LA-06	5-40	Structure	
Density and Intensity		• LA-07	5-40	• ST-01	5-99
• DI-01	5-16	• LA-08	5-41	Telecommunication	
Driveway		Lighting		• TC-01	5-100
• DW-01	5-17	• LT-01	5-43	Temporary Use	
• DW-04	5-20	Lot		• TU-01	5-102
Environmental		• LO-01	5-45	• TU-04	5-103
• EN-01	5-21	Parking		Trash Receptacle	
Fence and Wall		• PK-01	5-53	• TR-01	5-105
• FW-01	5-22	• PK-07	5-55	Vision Clearance	
• FW-06	5-24	Performance		• VC-01	5-106
Floodplain		• PF-01	5-61	Wind Turbine System	
• FP-01	5-26	Public Improvement		• WT-01	5-107
Floor Area		• PI-01	5-62	• WT-02	5-109
• FA-01	5-27	Setback			
Height		• SB-01	5-64		
• HT-01	5-28	Sewer and Water			
		• SW-01	5-66		
		Sign			
		• SI-01	5-68		
		• SI-05	5-75		

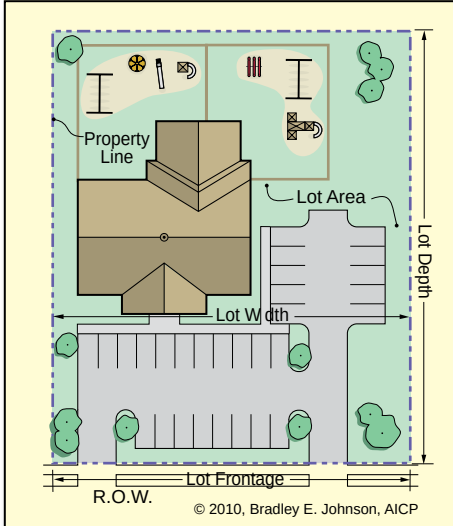
Neighborhood Commercial (NC) District

2.25 NC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The NC (Neighborhood Commercial) District is intended to be used as follows: Use Type and Intensity - Low intensity commercial uses Application of NC District - Existing and new development - Buffer district or transitional zoning district - Small area zoning Development Standards - Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, AG, R1, R2, R3, UR, M1, M2, MP, UV, IS, NC, LC, GC, OC, CB, HC, and EP Plan Commission - Use the NC District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - bank machine/atm - barber/beauty shop - club or lodge - coffee shop - day care - delicatessen - office, financial - ice cream shop - retail (type 1), very low intensity - studio arts - tailor/pressing shop Institutional Permitted Uses - church, temple, or mosque - police or fire station	Commercial Special Exception Uses - non-owner occupied short-term rental Residential Special Exception Uses - dwelling unit (upper floors)

Neighborhood Commercial (NC) District

2.26 NC District Development Standards



Minimum Lot Area

- 5,000 square feet

Maximum Lot Area

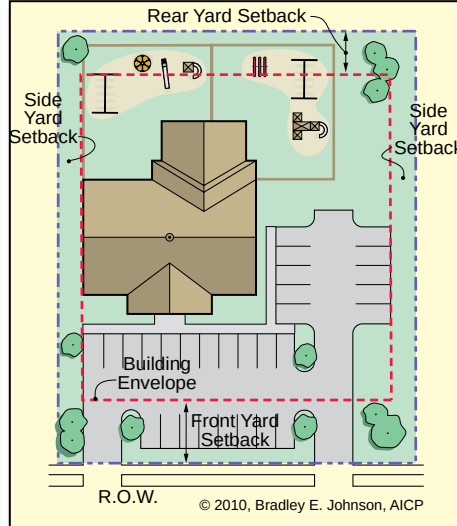
- 2 acres

Minimum Lot Width

- 40 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

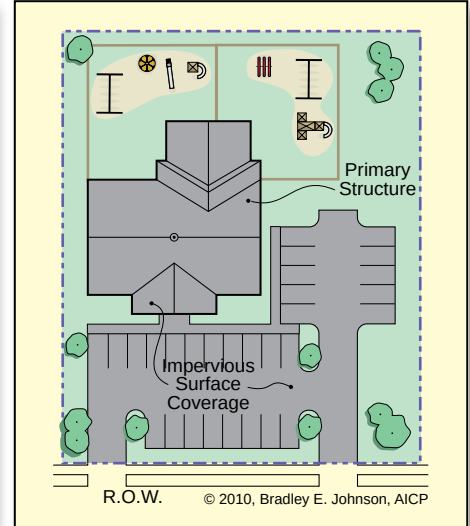
- 15 feet for primary and accessory structures

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 20 feet for primary and accessory structures



Maximum Lot Coverage

- 65% of lot area

Minimum Main Floor Area

- 1,000 square feet

Maximum Main Floor Area

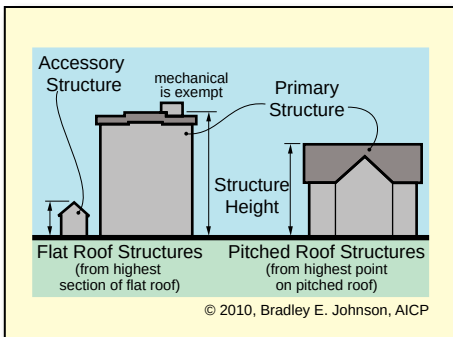
- 5,000 square feet per establishment

Minimum Dwelling Unit Size

- 700 square feet with an average of 900 square feet

Maximum Primary Structures

- 3 per lot



Maximum Structure Height

- 35 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-08 5-12 Architecture • AR-01 5-14 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-04 5-20 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-06 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28 Home Business • HB-01 5-29 Keeping of Animals • KA-02 5-33	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-04 5-39 • LA-06 5-40 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Lot • LO-01 5-45 Outdoor Dining • OD-01 5-47 Outdoor Display • DA-01 5-49 Parking • PK-01 5-53 • PK-06 5-54 • PK-07 5-55 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64	Sewer and Water • SW-01 5-66 Sign • SI-01 5-68 • SI-06 5-79 Special Exception • SE-01 5-97 Storage Tank • SR-01 5-98 Structure • ST-01 5-99 Temporary Use • TU-01 5-102 • TU-04 5-103 • TU-05 5-104 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107

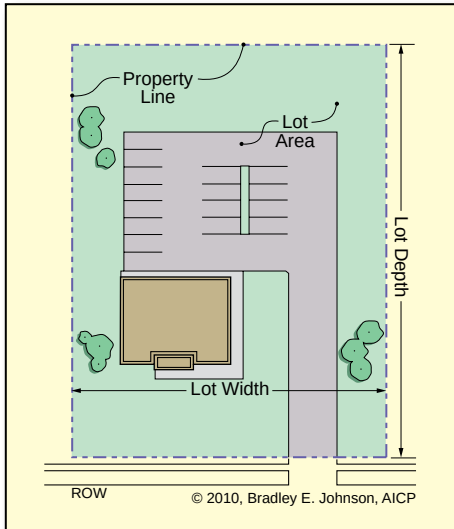
Limited Commercial (LC) District

2.27 LC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The LC (Limited Commercial) District is intended to be used as follows: Use Type and Intensity • Low intensity commercial uses Application of LC District • Existing and new development • Buffer district or transitional zoning district • Small area zoning Development Standards • Require development standards to minimize impacts on adjacent residential properties while encouraging economic vitality • Strive for most parking to be on side and rear of primary structure • Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts • PR, AG, R3, UR, M1, M2, MP, UV, IS, NC, LC, GC, OC, HC, and EP Plan Commission • Use the LC District for existing developments and carefully for new commercial development Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding areas • Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses • small wind turbine system • solar panels Commercial Permitted Uses • bank machine/atm • barber/beauty shop • club or lodge • coffee shop • day care • delicatessen • fitness center/health club • gas station • health spa/day spa • ice cream shop • office, financial • office, general services • office, medical service • photography studio • recreation center/play center • retail (type 1), very low intensity • retail (type 2), low intensity • sexually oriented retail business • studio arts • tailor/pressing shop • tanning salon Institutional Permitted Uses • police or fire station	Accessory Special Exception Uses • large wind turbine system Commercial Special Exception Uses • non-owner occupied short-term rental Institutional Special Exception Uses • recycling collection point Residential Special Exception Uses • dwelling unit (upper floors)

Limited Commercial (LC) District

2.28 LC District Development Standards



Minimum Lot Area

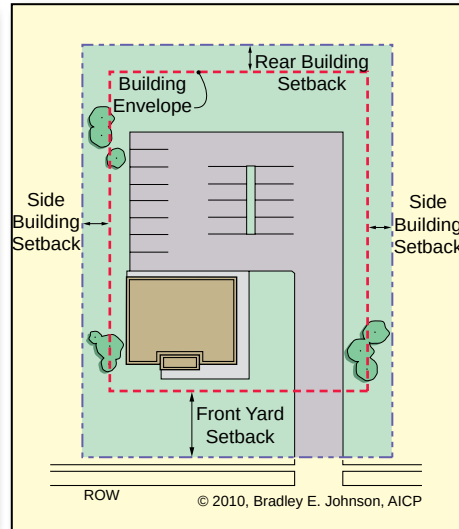
- 5,000 square feet

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

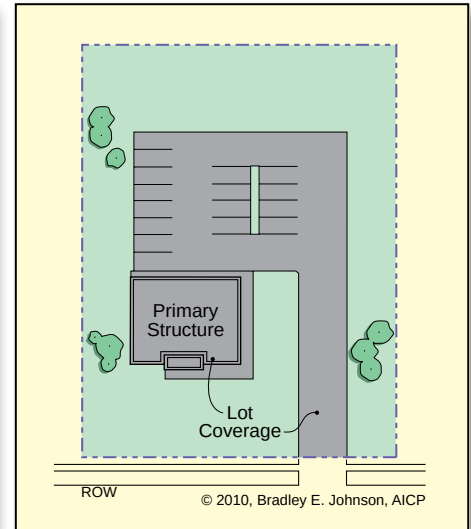
- 10 feet for primary and accessory structures
- 5 feet for parking lots

Minimum Side Yard Setback

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback

- 10 feet for primary and accessory structures



Maximum Lot Coverage

- 70% of lot area

Minimum Main Floor Area

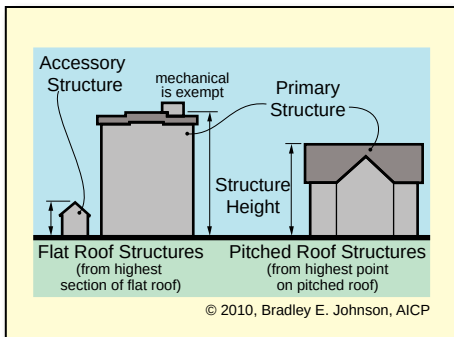
- 1,000 square feet

Minimum Dwelling Unit Size

- 700 square feet with an average of 900 square feet

Maximum Primary Structures

- 5 per lot



Maximum Structure Height

- 35 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-10 5-13 Architecture • AR-02 5-14 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-04 5-20 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-06 5-24 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-04 5-39 • LA-06 5-40 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Loading • LD-01 5-44 Lot • LO-01 5-45 Outdoor Display • DA-01 5-49 Parking • PK-01 5-53 • PK-07 5-55 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64 Sewer and Water • SW-01 5-66	Sexually Oriented Businesses • SX-01 5-74 Sign • SI-01 5-68 • SI-06 5-79 Special Exception • SE-01 5-97 Storage Tank • SR-03 5-98 Structure • ST-01 5-99 Telecommunication • TC-01 5-100 Temporary Use • TU-01 5-102 • TU-04 5-103 • TU-05 5-104 • TU-06 5-104 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107 • WT-02 5-109

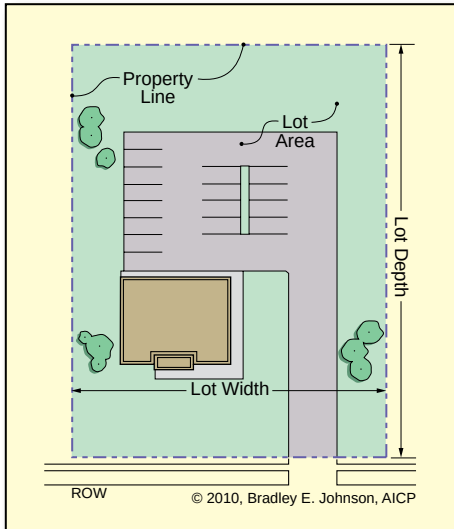
General Commercial (GC) District

2.29 GC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The GC (General Commercial) District is intended to be used as follows: Use Type and Intensity - Moderate intensity commercial and office uses Application of GC District - Existing and new development - Small to medium area zoning Development Standards - Require moderate development standards to minimize impacts on adjacent properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, AG, M2, IS, NC, LC, GC, OC, HC, EP, I1, and I2 Plan Commission - Use the GC District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - addiction treatment facility - amusement center - automobile oriented business - bank machine/atm - banquet hall - bar/tavern - barber/beauty shop - billiard/arcade room - bowling alley - broadcast studio - club or lodge - coffee shop - coin laundry - commercial training facility or school - dance/night club - day care - delicatessen - fitness center/health club - funeral home or mortuary - gas station - health spa/day spa - hotel/motel - ice cream shop - micro brewery - micro distillery - miniature golf - movie theater - office, construction trade - office, design services - office, financial - office, general services - office, medical services - paintball facility - photography studio - recreation center/play center - restaurant - restaurant with drive-up window - retail (type 1), very low intensity - retail (type 2), low intensity - retail (type 3), medium intensity - retail (type 4), high intensity - skating rink - sports complex (indoor) - studio arts - swimming pool - tailor/pressing shop - tanning salon - tattoo/piercing parlor - winery Institutional Permitted Uses - community center - police or fire station - rescue station - trade or business school	Accessory Special Exception Uses - large wind turbine system Commercial Special Exception Uses - country club - kennel (commercial) - shooting range (indoor) - sports complex (outdoor) - waterpark Institutional Special Exception Uses - recycling collection point Residential Special Exception Uses - dwelling, multiple-family (7-15 units) - dwelling, multiple-family (16-24 units)

General Commercial (GC) District

2.30 GC District Development Standards



Minimum Lot Area

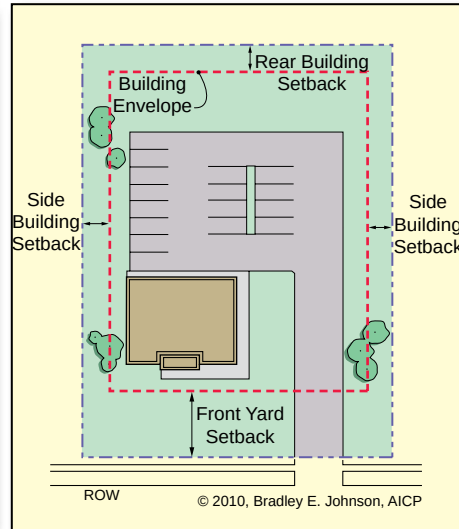
- 5,000 square feet

Minimum Lot Width

- 50 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

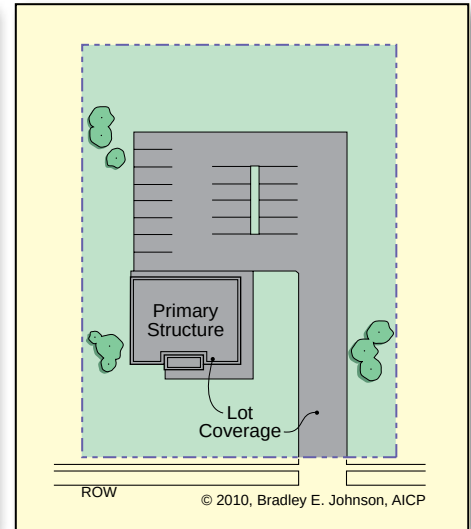
- 25 feet for primary and accessory structures

Minimum Side Yard Setback

- 15 feet of aggregate setback for primary and accessory structures, with a 5 foot minimum setback for any one side yard

Minimum Rear Yard Setback

- 35 feet for primary and accessory structures



Maximum Lot Coverage

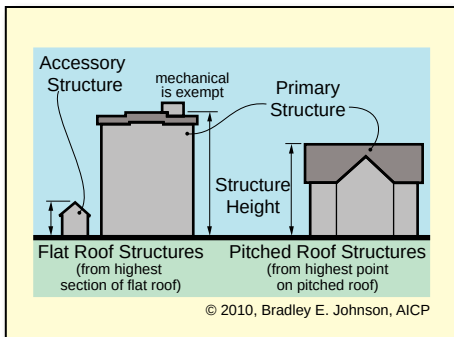
- 80% of lot area

Minimum Main Floor Area

- 1,000 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 40 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-10 5-13 Architecture • AR-02 5-14 Density and Intensity • DI-01 5-16 Driveway • DW-01 5-17 • DW-04 5-20 Environmental • EN-01 5-21 Fence and Wall • FW-01 5-22 • FW-06 5-24 Fireworks • FR-01 5-25 Floodplain • FP-01 5-26 Floor Area • FA-01 5-27 Height • HT-01 5-28 Kennel • KL-01 5-35	Landscaping • LA-01 5-37 • LA-02 5-38 • LA-04 5-39 • LA-06 5-40 • LA-07 5-40 • LA-08 5-41 Lighting • LT-01 5-43 Loading • LD-01 5-44 Lot • LO-01 5-45 Outdoor Display • DA-01 5-49 Parking • PK-01 5-53 • PK-07 5-55 Performance • PF-01 5-61 Public Improvement • PI-01 5-62 Setback • SB-01 5-64 Sewer and Water • SW-01 5-66	Signs • SI-01 5-68 • SI-07 5-83 Special Exception • SE-01 5-97 Storage Tank • SR-03 5-98 Structure • ST-01 5-99 Telecommunication • TC-01 5-100 Temporary Use • TU-01 5-102 • TU-05 5-104 • TU-06 5-104 Trash Receptacle • TR-01 5-105 Vision Clearance • VC-01 5-106 Wind Turbine System • WT-01 5-107 • WT-02 5-109

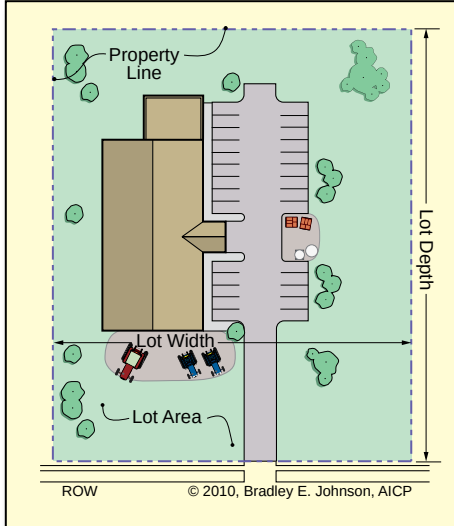
Outdoor Commercial (OC) District

2.31 OC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The OC (Outdoor Commercial) District is intended to be used as follows: Use Type and Intensity - Heavy intensity commercial, primarily for businesses with a significant portion of their stock in trade being displayed outdoors Application of OC District - Existing and new development - Spot to small area zoning Development Standards - Utilize strict development standards to minimize impacts on adjacent properties - Minimize noise, water, air pollution, and especially light pollution Appropriate Adjacent Zoning Districts - PR, AG, IS, NC, LC, GC, OC, HC, EP, I1, and I2 Plan Commission - Use the OC District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - addiction treatment facility - amusement center - automobile dealership - automobile oriented business - bank machine/atm - banquet hall - bar/tavern - barber/beauty shop - billiard/arcade room - bowling alley - broadcast studio - club or lodge - coffee shop - coin laundry - commercial training facility or school - dance/night club - day care - delicatessen - equipment rental - equipment sales - firearm sales - fitness center/health club - funeral home or mortuary - gas station - health spa/day spa - hotel/motel - ice cream shop - machinery rental - machinery sales - micro brewery - micro distillery - miniature golf - movie theater - office, construction trade - office, design services - office, financial - office, general services - office, medical services - paintball facility - photography studio - recreation center/play center - recreation vehicle rental - recreation vehicle sales - restaurant - restaurant with drive-up window - retail (type 1), very low intensity - retail (type 2), low intensity - retail (type 3), medium intensity - retail (type 4), high intensity - retail (type 5), very high intensity - retail (type 6), special handling - skating rink - sports complex (indoor) - studio arts - swimming pool - tailor/pressing shop - tanning salon - tattoo/piercing parlor - watercraft rental - watercraft sales - winery Institutional Permitted Uses - community center - police or fire station - rescue station - trade or business school	Accessory Special Exception Uses - large wind turbine system Institutional Special Exception Uses - recycling collection point

Outdoor Commercial (OC) District

2.32 OC District Development Standards



Minimum Lot Area

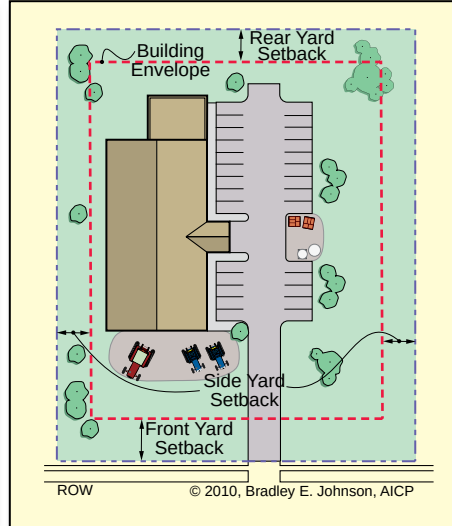
- 25,000 square feet

Minimum Lot Width

- 100 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

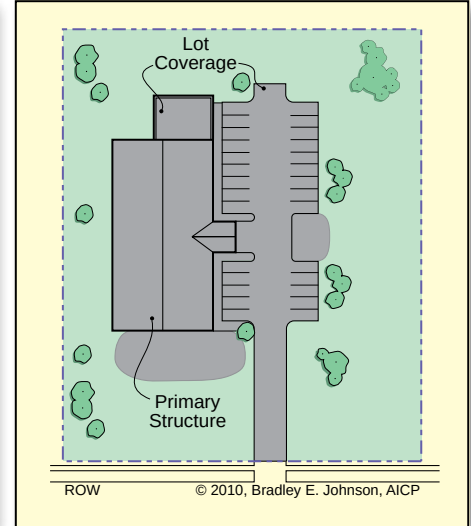
- 40 feet for primary and accessory structures

Minimum Side Yard Setback

- 30 feet for primary and accessory structures

Minimum Rear Yard Setback

- 35 feet for primary and accessory structures



Maximum Lot Coverage

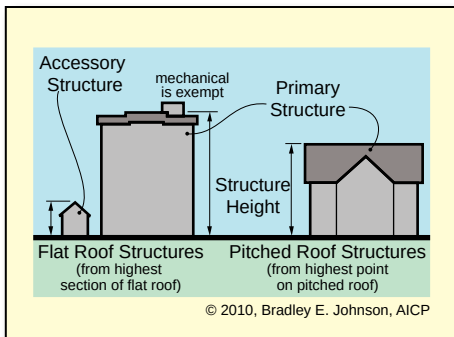
- 80% of lot area

Minimum Main Floor Area

- 1,000 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 35 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply

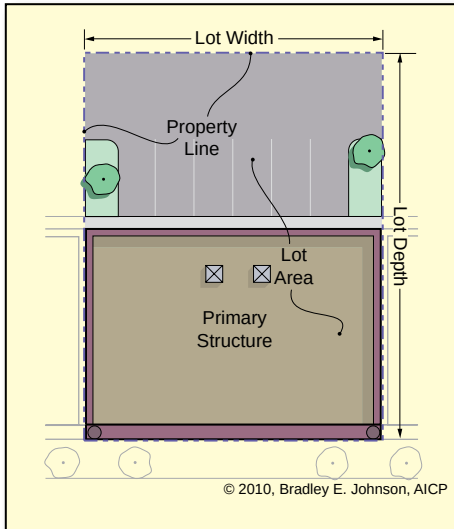
Accessory Structure		Landscaping		Signs	
• AS-01	5-6	• LA-01	5-37	• SI-01	5-68
• AS-10	5-13	• LA-02	5-38	• SI-07	5-83
Architecture		• LA-04	5-39	Special Exception	
• AR-02	5-14	• LA-06	5-40	• SE-01	5-97
Density and Intensity		• LA-07	5-40	Storage Tank	
• DI-01	5-16	• LA-08	5-41	• SR-03	5-98
Driveway		Lighting		Structure	
• DW-01	5-17	• LT-01	5-43	• ST-01	5-99
• DW-04	5-20	Loading		Temporary Use	
Environmental		• LD-01	5-44	• TU-01	5-102
• EN-01	5-21	Lot		• TU-05	5-104
Fence and Wall		• LO-01	5-45	• TU-06	5-104
• FW-01	5-22	Outdoor Display		Trash Receptacle	
• FW-06	5-24	• DA-02	5-50	• TR-01	5-105
Floodplain		Parking		Vision Clearance	
• FP-01	5-26	• PK-01	5-53	• VC-01	5-106
Floor Area		• PK-07	5-55	Wind Turbine System	
• FA-01	5-27	Performance		• WT-01	5-107
Height		• PF-01	5-61	• WT-02	5-109
• HT-01	5-28	Public Improvement			
		• PI-01	5-62		
		Setback			
		• SB-01	5-64		
		Sewer and Water			
		• SW-01	5-66		

Central Business (CB) District

2.33 CB District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The CB (Central Business) District is intended to be used as follows: Use Type and Intensity - Moderate intensity commercial and office uses Application of CB District - Existing and new development - Small to medium area zoning Development Standards - Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, UR, UV, IS, NC, and CB Plan Commission - Use the CB District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - bank machine/atm - bar/tavern - barber/beauty shop - billiard/arcade room - broadcast studio - club or lodge - coffee shop - dance/night club - day care - delicatessen - farmer's market - fitness center/health club - funeral home or mortuary - health spa/day spa - hotel/motel - ice cream shop - micro brewery - micro distillery - movie theater - non-owner occupied short-term rental - office, design services - office, financial - office, general services - office, medical services - photography studio - restaurant - retail (type 1), very low intensity - retail (type 2), low intensity - retail (type 3), medium intensity - studio arts - tailor/pressing shop - winery Institutional Permitted Uses - bus station - church, temple, or mosque* - community center* - hospital* - jail* - juvenile detention facility* - library* - museum* - parking lot, public - police or fire station* - post office - rescue station - school (P-12) - trade or business school Residential Permitted Uses - dwelling unit (upper floors) • use is not permitted within downtown area on Main Street from the east side of 5th Street to the west side of 10th Street between the south side of North A Street and north side South A Street, per Ordinance No. 36-2020.	Industrial Special Exception Uses - telecommunication facility Residential Special Exception Uses - dwelling unit (first floor)

2.34 CB District Development Standards



Minimum Lot Area

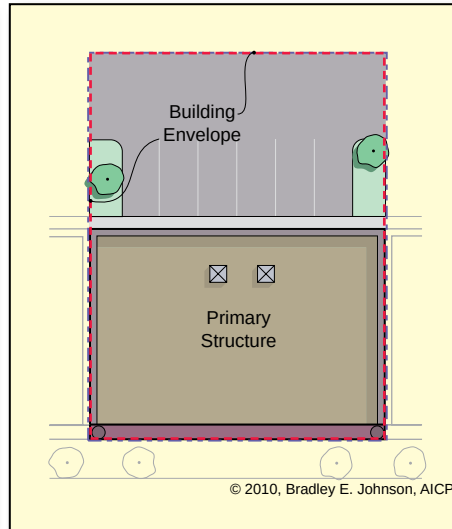
- 1,000 square feet

Minimum Lot Width

- n/a

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

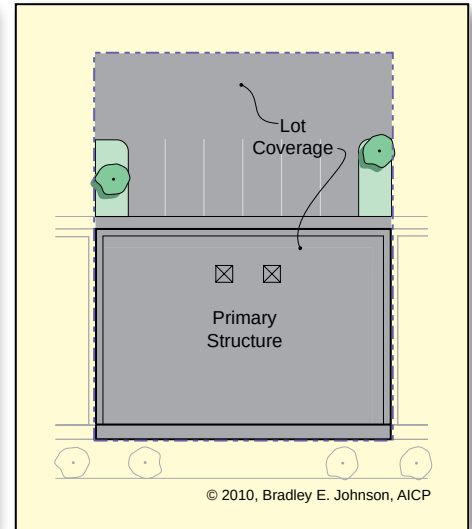
- n/a

Minimum Side Yard Setback

- n/a

Minimum Rear Yard Setback

- n/a



Maximum Lot Coverage

- 100% of lot area

Minimum Main Floor Area

- 1,000 square feet

Minimum Dwelling Unit Size

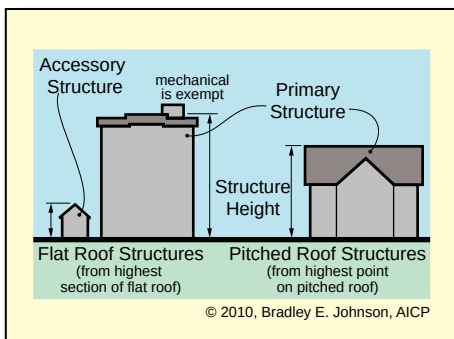
- 700 square feet with an average of 900 square feet

Maximum Density

- 50 units per acre

Maximum Primary Structures

- 2 per lot



Maximum Structure Height

- 60 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure	Landscaping	Setback
• AS-01 5-6	• LA-01 5-37	• SB-01 5-64
• AS-09 5-12	• LA-02 5-38	Sewer and Water
Density and Intensity	• LA-04 5-39	• SW-01 5-66
• DI-01 5-16	• LA-06 5-40	Sign
Driveway	• LA-07 5-40	• SI-01 5-68
• DW-01 5-17	• LA-08 5-41	• SI-06 5-79
Environmental	Lighting	Special Exception
• EN-01 5-21	• LT-01 5-43	• SE-01 5-97
Fence and Wall	Loading	Storage Tank
• FW-01 5-22	• LD-01 5-44	• SR-01 5-98
Floodplain	Lot	Structure
• FP-01 5-26	• LO-01 5-45	• ST-01 5-99
Floor Area	Outdoor Dining	Telecommunication
• FA-01 5-27	• OD-01 5-47	• TC-01 5-100
Height	Outdoor Display	Temporary Use
• HT-01 5-28	• DA-01 5-49	• TU-01 5-102
Home Business	Parking	• TU-04 5-103
• HB-01 5-29	• PK-01 5-53	• TU-05 5-104
Keeping of Animals	• PK-06 5-54	• TU-06 5-104
• KA-02 5-33	• PK-07 5-55	Trash Receptacle
	Performance	• TR-01 5-105
	• PF-01 5-61	Vision Clearance
	Public Improvement	• VC-01 5-106
	• PI-01 5-62	Wind Turbine System
		• WT-01 5-107

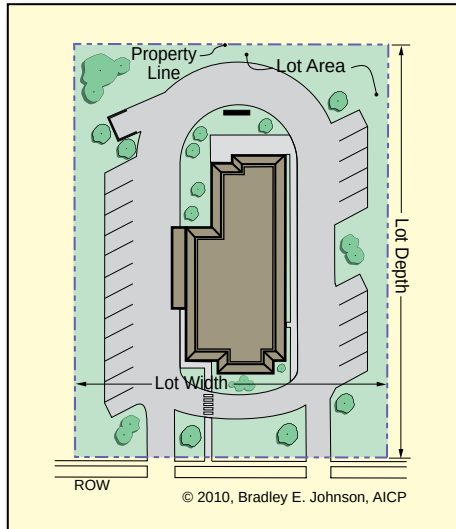
Highway Commercial (HC) District

2.35 HC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The HC (Highway Commercial) District is intended to be used as follows: Use Type and Intensity - Moderate to high intensity commercial uses Application of HC District - Existing and new development - Small to medium area zoning Development Standards - Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, AG, M2, IS, NC, LC, GC, OC, HC, EP, IC, and I1 Plan Commission - Use the HC District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - automobile oriented business - bank machine/atm - bar/tavern - gas station - hotel/motel - micro brewery - micro distillery - miniature golf - office, medical services - restaurant - restaurant with drive-up window - retail (type 3), medium intensity - retail (type 4), high intensity - retail (type 5), very high intensity - retail (type 6), special handling Institutional Permitted Uses - police or fire station - rescue station	Accessory Special Exception Uses - large wind turbine system Industrial Special Exception Uses - telecommunication facility

Highway Commercial (HC) District

2.36 HC District Development Standards



Minimum Lot Area

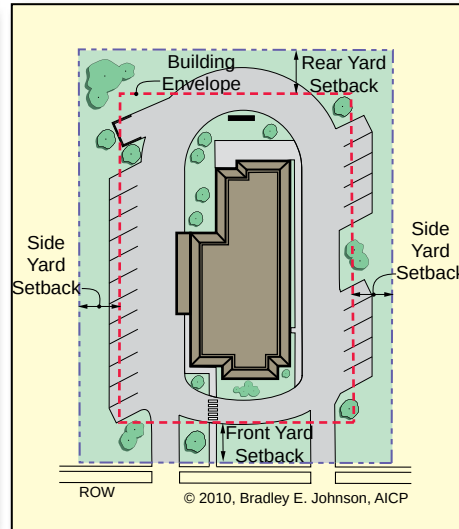
- 20,000 square feet

Minimum Lot Width

- 100 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

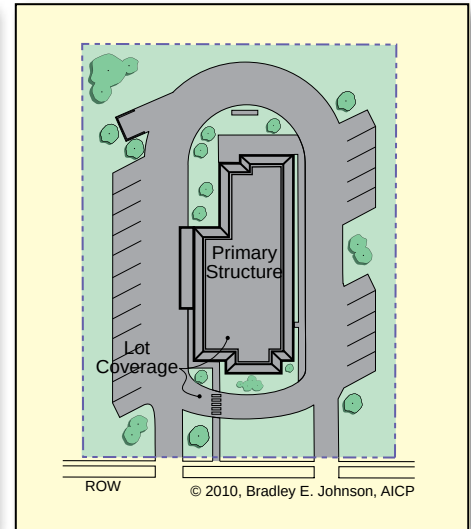
- 20 feet for primary or accessory structures
- 10 feet for parking lots

Minimum Side Yard Setback

- 25 feet for primary and accessory structures

Minimum Rear Yard Setback

- 25 feet for primary and accessory structures



Maximum Lot Coverage

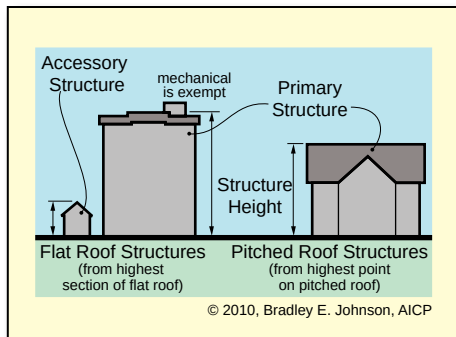
- 80% of lot area

Minimum Main Floor Area

- 1,000 square feet

Maximum Primary Structures

- 5 per lot



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

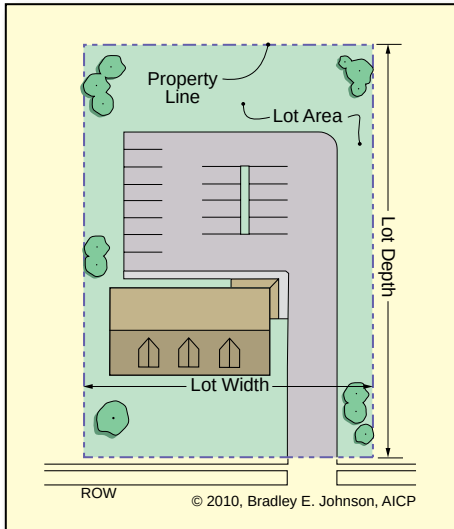
Accessory Structure		Landscaping		Signs	
• AS-01	5-6	• LA-01	5-37	• SI-01	5-68
• AS-10	5-13	• LA-02	5-38	• SI-08	5-88
Architecture		• LA-04	5-39	Special Exception	
• AR-02	5-14	• LA-06	5-40	• SE-01	5-97
Density and Intensity		• LA-07	5-40	Storage Tank	
• DI-01	5-16	• LA-08	5-41	• SR-03	5-98
Driveway		Lighting		Structure	
• DW-01	5-17	• LT-01	5-43	• ST-01	5-99
• DW-04	5-20	Loading		Telecommunication	
Environmental		• LD-01	5-44	• TC-01	5-100
• EN-01	5-21	Lot		Temporary Use	
Fence and Wall		• LO-01	5-45	• TU-01	5-102
• FW-01	5-22	Outdoor Display		• TU-05	5-104
• FW-06	5-24	• DA-01	5-49	• TU-06	5-104
Fireworks		Parking		Trash Receptacle	
• FR-01	5-25	• PK-01	5-53	• TR-01	5-105
Floodplain		• PK-07	5-55	Vision Clearance	
• FP-01	5-26	Performance		• VC-01	5-106
Floor Area		• PF-01	5-61	Wind Turbine System	
• FA-01	5-27	Public Improvement		• WT-01	5-107
Height		• PI-01	5-62	• WT-02	5-109
• HT-01	5-28	Setback			
		• SB-01	5-64		
		Sewer and Water			
		• SW-01	5-66		

Ed-Med-Tech Park (EP) District

2.37 EP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The EP (Ed-Med-Tech Park) District is intended to be used as follows: Use Type and Intensity - Moderate to high intensity education, medical and technology park Application of EP District - Existing and new development - Small to medium area zoning Development Standards - Require moderate development standards to minimize impacts on adjacent properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, AG, UV, IS, NC, LC, GC, OC, HC, EP, and I1 Plan Commission - Use the EP District for existing developments and carefully for new commercial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Commercial Permitted Uses - day care - office, design services - office, general services - office, medical services Industrial Permitted Uses - research center, medical - research center, technological Institutional Permitted Uses - community center - heliport, public - hospital - library - post office - trade or business school	Accessory Special Exception Uses - heliport, private - large wind turbine system Industrial Special Exception Uses - telecommunication facility Institutional Special Exception Uses - bus station - police or fire station

2.38 EP District Development Standards



Minimum Lot Area

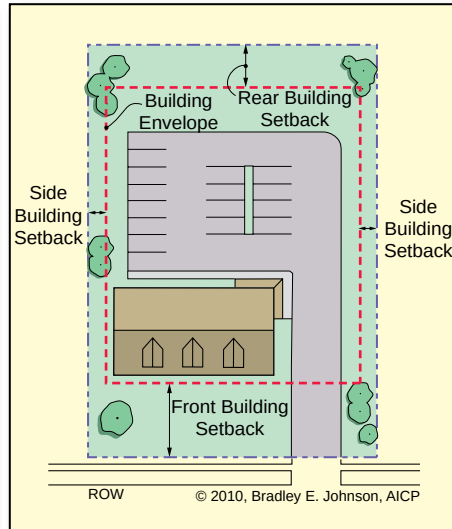
- 1 acre

Minimum Lot Width

- 120 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

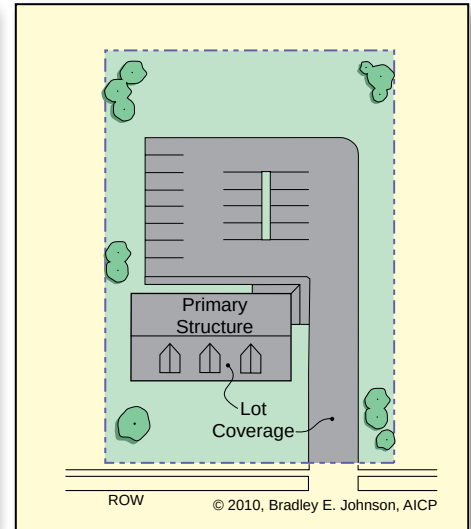
- 50 feet for primary and accessory structures
- 30 feet for parking lots

Minimum Side Yard Setback

- 40 feet for primary and accessory structures

Minimum Rear Yard Setback

- 40 feet for primary and accessory structures



Maximum Lot Coverage

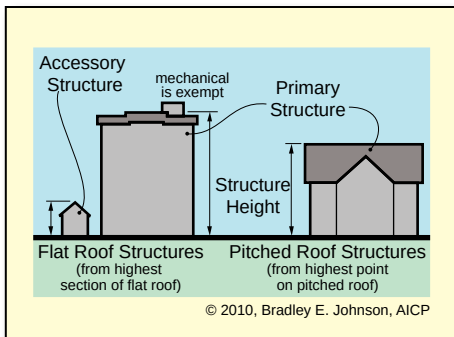
- 75% of lot area

Minimum Main Floor Area

- 3,000 square feet

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 60 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure • AS-01 5-6 • AS-11 5-13	Lighting • LT-01 5-43	Temporary Use • TU-01 5-102 • TU-06 5-104
Density and Intensity • DI-01 5-16	Lot • LO-01 5-45	Trash Receptacle • TR-01 5-105
Driveway • DW-01 5-17 • DW-04 5-20	Parking • PK-01 5-53 • PK-07 5-55	Vision Clearance • VC-01 5-106
Environmental • EN-01 5-21	Performance • PF-01 5-61	Wind Turbine System • WT-01 5-107 • WT-02 5-109
Fence and Wall • FW-01 5-22 • FW-06 5-24	Public Improvement • PI-01 5-62	
Floodplain • FP-01 5-26	Setback • SB-01 5-64	
Floor Area • FA-01 5-27	Sewer and Water • SW-01 5-66	
Height • HT-01 5-28	Sign • SI-01 5-68 • SI-09 5-93	
Landscaping • LA-01 5-37 • LA-02 5-38 • LA-04 5-39 • LA-07 5-40 • LA-08 5-41	Special Exception • SE-01 5-97	
	Storage Tank • SR-03 5-98	
	Structure • ST-01 5-99	
	Telecommunication • TC-01 5-100	

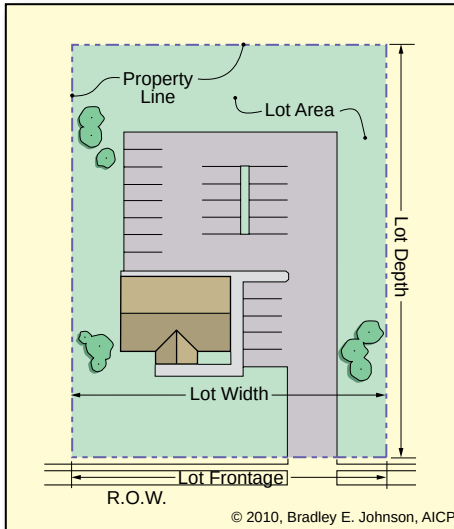
Industrial Commercial (IC) District

2.39 IC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The IC (Industrial Commercial) District is intended to be used as follows: Use Type and Intensity • Light to moderate intensity industrial uses which benefit from having outdoor displays of merchandise, retail sales of products associated with the company, and outdoor recreational vehicle sales and service Application of IC District • Existing and new development • Spot and small area zoning near Williamsburg Pike and I-70 Development Standards • Require moderate development standards to minimize impacts on adjacent properties while encouraging economic vitality • Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts • PR, AG, IS, HC, IC, I1 and I2 Plan Commission • Use the IC District for existing developments and carefully for new development Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding areas • Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety	Accessory Permitted Uses • small wind turbine system • solar panels Commercial Permitted Uses • automobile oriented business • equipment rental • equipment sales • machinery rental • machinery sales • micro brewery • micro distillery • office, financial • recreation vehicle rental • recreation vehicle sales • retail (type 4), high intensity • retail (type 5), very high intensity • watercraft rental • watercraft sales Industrial Permitted Uses • assembly • distribution facility • flex-space • light manufacturing • research center, technological • sign painting/fabrication • tool and die shop • warehouse Institutional Permitted Uses • rescue station	Accessory Special Exception Uses • large wind turbine system Industrial Special Exception Uses • solar park • telecommunication facility

Industrial Commercial (IC) District

2.40 IC District Development Standards



Minimum Lot Area

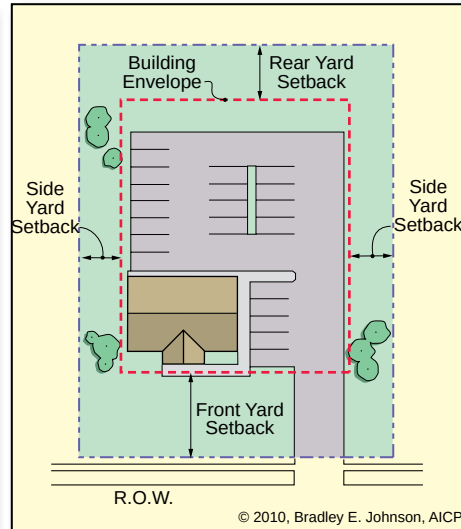
- ½ acre

Minimum Lot Width

- 100 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

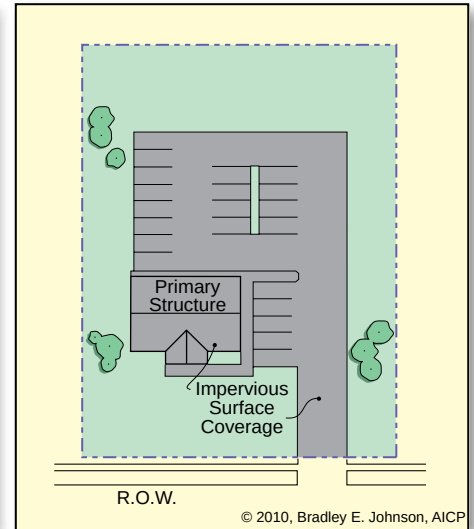
- 60 feet for primary and accessory structures
- 10 feet for parking lots

Minimum Side Yard Setback

- 10 feet for primary and accessory structures or 100% of the facade height, whichever is greater

Minimum Rear Yard Setback

- 10 feet for primary and accessory structures or 100% of the facade height, whichever is greater



Maximum Lot Coverage

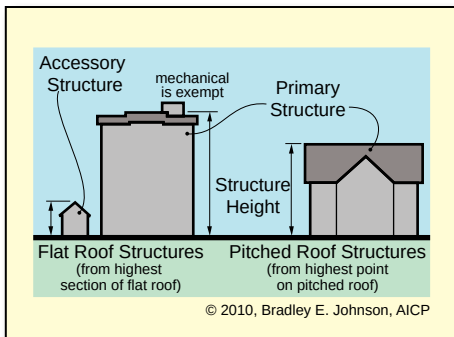
- 80% of lot area

Minimum Main Floor Area

- 3,000 square feet

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure		Lighting		Telecommunication	
• AS-01	5-6	• LT-01	5-43	• TC-01	5-100
• AS-11	5-13	Lot		Temporary Use	
Density and Intensity		• LO-01	5-45	• TU-01	5-102
• DI-01	5-16	Outdoor Storage		• TU-05	5-104
Driveway		• OS-02	5-51	Trash Receptacle	
• DW-01	5-17	Parking		• TR-01	5-105
• DW-04	5-20	• PK-01	5-53	Vision Clearance	
Environmental		• PK-07	5-55	• VC-01	5-106
• EN-01	5-21	Performance		Wind Turbine System	
Fence and Wall		• PF-01	5-61	• WT-01	5-107
• FW-01	5-22	Public Improvement		• WT-02	5-109
• FW-06	5-24	Setback			
Floodplain		• SB-01	5-64		
• FP-01	5-26	Sewer and Water			
Floor Area		• SW-01	5-66		
• FA-01	5-27	Sign			
Height		• SI-01	5-68		
• HT-01	5-28	• SI-07	5-83		
Landscaping		Special Exception			
• LA-01	5-37	• SE-01	5-97		
• LA-02	5-38	Storage Tank			
• LA-04	5-39	• SR-03	5-98		
• LA-07	5-40	Structure			
• LA-08	5-41	• ST-01	5-99		

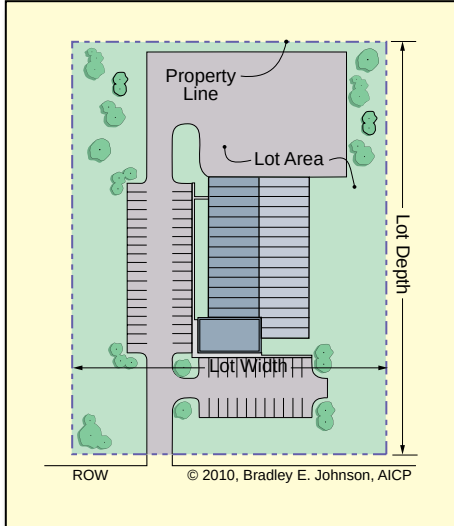
Low to Moderate Intensity Industrial (I1) District

2.41 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The I1 (Low to Moderate Intensity Industrial) District is intended to be used as follows: Use Type and Intensity • Low to moderate intensity industrial uses • Business parks, distribution operations, and industrial parks • Stand alone buildings or multiple primary structures Application of I1 District • Existing and new development Development Standards • Enact development standards to minimize impacts on adjacent properties while encouraging economic vitality • Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts • PR, AG, IA, IS, GC, OC, HC, EP, IC, I1, I2, and HI Plan Commission • Use the I1 District for existing developments and carefully for new industrial development Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding areas • Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety	Accessory Permitted Uses • small wind turbine system • solar panels Agricultural Permitted Uses • grain elevator • sales of agricultural products • storage of agricultural products Commercial Permitted Uses • office, construction trade • office, design services • industrial sales Industrial Permitted Uses • assembly • brewery • distillery • distribution facility • flex-space • food production/processing • light manufacturing • research center, chemical • research center, medical • research center, technological • sign painting/fabrication • telecommunication facility • testing lab • tool and die shop • utility facility, above ground • warehouse • warehouse storage facility • welding	Accessory Special Exception Uses • heliport, private • large wind turbine system Agricultural Special Exception Uses • processing of agricultural products Commercial Special Exception Uses • paintball facility • sports complex (indoor) Industrial Special Exception Uses • outdoor storage • solar park • storage tanks (nonhazardous) • transfer station (recycling/waste)

Low to Moderate Intensity Industrial (I1) District

2.42 I1 District Development Standards



Minimum Lot Area

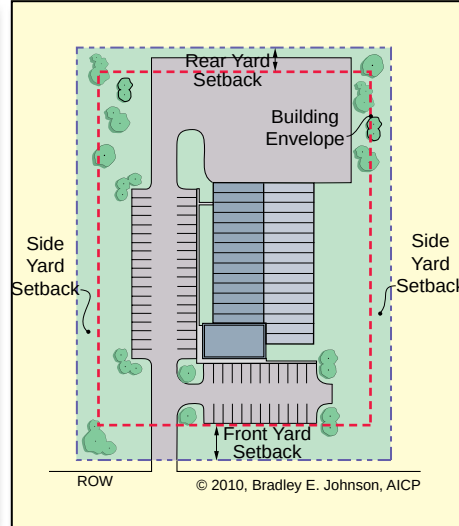
- 1 acre

Minimum Lot Width

- 160 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

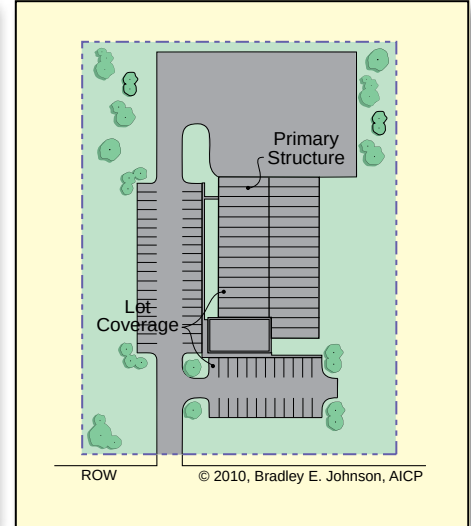
- 30 feet for primary and accessory structures or 100% of the facade height, whichever is greater

Minimum Side Yard Setback

- 20 feet for primary and accessory structures or 100% of the facade height, whichever is greater

Minimum Rear Yard Setback

- 30 feet for primary and accessory structures or 100% of the facade height, whichever is greater



Maximum Lot Coverage

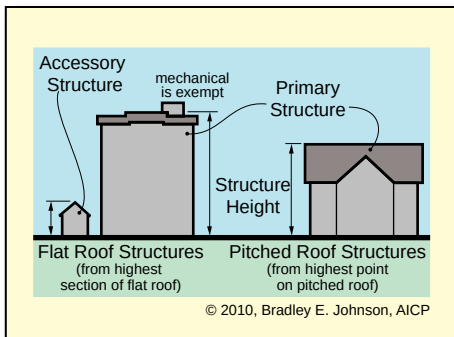
- 75% of lot area

Minimum Main Floor Area

- 3,000 square feet

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 45 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure	Lighting	Telecommunication
• AS-01 5-6	• LT-01 5-43	• TC-01 5-100
• AS-11 5-13	Lot	Temporary Use
Density and Intensity	• LO-01 5-45	• TU-01 5-102
• DI-01 5-16	Outdoor Storage	Trash Receptacle
Driveway	• OS-02 5-51	• TR-01 5-105
• DW-01 5-17	Parking	Vision Clearance
• DW-04 5-20	• PK-01 5-53	• VC-01 5-106
Environmental	• PK-07 5-55	Wind Turbine System
• EN-01 5-21	Performance	• WT-01 5-107
Fence and Wall	• PF-01 5-61	• WT-02 5-109
• FW-01 5-22	Public Improvement	
• FW-06 5-24	• PI-01 5-62	
Floodplain	Setback	
• FP-01 5-26	• SB-01 5-64	
Floor Area	Sewer and Water	
• FA-01 5-27	• SW-01 5-66	
Height	Sign	
• HT-01 5-28	• SI-01 5-68	
Landscaping	• SI-09 5-93	
• LA-01 5-37	Special Exception	
• LA-02 5-38	• SE-01 5-97	
• LA-04 5-39	Storage Tank	
• LA-07 5-40	• SR-03 5-98	
• LA-08 5-41	Structure	
	• ST-01 5-99	

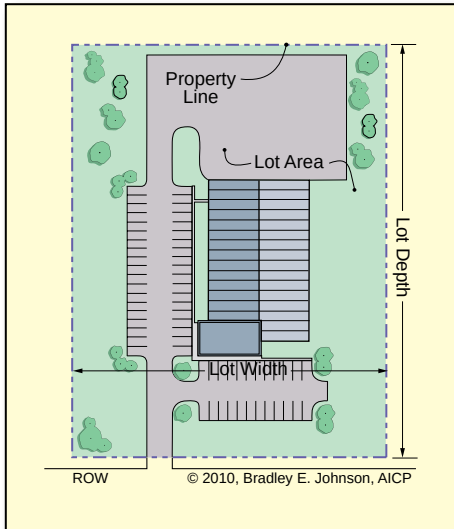
High Intensity Industrial (I2) District

2.43 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The I2 (High Intensity Industrial) District is intended to be used as follows: Use Type and Intensity - Moderate to high intensity industrial uses - Industrial parks, manufacturing facilities, and utility usage - Stand alone buildings or multiple primary structures Application of I2 District - Existing and new development Development Standards - Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality - Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts - PR, AG, IA, IS, GC, OC, IC, I1, I2, and HI Plan Commission - Use the I2 District for existing developments and carefully for new industrial development Board of Zoning Appeals - Allow a special exception use only when it is compatible with the surrounding areas - Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety	Accessory Permitted Uses - small wind turbine system - solar panels Agricultural Permitted Uses - processing of agricultural products - storage of agricultural products Commercial Permitted Uses - paintball facility Industrial Permitted Uses - assembly - brewery - distillery - distribution facility - flex-space - food production/processing - heavy equipment repair - heavy manufacturing - light manufacturing - liquid fertilizer storage/distribution - outdoor storage - recycling processing - sewage treatment plant - sign painting/fabrication - storage tanks (nonhazardous) - telecommunication facility - testing lab - tool and die shop - transfer station - transfer station (recycling/waste) - utility facility, above ground - warehouse - warehouse storage facility - water treatment plant - welding Institutional Permitted Uses - recycling collection point	Accessory Special Exception Uses - heliport, private - large wind turbine system Industrial Special Exception Uses - incinerator - solar park Institutional Special Exception Uses - police, fire, or rescue station

High Intensity Industrial (I2) District

2.44 I2 District Development Standards



Minimum Lot Area

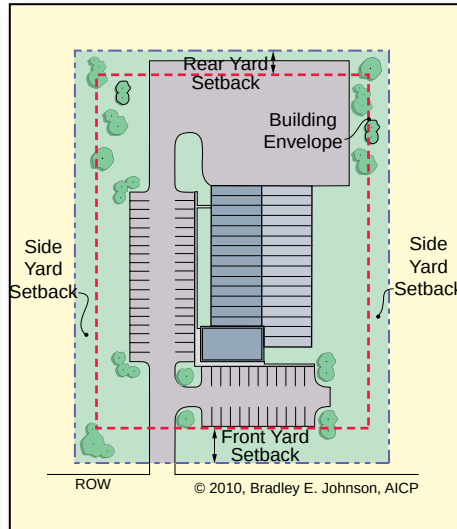
- 3 acres

Minimum Lot Width

- 200 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

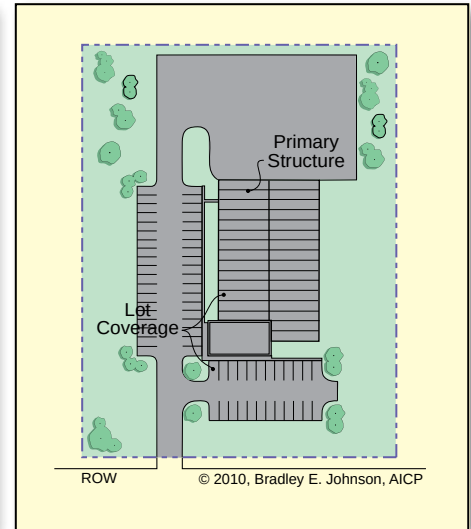
- 30 feet for primary and accessory structures or 100% of the facade height, whichever is greater

Minimum Side Yard Setback

- 20 feet for primary and accessory structures or 100% of the facade height, whichever is greater

Minimum Rear Yard Setback

- 30 feet for primary and accessory structures or 100% of the facade height, whichever is greater



Maximum Lot Coverage

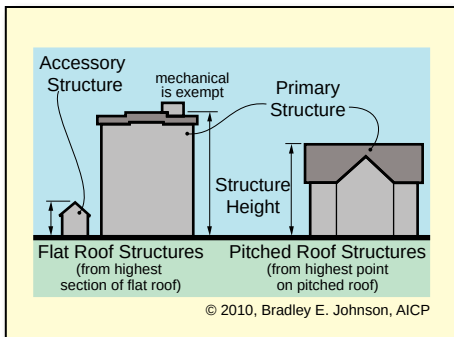
- 75% of lot area

Minimum Main Floor Area

- 3,000 square feet

Maximum Primary Structures

- 10 per lot



Maximum Structure Height

- 50 feet for primary structure
- 70 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure		Lighting		Telecommunication	
• AS-01	5-6	• LT-01	5-43	• TC-01	5-100
• AS-11	5-13	Lot		Temporary Use	
Density and Intensity		• LO-01	5-45	• TU-01	5-102
• DI-01	5-16	Outdoor Storage		Trash Receptacle	
Driveway		• OS-03	5-52	• TR-01	5-105
• DW-01	5-17	Parking		Vision Clearance	
• DW-04	5-20	• PK-01	5-53	• VC-01	5-106
Environmental		• PK-07	5-55	Wind Turbine System	
• EN-01	5-21	Performance		• WT-01	5-107
Fence and Wall		• PF-01	5-61	• WT-02	5-109
• FW-01	5-22	Public Improvement			
• FW-06	5-24	• PI-01	5-62		
Floodplain		Setback			
• FP-01	5-26	• SB-01	5-64		
Floor Area		Sewer and Water			
• FA-01	5-27	• SW-01	5-66		
Height		Sign			
• HT-01	5-28	• SI-01	5-68		
Landscaping		• SI-09	5-93		
• LA-01	5-37	Special Exception			
• LA-02	5-38	• SE-01	5-97		
• LA-04	5-39	Storage Tank			
• LA-07	5-40	• SR-03	5-98		
• LA-08	5-41	Structure			
		• ST-01	5-99		

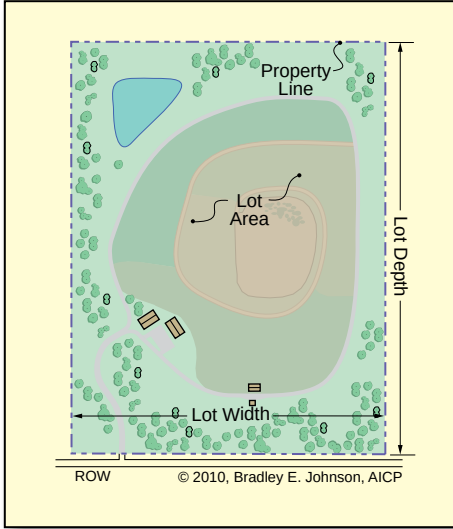
High Impact (HI) District

2.45 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The HI (High Impact) District is intended to be used as follows: Use Type and Intensity • All intensities of high impact uses Application of HI District • Existing and new development Development Standards • Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality • Minimize light, noise, water, and air pollution Appropriate Adjacent Zoning Districts • PR, AG, IA, I1, I2, and HI Plan Commission • Use the HI District for existing high impact developments and carefully for new high impact development • Be sensitive to environmental protection Board of Zoning Appeals • Allow a special exception use only when it is compatible with the surrounding areas • Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety	Accessory Permitted Uses • small wind turbine system • solar panels Commercial Permitted Uses • amusement park • race track • shooting range (outdoor) Industrial Permitted Uses • construction material landfill • electrical generation plant • gravel/sand mining • junk yard • scrap metal yard • sewage treatment plant • telecommunication facility • transfer station • transfer station (recycling/waste) • utility facility, above ground Institutional Permitted Uses • juvenile detention facility • stadium	Accessory Special Exception Uses • heliport, private • large wind turbine system Industrial Special Exception Uses • hazardous waste landfill • rendering plant • sanitary landfill/refuse dump • storage tanks (hazardous) Institutional Special Exception Uses • prison

High Impact (HI) District

2.46 HI District Development Standards



Minimum Lot Area

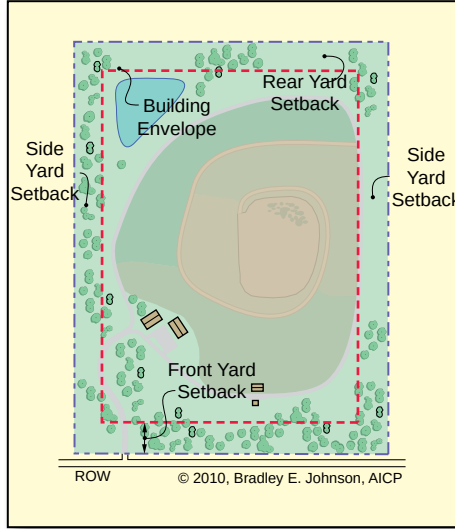
- 20 acres

Minimum Lot Width

- 250 feet

Sewer and Water

- Sanitary sewer and water utility required



Minimum Front Yard Setback

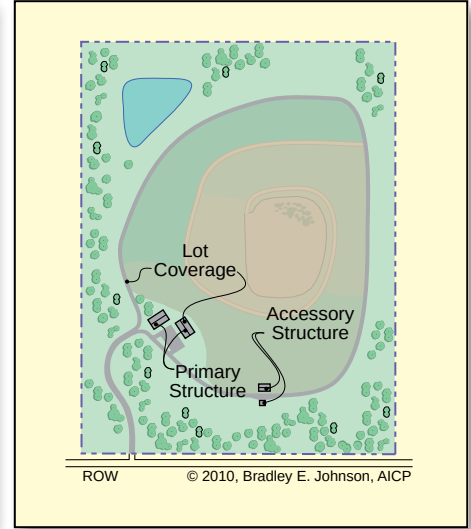
- 150 feet for primary and accessory structures

Minimum Side Yard Setback

- 100 feet for primary and accessory structures

Minimum Rear Yard Setback

- 100 feet for primary and accessory structures



Maximum Lot Coverage

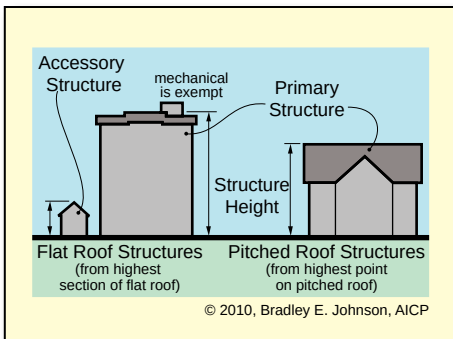
- 50% of lot area

Minimum Main Floor Area

- 500 square feet

Maximum Primary Structures

- no limit



Maximum Structure Height

- 40 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure		Lighting		Telecommunication	
• AS-01	5-6	• LT-01	5-43	• TC-01	5-100
• AS-11	5-13	Lot		Temporary Use	
Density and Intensity		• LO-01	5-45	• TU-01	5-102
• DI-01	5-16	Outdoor Storage		Trash Receptacle	
Driveway		• OS-03	5-52	• TR-01	5-105
• DW-01	5-17	Parking		Vision Clearance	
• DW-04	5-20	• PK-01	5-53	• VC-01	5-106
Environmental		• PK-07	5-55	Wind Turbine System	
• EN-01	5-21	Performance		• WT-01	5-107
Fence and Wall		• PF-01	5-61	• WT-02	5-109
• FW-01	5-22	Public Improvement			
• FW-06	5-24	• PI-01	5-62		
Floodplain		Setback			
• FP-01	5-26	• SB-01	5-64		
Floor Area		Sewer and Water			
• FA-01	5-27	• SW-01	5-66		
Height		Sign			
• HT-01	5-28	• SI-01	5-68		
Landscaping		• SI-09	5-93		
• LA-01	5-37	Special Exception			
• LA-02	5-38	• SE-01	5-97		
• LA-04	5-39	Storage Tank			
• LA-07	5-40	• SR-03	5-98		
• LA-08	5-41	Structure			
		• ST-01	5-99		

Appropriate Adjacent Districts

2.47 Appropriate Adjacent Districts Table

Adjacent District	Zoning District of Subject Property																						
	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
PR	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
AG	X	X	X	X	X	X		X		X	X	X	X	X	X	X		X	X		X	X	X
IA	X	X	X																		X	X	X
R1	X	X		X	X	X						X	X										
R2	X	X		X	X	X	X				X	X	X										
R3	X	X		X	X	X	X	X	X	X	X	X	X	X									
UR	X				X	X	X	X	X		X	X	X	X			X						
M1	X	X				X	X	X	X	X	X	X	X	X									
M2	X					X	X	X	X	X	X	X	X	X	X			X					
MP	X	X				X		X	X	X		X	X	X									
UV	X	X			X	X	X	X	X		X	X	X	X			X		X				
IS	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
NC	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
LC	X	X				X	X	X	X	X	X	X	X	X	X	X		X	X				
GC	X	X							X			X	X	X	X	X		X	X		X	X	
OC	X	X										X	X	X	X	X		X	X		X	X	
CB	X						X				X	X	X				X						
HC	X	X							X			X	X	X	X	X		X	X	X	X		
EP	X	X									X	X	X	X	X	X		X	X		X		
IC	X											X						X		X	X	X	
I1	X	X	X									X			X	X		X	X	X	X	X	X
I2	X	X	X									X			X	X				X	X	X	X
HI	X	X	X																		X	X	X

Article

3

Overlay Districts

*City of Richmond
Unified Development
Ordinance*

Airport Compatibility Overlay (ACO) District

3.01 ACO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The Airport Compatibility Overlay (ACO) District is intended to: (1) minimize land uses located in close proximity to an airport that may adversely impact the airport's operations; (2) discourage land uses located in close proximity to an airport that may be adversely impacted by the airport's operations; (3) minimize wildlife incursions on airport property or airspace, particularly migratory birds; (4) disallow tall structures that impede aircraft operations; (5) disallow lighting and other development features that could disrupt aircraft operations; (6) encourage land uses that add value to and complement the airport; and (7) reduce risk to life and property from aircraft crashes. By assuring all development at the airport and development around the airport are compatible, three benefits are gained. They are (1) maximize the opportunity for Federal and State funding (typically 80% and 10% of all costs respectively) for airport expansions, acquisitions, and improvements; (2) maximize the FAA's support for airport expansion and increases in operations; and (3) minimize complaints and remonstrations against airport expansion and increases in operations. See the next paragraph for further clarification on the importance of this overlay district. All airports that receive Federal grants are obligated by contract to follow FAA Advisory Circulars; essentially they become "mandatory circulars." Failure to follow the Advisory Circulars may result in forfeiture of current funding and/or loss of standing to apply for future funding. The regulations and restrictions for the ACO District are based on FAA Advisory Circulars, NTSB crash statistics, FAA Land Use Planning Guides, State of Indiana Tall Structures Act, the 2004 Land Use Report from the National Association of State Aviation Officials, University of Berkeley Transportation Institute's study on the location of general aviation aircraft accidents in relationship to runways, and the Aircraft Owner's and Pilot's Association's Guide to Airport Noise and Compatibility of Land Use.	All permitted uses in the base zoning district are permitted in the ACO District except as restricted in Section 3.04. All special exception uses permitted in the base zoning district are allowed as such in the ACO District except as restricted in Section 3.04.	The development standards from the base zoning district shall apply to the ACO District in addition to the development standards described in Section 3.05.

Airport Compatibility Overlay (ACO) District

3.02 ACO District Applicability

The following requirements apply to all land within the ACO District as defined in *Section 3.03: ACO District Boundary* and were created per *FAA Advisory Circular AC 150.2500-33B*. Under no circumstances shall a planned development or rezoning of property change the applicability of the ACO District's land use restrictions and additional development standards.

3.03 ACO District Boundary

The boundaries for the ACO District shall include any land fully or partially within five (5) nautical miles (30,380.59 feet) of the airport property and may be shown on the Official Zoning Map as a hatched or textured pattern, and noted in the map legend as the Airport Compatibility Overlay (ACO) District.

3.04 ACO District Restriction of Permitted and Special Exception Land Uses

A. Effect on Base Zoning: All uses allowed as a permitted use or special exception use in the base zoning district shall remain permitted except as described in *Section 3.04(B)*, *3.04(C)*, and *3.04(D)*.

B. Within Five (5) Statute Miles of the Airport:

1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within five (5) statute miles of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception use:
 - a. Grain elevator
 - b. Grain storage, outdoor or open
 - c. Recycling processing, outdoor or open
 - d. Sanitary landfill/refuse dump
 - e. Putrescible waste processing or disposal facility
 - f. Transfer station, outdoor or open (grain/fruit/vegetables)
 - g. Transfer station, outdoor or open (recycling/putrescible waste)
2. *Discouraged Land Uses and Site Features*: When the airport's facility is fully or partially located within five (5) statute miles from the boundary of the subject property, the following land use and site feature shall not be allowed as a permitted use. However, they may be granted as a special exception when the base zoning district permits the land use as a permitted use or special exception use; or if the base zoning district permits the site feature:
 - a. Golf course
 - b. Constructed wetlands
 - c. Recreation pond
 - d. Retention pond
 - e. Wastewater treatment facility
 - f. Aquaculture
 - g. Livestock production

C. Within 10,000 Feet of the Airport:

1. *Prohibited Land Uses and Site Features*: When the airport facility is fully or partially located within 10,000 feet of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception:
 - a. All land uses and site features listed in *Section 3.04(B)(1)*
 - b. Wetland
 - c. Golf course
 - d. Recreational pond
 - e. Retention pond
 - f. Wastewater treatment facility
 - g. Aquaculture
 - h. Livestock production

D. Within One (1) Nautical Mile of the Airport:

1. *Prohibited Land Uses and Site Features:* When the airport facility and/or a 1,500 feet runway extension line (i.e. an imaginary line extending the centerline of an existing or proposed runway) is fully or partially located within one (1) nautical mile from the boundary of the subject property, the following land uses and site features shall not be allowed as a permitted use or special exception:
 - a. All land uses and site features listed in *Section 3.04(C)(1)*
 - b. Assisted living
 - c. Auditorium
 - d. Bed and breakfast
 - e. Boarding house
 - f. Composting facility
 - g. Construction material landfill
 - h. Child care institution
 - i. Church, temple, or mosque
 - j. Dwelling, manufactured home
 - k. Dwelling, multiple-family
 - l. Dwelling, single-family attached
 - m. Dwelling, single-family detached
 - n. Dwelling unit (upper floors)
 - o. Electrical generation plant
 - p. Ethanol plant (or other biofuel plant)
 - q. Fair housing facility (large)
 - r. Fair housing facility (small)
 - s. Hospital
 - t. Incinerator
 - u. Library, public
 - v. Liquid fertilizer storage/distribution
 - w. Manufactured home park
 - x. Mobile home park
 - y. Movie theater
 - z. Nursing home
 - aa. Radio/TV station
 - ab. Retirement community
 - ac. Sanitary landfill/refuse dump
 - ad. School (P-12)
 - ae. Stadium
 - af. Storage tanks (hazardous)
 - ag. Telecommunication facility
 - ah. Trade or business school
 - ai. University or college

E. Discretion of the Zoning Administrator: The Zoning Administrator may restrict any additional land use or site feature not listed if it is either a:

1. *Noise Sensitive Land Use:* A noise sensitive land uses that would now or in the future likely be negatively impacted by airport and aircraft operations,
2. *Life Safety Risk:* A land use where a large number of people gather for events or a large number of people work in a small area which, if a airplane crashed, could injure or kill numerous people, or
3. *A Wildlife Attractant:* A land use that encourages migratory, raptor, vulture, or other large birds to land, eat, or reside on the subject property, or that attracts wild animals to or toward the airport's vicinity.

Airport Compatibility Overlay (ACO) District

3.05 ACO District Development Standards

The following development standards are required as follows in order to promote the intent of the ACO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*.

- A. Effect on Development Standards of the Base Zoning: All development standards in the base zoning district shall remain permitted except as described in *Section 3.05(B), 3.05(C), and 3.05(D)*.
- B. Cross Reference:
 1. *Federal Aviation Administration*: The maximum height of any structure shall be in accordance with *Federal Aviation Regulations (FAR) Part 77*.
 2. *Indiana Department of Transportation*: New structures and additions or alterations to existing structures are subject to review by the Indiana Department of Transportation when within five (5) nautical miles of the airport facility. All developments in this area shall review *IC 8-21-10* for determination of applicability and notification standards.
 3. *Plan Commission*: Any zoning ordinance amendment or rezoning which results in an allowance for tall structures or noise sensitive land uses within five (5) nautical miles of the airport, or that allows structures greater than 500 feet above ground level shall comply with *IC 8-21-10* and *IC 36-7-4-604(i)*.
 4. *Board of Zoning Appeals*: Any request for a variance that may result in a structure's height exceeding the thresholds outlined in *IC 8-21-10* shall comply with *IC 36-7-4-918.5*.
- C. Within 10,000 Feet of the Airport: When the airport facility is fully or partially located within 10,000 feet from the boundary of the subject property, the following development standards apply:
 1. *Waiver to Not Remonstrate*: All applicants, regardless of whether they are requesting a land use currently considered noise sensitive or not, shall be required to sign a waiver indicating that they, nor their heirs or successors shall have the right to remonstrate against the airports operations or any future airport expansions; that they understand that the airport facility is expected to expand; and that they understand that the frequency of aircraft, hours of aircraft operation, and types of aircraft will likely expand. The waiver shall be signed and placed in the Zoning Administrator's files prior to granting an Improvement Location Permit. Subdivisions of land shall be required to record the waiver as a deed restriction in perpetuity on each resulting lot. The waiver shall also be recorded at the County Recorder's Office within five (5) days of the Improvement Location Permit's issuance or else the Improvement Location Permit shall be void.
 2. *Wetlands*: Construction of a new primary structure or a fifty percent (50%) expansion of an existing primary structure on properties with wetlands shall be required to drain or fill the wetlands and mitigate the environmental damage according to state and federal regulations; or shall prepare and implement a wildlife mitigation plan assuring that any current or future wildlife hazards are addressed immediately. The wildlife mitigation plat shall be written according to FAA Advisory Circular and other FAA published guidance.
 3. *Storm Water Management*: All management of on-site storm water shall be achieved by drainage swales, detention ponds, and/or piping the water to a retention pond facility, constructed with appropriate wildlife management techniques, outside of the 10,000 feet buffer around the airport. Detention ponds shall have under-drains to help dissipate water, and shall be designed to fully drain within forty-eight (48) hours of a storm event.

D. Within One (1) Nautical Mile:

1. *Maximum Lot Coverage:* Thirty percent (30%) for residential, fifty-five percent (55%) for commercial and institutional, and seventy percent (70%) for industrial zoning districts.
2. *Landscaping Standards:*
 - a. *Minimize Attractiveness:* Landscaping within in the ACO District shall be designed and maintained to minimize its attractiveness to wildlife.
 - b. *Turf Grass:* At least eighty percent (80%) of all land not covered by a building, structure, wetland, creek, natural lake, or woodlot shall be maintained with turf grass. Turf grasses shall be selected based on minimizing attraction of wildlife.
3. *Lighting Standards:* Adjustments to lighting standards are as follows:
 - a. *Fixture Limitations:* No parking lot lighting, street lighting, exterior building lighting, or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure, or building shall be a full cutoff fixture.
 - b. *Movement Limitations:* No lighting shall spin, oscillate, or blink within the ACO District, except the airport's fixtures and equipment installed on or off the airport property.
4. *Location Standards:* No structure shall be located within 1,000 feet of a runway unless it is uses as a part of the airport facility or aviation operation.
5. *Airport Noise:* Any noise restrictions in *Article 5: Development Standards* shall not apply to the airport, airport facility, or aircraft operations.
6. *Noise Mitigation:* Any permitted primary structures used for office, institutional, residential, or medical purposes are encouraged to be constructed to a Sound Transmission Class of 50.
7. *Site Design Standards:* Site design of any property or design of any structure shall not resemble an airport, taxiway, or runway.
8. *Setback from Airport:* All structures, except structures of the airport, shall be setback at least 100 feet from airport property; and at least 500 feet from the centerline of each existing and proposed runway, and from an imaginary line extending the centerline of the existing and proposed runways by 1,500 feet.
9. *Condition of a Variance:* As a condition of approval as a special exception, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.
10. *Discretion of the Zoning Administrator:* The Zoning Administrator may require additional and reasonable development standard that serve the district's intent when necessary.

3.06 ACO District Conditions of Variances, Special Exceptions and other Approvals

- A. Wildlife Hazard Mitigation, Condition of Approval: As a condition of approval as a special exceptions or use variance, the Board of Zoning Appeals may require a wildlife mitigation plan be prepared and implemented according to FAA Advisory Circular and other FAA published guidance, and require assurances that any current or future wildlife hazards are addressed immediately.
- B. Noise Mitigation, Condition of Approval: As a condition of approval as a special exception or use variance, the Board of Zoning Appeals may require a primary structure to be constructed to a Sound Transmission Class of 50, commonly used when soundproofing homes near airports. This requirement would result in the ceiling, walls and windows to all be constructed to a reasonably higher standard necessary to mitigate airport noise.

Aquifer Protection Overlay (APO) District

3.07 APO District Intent, Effect on Uses, and Effect on Standards

District Intent

The Aquifer Protection Overlay (APO) The intent of this District is to guide development and existing uses in those areas **where an aquifer has been identified as deserving of detailed standards because of the existence of a wellfield providing** potable water to the local water utility. This District also stems from *Section 1428 of the 1986 Amendment to the Federal Safe Drinking Water Act* that mandates **that every State develop a Wellhead Protection Program** to protect public water supplies which utilize a groundwater source.

Land Use Restrictions

- Uses that utilize or contain volatile, poisonous, toxic, or other material hazardous to the potability of water are restricted or prohibited

Development Standard Restrictions

- Prevent the contamination of groundwater resources
- Prevent excessive extraction of the groundwater resources
- Regulate land-use activities that store, handle, or produce hazardous material
- Require the use of best management practices (regulatory and non-regulatory) for the protection of existing and future groundwater sources of drinking water
- Identify the responsibility of the City of Richmond, as the local governmental unit, and the Department of Metropolitan Development, as the responsible agent for the City, in protecting groundwater resources in the City of Richmond
- Prevent any increase in the risk of contamination of the aquifer from existing or future uses

Application of District

- Two Zoning Districts, designated as the East Aquifer Protection District and the West Aquifer Protection District are designated on the Official Zoning Map.

Effect on Land Uses

All permitted uses in the base zoning district are permitted in the APO District except as prohibited in **Section 3.10(G)**. All special exception uses permitted in the base zoning district are allowed as such in the APO District except as prohibited in **Section 3.10(G)**.

Effect on Development Standards

The development standards from the base zoning district shall apply to the APO District in addition to the development standards described in **Section 3.10**.

Aquifer Protection Overlay (APO) District

3.08 APO District Applicability

The following requirements apply to all land within the APO District as defined in *Section 3.09: APO District Boundary*. Under no circumstances shall a planned development or rezoning of property change the applicability of the APO District's land use restrictions and additional development standards.

3.09 APO District Jurisdictional Boundary

Two Aquifer Protection areas are hereby established the Aquifer Protection Overlay (APO) District; An East Aquifer Protection District, and a West Aquifer Protection District and shall be noted independently on the Official Zoning Map.

3.10 APO District Development Standards

- A. Exemptions: Notwithstanding any prohibition or other requirements under this Ordinance, special exemptions and limited exclusions are authorized for:
 1. Transportation of any regulated substances through the Aquifer Protection Districts, provided the transporting vehicle is in continuous transit;
 2. Storage of fuel and lubricants for on-site vehicle and/or machinery operations, either in above ground storage facilities or in underground storage tanks that meet U.S. EPA standards as set forth in IDEM requirements and regulations (329 IAC 9-1-1);
 3. The use, storage, handling and/or production of regulated substances associated with non-routine maintenance or repair of property or equipment, shall be limited to normal business use, as identified in the information supplied for the Certificate of Conformance;
 4. Regulated substances provided they are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public. In no case shall regulated substances claimed under this exclusion include hydrocarbons or halogenated hydrocarbon solvents. The inventory of such regulated substances shall be limited to normal business use, as identified in the information supplied for the Certificate of Conformance;
 5. Office supplies that are used for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use;
 6. Sales or distribution establishments that store and handle regulated substances for resale in their original containers;
 7. Geotechnical borings; and
 8. Facilities used in the transmission and distribution of electricity by an electric utility authorized to provide service in the Aquifer Protection District.
- B. Water Recharge: Any storm water structure within the East Aquifer Protection District shall be designed to provide for a maximum rate of recharge into the groundwater system. Any recharge system shall be constructed to the satisfaction of the Engineer of the City of Richmond, Indiana preferably using low impact development techniques that serve to both detoxify pollution and provide for infiltration to recharge the aquifer. Acceptable examples include, but are not limited to, permeable pavements, bio-retention areas, constructed wetlands and grassy swales. The use of dry wells, French drains and gravel-lined ditches that do not provide for detoxification is prohibited. Site plans exceeding five acres must:
 1. Include an approval by a licensed professional qualified in the field of groundwater hydrology; and
 2. Be acceptable to the City Engineer.
- C. Sanitary Sewers: Except where service is not currently available, all sewage disposal within the Districts must be through sanitary sewers and the publicly owned treatment works or holding tanks. Infiltration and leach field systems are prohibited. Sanitary sewer lines shall be inspected by the Richmond Sanitary District for exfiltration and/or infiltration at least once every five (5) years.
- D. Paved Surfaces: The use of salt and other substances for ice control shall be minimized consistent with public highway safety requirements.

Aquifer Protection Overlay (APO) District

- E. Outside Storage: Hazardous substances as defined in *Section 3.10(G)* and regulated substances in storage containers totaling fifty-five (55) gallons or greater in whole or in part which have the potential to contaminate the aquifer and could leach or diffuse by rain or wind into the sub-surface soils either directly or indirectly shall be permitted to be stored outside only in areas with secondary containment and/or diversionary structures designed so that said leaching or diffusion of said materials or substances does not occur and an accidental spill is contained on an impermeable surface for total recapture.
- F. Restrictions within the Districts:
1. No facility shall be permitted to construct or cause to be constructed, any underground storage tanks, except as set out in *Section 3.10(A)(2)*.
 2. Fertilizers, pesticides (including, but not limited to: herbicides, insecticides, fungicides, rodenticides), or other leachable materials shall not be used in amounts which result in groundwater contamination and shall be used and disposed of in accordance with the state Pesticide Review Board and all federal label instructions;
 3. Disposal of liquid or leachable wastes on or in the land is prohibited;
 4. Extractive operations, except for potable quality water, are prohibited, except for construction, which may replace topsoil and re-vegetate as quickly as possible.
- G. Special Restrictions within the Districts: Except as allowed in *Section 3.10(A)*, the following uses remain prohibited in the Aquifer Protection Districts, even if they shall be allowed by right in the underlying zoning district:
1. *Regulated Substances*: The manufacturing, compounding, processing, packaging and/or assembling and storage of any federally regulated pesticides (including, but not limited to: herbicides, insecticides, fungicides, rodenticides and disinfectants), acids, radioactive materials, coke or gas, metal electroplating exclusively, chemical packaging facilities, composting, sanitary and/or demolition landfills, battery and/or tire storage and collection facilities, paper pulp, or the tanning of hides or the rendering of animals;
 2. *Land Application*: Land application of waste water, surface impoundments for waste treatment or storage, waste burning areas, pipelines except natural gas and water, and all classes of injection wells except geothermal heat pumps utilizing a “closed loop” system;
 3. *Hazardous Material Storage*: The manufacturing, compounding, processing, packaging and/or assembling and storage of hazardous materials, excluding manufacturing, compounding, processing, packaging and/or assembling and storage for on-site usage. These hazardous materials, as periodically updated, include:
 - a. Any hazardous substance, toxic, chemical or hazardous waste as listed in the following federal regulations:
 - i. Superfund Amendments and Reauthorization Act (SARA) of 1986, *Section 302 Extremely Hazardous Substances List (40 Code of Federal Regulations (C.F.R.) 300, App. A and B)*;
 - ii. Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R. 302, Table 302.4);
 - iii. SARA of 1986, *Section 313, Toxic Chemicals List (40 C.F.R. Section 372.45)*; and
 - iv. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P and U Categories) (40 C.F.R. Section 261.33 (e) and (f)).
 - b. Note: The lists referenced in *Section 3.10(G)(3)(a)(i to iv)*, are summarized on the *Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Action (SARA) of 1986*, published July 1987, U.S. EPA. (See www.epa.gov/ceppo/pubs/title3.pdf).
 - c. If it can be demonstrated that the chemical characteristics of a specific hazardous material set forth in *Section 3.10(G)* above (such as, but not limited to, gases and insoluble solids) pose no risk to the aquifer, an exemption may be granted by the Department of Metropolitan Development in consultation with the Wayne County Emergency Management Agency.
 4. *Manufacturing of Regulated Substances*: The manufacturing, compounding, processing, packaging and/or assembling and storage of regulated substances not included in *Section 3.10(G)(3)* above must be in accordance with Best Management Practices.

Aquifer Protection Overlay (APO) District

- H. **Best Management Practices Plan:** Businesses, facilities or activities that use or store regulated substances in excess of five (5) gallons of a liquid, or twenty-five (25) pounds of a solid, shall develop and maintain a Best Management Practices Plan that includes:
1. A list of Regulated Substances
 2. Secondary containment for storage and use area
 3. Disposal procedures
 4. Emergency spill procedures and notification
 5. Appropriate training for workers
 6. The management plan, which may include forms or information prepared for other governmental agencies, shall be placed on file with the Department of Metropolitan Development and the Wayne County Emergency Management Agency, and shall be updated in a timely manner whenever a change affecting the management plan occurs.

3.11 Process Supplement

- A. **Requirement for Conformance Certificate:** Prior to Preliminary Plan Approval by the Department of Metropolitan Development, the applicant shall provide a "Certificate of Conformance" with the Aquifer Protection District Ordinance, issued by the City Engineer of the City of Richmond, in a timely manner, for all proposed land-use activities in the East and West Districts within the City of Richmond. A building permit in conformity with this Ordinance shall be required prior to the commencement of any development activity.

3.12 Monitoring

- A. **Inspections:** Inspections, during normal business hours, may be required to verify compliance with the Aquifer Protection Ordinance. Such inspections shall be performed by the City of Richmond or its designee.
- B. **Reporting of Discharges:** The discharge of greater than ten (10) pounds or one (1) gallon of any regulated substance shall be reported immediately by the facility owner, operator, or responsible party by calling 911. Discharges of hazardous materials shall comply with Federal EPA reporting requirements.

3.13 Administration

- A. **Review and Administration:** The Department of Metropolitan Development shall be responsible for the review of all development plans within the Aquifer Protection Districts, and other related matters that may arise in the administration of this Ordinance.
- B. **Reporting Requirements:** It shall be the responsibility of the City of Richmond Department of Metropolitan Development to provide the Wellhead Protection Local Planning Team with copies of Conformance Certificates, Regulated Substances registration information and Facilities Inspection Reports.

North Corridor Overlay (NCO) District

3.14 NCO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The North Corridor Overlay (NCO) District is intended to promote the City's goals for the north U.S. 27 corridor and gateway by promoting safe pedestrian and vehicular circulation, architectural enhancements, high quality site design, and a sense of place. The standards are also intended to maximize consistency of signs and minimize "clutter" that can be distracting to drivers.	All permitted uses in the base zoning district are permitted as such in the NCO District. All special exception uses permitted in the base zoning district are allowed as such in the NCO District.	The development standards from the base zoning district shall apply to the NCO District except as described otherwise in <i>Section 3.17</i>.

North Corridor Overlay (NCO) District

3.15 NCO District Applicability

The following requirements apply to all land within the NCO District as defined in *Section 3.16: NCO District Jurisdictional Boundary*. The City of Richmond shall carefully consider any attempt to circumvent the NCO District's land use restrictions and additional development standards regulations with a planned development or rezoning of property.

3.16 NCO District Jurisdictional Boundary

The jurisdictional boundaries for the NCO District shall be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the NCO District.

3.17 NCO District Development Standards

The following development standards are required in order to achieve the intent of the NCO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*.

- A. **Lot Planting Standards:** The following lot planting standards supersede the lot planting standards in *Section 5.45: Lot Planting Standards*.
 1. **Lot Planting Quantity:** The quantities listed below are in addition to landscape materials that may be required by other regulations in the applicable *Landscape Standards*.
 - a. **Foundation Plantings:** Primary structures with facades that face a street shall plant one (1) shrub for every twelve (12) lineal feet of facade that faces the street. If the facade that faces the street is greater than twenty-five (25) feet in height, instead of shrubs, the required plant material shall be ornamental trees at a ratio of one (1) tree per every twenty (20) lineal feet of facade. This provision applies to all facades that face a street.
 - b. **Yard Plantings:**
 - i. Lots 14,000 square feet or less shall plant two (2) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - ii. Lots over 14,000 square feet, but less than 28,000 square feet, shall plant three (3) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - iii. Lots 28,000 square feet or more shall plant four (4) canopy trees, plus one (1) canopy tree for every additional 15,000 square feet of lot size above 28,000 square feet. Each tree shall have a caliper measurement of at least two (2) inches. Under no circumstances shall more than twelve (12) trees be required for this provision.
 2. **Lot Planting Placement:**
 - i. **Foundation Plantings:** Foundation plantings shall be used to decoratively landscape the facade facing the street and be shall located within ten (10) feet of that foundation. When ornamental trees are required as a replacement to shrubs, the ornamental trees shall be located within eighteen (18) feet of that foundation.
 - ii. **Yard Plantings:** Yard plantings shall be planted in the front or side yard.
- B. **Parking Lot Planting Standards:** The following parking lot planting standards supersede the parking lot planting standards in *Section 5.47: Parking Lot Planting Standards*.
 1. **Parking Lot Planting Quantity:** The quantities listed below are in addition to landscape materials that may be required by other landscaping regulations in *Section 3.17: NCO District Development Standards*.
 - a. **Parking Lot Perimeter Plantings:** Parking lots with ten (10) or more spaces shall have one (1) deciduous tree per thirty-five (35) feet of parking lot perimeter and one (1) shrub per sixteen (16) feet of parking lot perimeter. Each tree shall have a caliper measurement of at least two (2) inches and each shrub shall be a two (2) gallon container.
 - b. **Parking Lot Perimeter Planting Exemption:** Portions of parking lot perimeter that is immediately adjacent to a building on the same lot shall be exempt from the calculation for determining quantity.

- c. **Parking Lot Interior Plantings:** Parking lots with twenty (20) or more parking spaces shall have one (1) landscape island for every twenty (20) spaces. Each landscape island shall be at least 180 square feet in area or at least as large as the drip line area of the tree(s), which ever is greater. Each landscape island shall contain at least one (1) tree per 180 square feet in area. Each tree shall have a caliper measurement of at least two (2) inches. Parking lot landscape islands shall be maintained with, grass, ground cover, plant materials and/or mulch; gravel shall not be permitted. If a parking lot only has one aisle then the required landscape islands shall be installed as landscape bumpouts.
- 2. ***Parking Lot Planting Placement:***
 - a. **Parking Lot Perimeter Plantings:** Parking lot perimeter plantings shall be installed within ten (10) feet of the parking lot edge. Clustering and inconsistent spacing of perimeter plantings is encouraged to imitate natural vegetation. Equal spacing of perimeter planting is discouraged. All sides of a parking lot shall have parking lot perimeter plantings installed in proportion to the lineal feet of parking lot perimeter per side.
 - b. **Parking Lot Interior Plantings:** Landscape islands shall be distributed equally throughout the parking lot.
- C. **Sign Standards:** The following sign standard apply to the NCO District.
 - 1. ***Pole Signs:*** The NCO District shall disallow pole signs.
 - 2. ***Ground Signs:*** The NCO District shall require all exposed foundation and sign bases to be at least fifty percent (50%) brick or natural stone. Also, all ground signs shall have landscape beds equal in area to the sign area; and shall be maintained with flowers and/or ornamental shrubs.
- D. **Architectural Standards:** In addition to the architectural standards in *Section 5.16: Institutional and Commercial Architectural Standards*, all front facades and facades that face an interstate, highway or arterial street shall have at least thirty-three percent (33%) of non-window portions of the facade be brick or natural stone.

Transitional Corridor Overlay (TCO) District

3.18 TCO District Intent, Effect on Uses, and Effect on Standards

District Intent

The Transitional Corridor Overlay (TCO) District is intended to promote the City's goals for transitional corridors (e.g. Chester Boulevard) within the City by promoting appropriate, and prescribed transitional opportunities when land is assembled and strict development standards are applied.

Primarily this overlay district's intent is to allow existing residential areas along the "transitional corridor" to evolve to higher intensity uses when done so in larger tracts and sensitively to existing residential uses behind or next to the subject site.

Further, the intent is to allow existing **residential uses to continue indefinitely as it is currently zoned**; until a day the property owner decides to redevelop (assuming their property meets the prerequisites), sell to a developer who is assembling land, or the like.

Generally, the applicable development standard should reduce curb cuts along the "transitional corridor," buffer adjacent existing residential uses, have high architectural standards, place parking on side and rear yards to the extent possible, have high quality signs, not have pole signs, and have meaningful landscaping to help beautify the site and corridor.

Effect on Land Uses

All permitted uses in the base zoning district are permitted as such in the TCO District until which time it is redeveloped as described below. All special exception uses permitted in the base zoning district are allowed as such in the TCO District until which time it is redeveloped as described below.

The act of assembling land and applying for redevelopment, and meeting the prerequisites for redevelopment within the TCO District shall trigger the loss of some permitted and special exception uses and gaining of others. The full and completed list of permitted uses and special exception uses are described below.

Commercial Permitted Uses

- barber/beauty shop
- coffee shop
- day care
- delicatessen
- health spa/day spa
- ice cream shop
- office, design services
- office, general services
- office, medical services
- photography studio
- retail (type 1), very low intensity
- retail (type 2), low intensity
- studio arts

Institutional Permitted Uses

- community center
- government office
- library
- post office

Commercial Special Exception Uses

- restaurant
- retail (type 3), medium intensity

Effect on Development Standards

The development standards from the base zoning district shall apply to the TCO District until which time it is redeveloped as described below.

The act of assembling land and applying for redevelopment, and meeting the prerequisites for redevelopment within the TCO District shall trigger a change in development standards as described in *Section 3.22*.

Transitional Corridor Overlay (TCO) District

3.19 TCO District Applicability

The following requirements apply to all land within the TCO District as defined in *Section 3.20: TCO District Jurisdictional Boundary*. The City of Richmond shall carefully consider any attempt to circumvent the TCO District's land use restrictions and additional development standards regulations with a planned development or rezoning of property.

3.20 TCO District Jurisdictional Boundary

The jurisdictional boundaries for the TCO District shall be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the TCO District.

3.21 TCO District Redevelopment

- A. Prerequisite for Redevelopment: The below criteria are mandatory for any lot or lots used in combination to be entitled to the permitted land uses and special exception uses described in *Section 3.18: TCO District Intent, Effect on Uses, and Effect on Standards*. Additionally, an application to redevelop the lot or lots used in combination shall be filed indicating interest in "transition."
1. *Minimum Lot Area*: The minimum lot area required shall be at least ½ acre.
 2. *Minimum Lot Frontage*: The minimum lot frontage shall be 120 feet.
 3. *Contiguity*: The lot or lots used in combination shall be adjacent on at least one (1) side, not including the transitional corridor (e.g. Chester Boulevard) or rear yard, with either:
 - a. A pre-existing commercial or institutional development;
 - b. A perpendicular road to the "transitional corridor;" or
 - c. A previously approved redevelopment of land utilizing the TCO District standards.
 4. *Commitment to Reduce Curb Cuts*: When the lot or lots used in combination have more than one curb cut off of the "transitional corridor" the applicant shall be required to reduce the number of curb cuts and width of existing curb cuts if unnecessarily too wide. The curb cut standard in *Section 3.22: TCO District Development Standards* shall strictly apply.
 5. *Protection of Intent*: The proposed development will not seek variances that supersede the intent of TCO District.
- B. Permitted and Special Exception Uses: The list in *Section 3.18: TCO District Intent, Effect on Uses, and Effect on Standards* represents the permitted uses and special exception uses for the TCO District. This list is only applicable to lot or lots used in combination which clearly meet the prerequisites for redevelopment listed in *Section 3.21: TCO District Redevelopment*. The base zoning district's permitted uses and special exception uses apply until a time the lot is redeveloped.

3.22 TCO District Development Standards

The following development standards are required for redevelopment projects in order to promote the intent of the TCO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*. The base zoning district's development standard apply until a time the lot is redeveloped.

- A. Lot Planting Standards: The following lot planting standards supersede the lot planting standards in *Section 5.45: Non-Residential Lot Planting Standards*.
1. *Lot Planting Quantity*: The quantities listed below are in addition to landscape materials that may be required by other landscaping regulations in *Section 3.22: TCO District Development Standards*.
 - a. *Foundation Plantings*: Primary structures with facades that face a street shall plant one (1) shrub for every twelve (12) lineal feet of facade that faces the street. If the facade that faces the street is greater than twenty-five (25) feet in height, instead of shrubs, the required plant material shall be ornamental trees at a ratio of one (1) tree per every twenty (20) lineal feet of facade. This provision applies to all facades that face a street.
 - b. *Yard Plantings*:
 - i. Lots 14,000 square feet or less shall plant two (2) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - ii. Lots over 14,000 square feet, but less than 28,000 square feet, shall plant three (3) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - iii. Lots 28,000 square feet or more shall plant four (4) canopy trees, plus one (1) canopy tree for every additional 15,000 square feet of lot size above 28,000 square feet. Each tree shall have a caliper measurement of at least two (2) inches. Under no circumstances shall more than twelve (12) trees be required for this provision.

2. *Lot Planting Placement:*
 - a. *Foundation Plantings:* Foundation plantings shall be used to decoratively landscape the facade facing the street and be located within ten (10) feet of that foundation. When ornamental trees are required as a replacement to shrubs, the ornamental trees shall be located within eighteen (18) feet of that foundation.
 - b. *Yard Plantings:* Yard plantings shall be planted in the front or side yard.
- B. *Parking Lot Planting Standards:* The following parking lot planting standards supersede the parking lot planting standards in *Section 5.47: Parking Lot Planting Standards.*
 1. *Parking Lot Planting Quantity:* The quantities listed below are in addition to landscape materials that may be required by other landscaping regulations in *Section 3.22: TCO District Development Standards.*
 - a. *Parking Lot Perimeter Plantings:* Parking lots with ten (10) or more spaces shall have one (1) deciduous tree per thirty-five (35) feet of parking lot perimeter and one (1) shrub per sixteen (16) feet of parking lot perimeter. Each tree shall have a caliper measurement of at least two (2) inches and each shrub shall be a two (2) gallon container.
 - b. *Parking Lot Perimeter Planting Exemption:* Portions of parking lot perimeter that is immediately adjacent to a building on the same lot shall be exempt from the calculation for determining quantity.
 - c. *Parking Lot Interior Plantings:* Parking lots with twenty (20) or more parking spaces shall have one (1) landscape island for every twenty (20) spaces. Each landscape island shall be at least 180 square feet in area or at least as large as the drip line area of the tree(s), which ever is greater. Each landscape island shall contain at least one (1) tree per 180 square feet in area. Each tree shall have a caliper measurement of at least two (2) inches. Parking lot landscape islands shall be maintained with, grass, ground cover, plant materials and/or mulch; gravel shall not be permitted. If a parking lot only has one aisle then the required landscape islands shall be installed as landscape bumpouts.
 2. *Parking Lot Planting Placement:*
 - a. *Parking Lot Perimeter Plantings:* Parking lot perimeter plantings shall be installed within ten (10) feet of the parking lot edge. Clustering and inconsistent spacing of perimeter plantings is encouraged to imitate natural vegetation. Equal spacing of perimeter planting is discouraged. All sides of a parking lot shall have parking lot perimeter plantings installed in proportion to the lineal feet of parking lot perimeter per side.
 - b. *Parking Lot Interior Plantings:* Landscape islands shall be distributed equally throughout the parking lot.
- C. *Sign Standards:*
 1. *Sign Quantity:* One (1) permanent wall or ground sign may be installed on a lot with a permitted commercial land use.
 2. *Sign Area:* The sign area shall not exceed eight (8) square feet.
 3. *Ground Sign Design:*
 - a. *Maximum Height:* The maximum sign height shall be six (6) feet above ground level.
 - b. *Materials:* A ground sign shall be made of professional grade sign fabrication materials that are designed to withstand exposure to weather, sun, wind and temperature change. Sign materials shall not include extruded plastic letters.
 - c. *Changeable Copy:* Ground signs shall not include electronic changeable copy or manual changeable copy.
 - d. *Aesthetic:* Ground signs shall be designed to fit the character of a residential neighborhood.
 - e. *Framing and Mounting:* Ground signs shall be enframed, affixed to the ground.
 - f. *Location:* A ground sign shall be located perpendicular to the street, in the front yard, and be setback at least eight (8) feet from any right-of-way, five (5) feet from any public sidewalk, two (2) feet from any on-site sidewalk, and ten (10) feet from side property lines. Ground signs shall not impede pedestrian circulation or safety.
 - g. *Illumination:* A ground sign shall not be illuminated internally or externally.

4. *Wall Sign Design:*
 - a. *Maximum Height:* Ten (10) feet above ground level.
 - b. *Materials:* Signs shall be made of professional grade sign fabrication materials that are designed to withstand exposure to weather, sun, wind and temperature change. Sign materials shall not include extruded plastic letters.
 - c. *Changeable Copy:* Wall signs shall not include electronic changeable copy or manual changeable copy.
 - d. *Aesthetic:* Wall signs shall be designed to fit the character of a residential neighborhood.
 - e. *Location on Facade:* A wall sign shall be permanently attached to the first floor of the front facade of a primary structure, fully within ten (10) feet of the front door, or entrance customers are expected to use.
 - f. *Installation Restrictions:* A wall sign shall not project from the facade by more than three (3) inches or be hung from a porch ceiling.
 - g. *Illumination:* A wall sign shall not be illuminated internally or externally.
- D. Architectural Standards: In addition to the architectural standards in *Section 5.16: Institutional and Commercial Architectural Standards*, the following apply:
 1. *New Construction:* Existing residential shall be redeveloped into unified commercial development.
 2. *Complementary Design:* If more than one new building is being build on the same lot or lots used in combination, they all shall be significantly complementary of one another. However, the building(s) on the lot or lots used in combination may be unique to other commercial buildings along the corridor.
 3. *Four-Sided Architecture:* The architectural style, materials, color, design, and theme on the front elevation shall be applied to all elevations of the structure.
 4. *Variations in Mass:* Structures shall incorporate variations in height, mass, roof forms, and changes in wall planes. Lineal/strip development (i.e. strip mall) shall not be permitted to exceed four (4) storefronts or a front facade over 250 feet, whichever is more restrictive.
 5. *Roof Design:* All new construction shall be designed to have pitched roofs greater or equal to six (6) vertical units to twelve (12) horizontal units (6:12 pitch). Buildings with 3,000 square feet or greater footprint shall be required to have roof designs with multiple roof planes to break the monotony of a simple gable roof.
- E. Access Standards: If the *City of Richmond Comprehensive Plan*, *Thoroughfare Plan*, or a subarea plan calls for a frontage street running parallel or relatively parallel with a highway, primary arterial or secondary arterial; or calls for an access street, then the development shall dedicate the necessary right-of-way or half-right-of-way and construct its share of the frontage or access street as per the details of the *City of Richmond Comprehensive Plan*, *Thoroughfare Plan*, or subarea plan. If the frontage or access street is determined by the City Engineer as not ready to proceed, then an amount equal to the construction cost shall be contributed to the City and placed in escrow until a time when the road is ready to be constructed.
- F. Accessory Structure Standards: All accessory structures that are permitted in the base zoning district shall be permitted in the TCO District. The following additional standards apply:
 1. *Four-Sided Architecture:* The architectural style, materials, color, and design on the front elevation shall be applied to all elevations of the accessory structure.
 2. *Relationship to Primary Structure:* All accessory structures shall be architecturally complementary in materials and colors to the primary structure.

- G. Entrance and Drive Standards: The following location standards for entrances and drives shall be met. However, if an alternative layout is proposed and accepted by the Zoning Administrator and the Technical Review Committee for a proposed development, then these standards may be waived by the Zoning Administrator for that particular project.
1. *Adjacent Properties*: Entrances and drives shall be located immediately across from existing entrances and drives. When the lot(s) immediately across the street are undeveloped, the new entrances and drives shall be designed as much as possible to allow the undeveloped lot to match entrances and drives with the proposed development.
 2. *Adjoining Properties*: Entrances and drives shall be shared between adjoining properties with the use of cross-access easements to reduce the number of entrances and drives. No more than two (2) properties may share a single entrance or drive.
 3. *Assembled Lots*: When two (2) or more lots have been assembled, each having their own curb cut onto the "transitional corridor", the development shall be required to reduce the number of curb cuts by at least 50%. Also, any existing driveway that is greater than twenty-four (24) feet shall be required to reduce the width of the curb cut per the discretion of the Technical Review Committee. Under no circumstances shall the Technical Review Committee require anything less than eleven (11) foot lanes if wider lanes existed prior to redevelopment.
- H. Buffering: The following bufferyard standards supersede the standards in *Section 5.49 Bufferyard Planting Standards*:
1. *Applicability*: The following bufferyard standards apply to and uses permitted in the TCO District when adjacent to any R1, R2, R3, or UR Zoning District.
 2. *Location*: Bufferyards shall be installed along all segments where the redevelopment project is contiguous with a lot with a single-family residential land use or is a single-family residential zoning district. An easement, alley or similar break between two (2) lots shall not constitute a loss of adjacency. However, a street right-of-way shall constitute a break in contiguity.
 3. *Depth*: Bufferyards shall be six (6) feet deep and shall not count toward required setbacks.
 4. *Plant Quantities*: The following plant material shall be installed within the buffer yard:
 - a. One (1) evergreen tree per twenty (20) feet of contiguous boundary with the conflicting zoning district shall be planted.
 - b. One (1) shrub per ten (10) feet of contiguous boundary with the conflicting zoning district shall be planted.
 - c. One (1) deciduous canopy tree per seventy-five (75) feet of contiguous boundary.
 5. *Solid Wood Fence*: A six (6) foot tall, solid wood fence shall be installed six (6) to eight (8) feet from the property line.
 6. *Placement*: Clustering and inconsistent spacing of bufferyard plantings is encouraged to imitate natural vegetation. Equal spacing of perimeter planting is discouraged. Landscape materials shall be installed to provide the most benefit to the neighboring, less intense lot (i.e. screen the dumpster from views from a residential patio).
- I. Parking Lot Standards: All parking lots shall be linked to adjacent parking lots for internal circulation when possible. When no adjacent commercial or institutional land use exists, the parking lot shall be designed to connect in the future to those lots. The Technical Review Committee shall have the discretion to waive this requirement when strong evidence exists to suggest this regulation is unnecessary.
- J. Trash Receptacles: All dumpsters shall be fully surrounded by brick masonry walls on three sides and a high quality gate. The wall and gate shall be at least eighteen (18) inches greater in height than the type of trash receptacle intended to be used. Failure to keep the gate closed when not being accessed shall be considered a violation of the Unified Development Ordinance. Lastly, trash receptacles shall be located in an inconspicuous location at least thirty (30) feet from any property line shared with a residential uses. The Technical Review Committee shall have discretion to determine the best location of trash receptacles, gate location, and place limits on the hours a trash hauler can empty dumpsters when the subject lot is adjacent to residentially zoned lots.

Neighborhood Transition Overlay (NTO) District

3.23 NTO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The Neighborhood Transition Overlay (NTO) District is intended to promote the City's goals for specific neighborhoods, including the recognition of historic character, within the City to evolve to appropriate mixed-uses compatible with adjacent and nearby existing homes. Transition to mixed-uses shall always result in a more stable neighborhood and promote safe pedestrian and vehicular circulation, traffic management, high quality site design, stabilization of structures, and a sense of place.	All permitted uses in the base zoning district are permitted as such in the NTO District. All special exception uses permitted in the base zoning district are allowed as such in the NTO District. In addition to the base zoning district's permitted uses, the following list of uses are allowed as a special exception. Commercial Special Exception Uses • office, design services • office, general services • photography studio • retail (type 1), very low intensity Residential Special Exception Uses • bed and breakfast	The development standards from the base zoning district shall apply to the NTO District except as described otherwise in <i>Section 3.26</i>.

Neighborhood Transition Overlay (NTO) District

3.24 NTO District Applicability

The following requirements apply to all land within the NTO District as defined in *Section 3.25: NTO District Jurisdictional Boundary*. The City of Richmond shall carefully consider any attempt to circumvent the NTO District's land use restrictions and additional development standards regulations with a planned development or rezoning of property.

3.25 NTO District Jurisdictional Boundary

The jurisdictional boundaries for the NTO District shall be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the NTO District.

3.26 NTO District Development Standards

The following development standards are required in order to promote the intent of the NTO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*.

A. Maximum Lot Coverage: The maximum lot coverage in the NTO District shall be seventy-two percent (72%).

B. Sign Standards:

1. *Sign Quantity*: One (1) permanent wall or ground sign may be installed on a lot with a permitted commercial land use.
2. *Sign Area*: The sign area shall not exceed eight (8) square feet.
3. *Ground Sign Design*:
 - a. *Maximum Height*: The maximum sign height shall be six (6) feet above ground level.
 - b. *Materials*: A ground sign shall be made of professional grade sign fabrication materials that are designed to withstand exposure to weather, sun, wind and temperature change. Sign materials shall not include extruded plastic letters.
 - c. *Changeable Copy*: Ground signs shall not include electronic changeable copy or manual changeable copy.
 - d. *Aesthetic*: Ground signs shall be designed to fit the character of a residential neighborhood.
 - e. *Framing and Mounting*: Ground signs shall be enframed, affixed to the ground.
 - f. *Location*: A ground sign shall be located perpendicular to the street, in the front yard, and be setback at least eight (8) feet from any right-of-way, five (5) feet from any public sidewalk, two (2) feet from any on-site sidewalk, and ten (10) feet from side property lines. Ground signs shall not impede pedestrian circulation or safety.
 - g. *Illumination*: A ground sign shall not be illuminated internally or externally.
4. *Wall Sign Design*:
 - a. *Maximum Height*: Ten (10) feet above ground level.
 - b. *Materials*: Signs shall be made of professional grade sign fabrication materials that are designed to withstand exposure to weather, sun, wind and temperature change. Sign materials shall not include extruded plastic letters.
 - c. *Changeable Copy*: Wall signs shall not include electronic changeable copy or manual changeable copy.
 - d. *Aesthetic*: Wall signs shall be designed to fit the character of a residential neighborhood.
 - e. *Location on Facade*: A wall sign shall be permanently attached to the first floor of the front facade of a primary structure, fully within ten (10) feet of the front door, or entrance customers are expected to use.
 - f. *Installation Restrictions*: A wall sign shall not project from the facade by more than three (3) inches or be hung from a porch ceiling.
 - g. *Illumination*: A wall sign shall not be illuminated internally or externally.

- C. Parking Location: Parking areas may be established in the rear yard and shall be setback at least one (1) foot from the rear property line and five (5) feet from side property lines. Under no circumstances shall off-street parking spaces be located in the front yard of the lot.
- D. Parking Quantity: The minimum required off-street parking spaces for the commercial land uses shall be one (1) off-street parking space per 400 square feet of space dedicated to the commercial land use; plus one (1) parking space per dwelling unit. The Technical Review Committee may grant up to fifty percent (50%) relief from this standard if on-street parking spaces are available with 400 feet of the subject lot.
- E. Parking Lot Surface: All off-street parking area surfaces shall be paved with asphalt, concrete, brick or porous pavers.
- F. Parking Lot Landscaping: At least two (2) ornamental trees or three (3) shrubs shall be planted between parking lots and side lot lines.

Mixed-Use Overlay (MUO) District

3.27 MUO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Land Uses	Effect on Development Standards
The Mixed-Use Overlay (MUO) District is intended to promote the City's goals for specific areas zoned General Commercial with existing development plans or zoning approvals in place prior to the adoption of the UDO that would otherwise not be permitted in the UDO.	All permitted uses in the base zoning district are permitted as such in the MUO District. In addition to the base zoning district's permitted uses, the following list of uses is permitted. Agricultural Permitted Uses • agricultural crop production • land conservation • orchard • tree farm • vineyard Institutional Permitted Uses • bus station • camp • cemetery/mausoleum • child care institution • church, temple, or mosque • community center • government office • government operations (non-office) • hospital • library • museum • nature center • park • police, fire, or rescue station • pool, public • post office • retreat center • school (P-12) Residential Permitted Uses • dwelling, multiple-family (2 or 3 units) • dwelling, multiple-family (4 to 6 units) • dwelling, multiple-family (7 to 15 units) • dwelling, multiple-family (16+ units) • dwelling, single-family attached • dwelling, single-family detached • fair housing facility (small)	The development standards from the base zoning district shall apply to the MUO District except as described otherwise in <i>Section 3.31</i>.

Mixed-Use Overlay (MUO) District

3.28 MUO District Applicability

The following requirements apply to all land within the MUO District as defined in *Section 3.29: MUO District Jurisdictional Boundary*. The City of Richmond shall carefully consider any attempt to circumvent the MUO District's land use restrictions and additional development standards regulations with a planned development or rezoning of property.

3.29 MUO District Jurisdictional Boundary

The jurisdictional boundaries for the MUO District shall be shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as the MUO District.

3.30 MUO Prerequisites

- A. Minimum Lot Area: The minimum lot area required to qualify for the MUO District shall be forty (40) acres at the time of the Unified Development Ordinance's adoption; which may be comprised of one (1) or more contiguous lots all under the same single ownership.
- B. Base Zoning District: The base zoning district shall have been a commercial zoning district at the time of the Unified Development Ordinance's adoption.

3.31 MUO District Development Standards

The following development standards are required in order to promote the intent of the MUO District and meet the goals and objectives of the *City of Richmond Comprehensive Plan*.

- A. Agricultural Uses: Any portion of a lot used for an agricultural use shall be regulated by all applicable development standards for the AG District.
- B. Institutional Uses: Any portion of a lot used for an institutional use shall be regulated by all applicable development standards for the IS District.
- C. Single-family Residential Uses: Any portion of a lot used for a single-family residential use shall be regulated by all applicable development standards for the R2 District.
- D. Multiple-family Residential Uses: Any portion of a lot used for a multiple-family residential use shall be regulated by all applicable development standards for the M2 District.
- E. All Other Uses: Any portion of a lot used for any other permitted use shall be regulated by the base zoning district's applicable development standards.

Article

4

Planned Development District

*City of Richmond
Unified Development
Ordinance*

Planned Development (PD) District

4.01 PD District Intent, Regulations, and Prerequisites

District Intent	Regulations	Prerequisites
The Planned Development (PD) District is intended to provide flexible development standards in order for the development to result in a significantly better design than what would have been the result under the zoning regulations. The first priority for the City of Richmond is to make sure the development exceeds the quality that that would have resulted from traditional application of the zoning ordinance. The second priority is to confirm that a PD District is necessary due to any of the following: - A development with complex mixes of land uses, or mixes of land uses within buildings - A development on a unique geological feature, or on a site with a notable quality natural features, or on a site with a notable quantity of natural features - A development with a notably unique or innovative design Plan Commission - Any parcel that meets the prerequisites specified herein may be considered for a PD District - The necessity for variances shall not by itself justify a developers pursuit of a PD District - The base zoning district and the City of Richmond Comprehensive Plan shall be used to determine the appropriateness of the dominant land use in the PD District - The proposed development shall be a clear benefit to the community Common Council - under no circumstance is the Common Council required to rezone a property as a PD District - rezone a property to a PD District only after the Plan Commission provides a favorable recommendation - require commitments that will improve the quality of the development - restrict particular land uses that would not be appropriate for the district - assure the development is consistent with the City of Richmond Comprehensive Plan	Permitted Uses - Predominantly in line with the permitted uses and special exception uses in the base zoning district - Predominantly in line with the City of Richmond Comprehensive Plan - Compatible with surrounding land uses (if developed) or adjacent zoning districts (if not developed) - Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> Development Standards - Generally consistent with the intent of the base zoning district - Predominantly in line with the City of Richmond Comprehensive Plan - Compatible with surrounding land uses and adjacent zoning districts - Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> Design Standards - Predominantly in compliance with the design standards in <i>Article 7: Design Standards</i> - Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> Construction Standards - Fully in compliance with the City of Richmond's construction and engineering standards	Ownership - The entire property proposed for a PD District shall be under single ownership, or if multiple owners exist, a legal document shall be provided (e.g. contract, legal partnership, or corporation) indicating that all owners of the property support and desire to develop the land as a planned development. The legal document or a letter signed by each owner shall indicate who the owners appoint as their representative through the process. Site Area - The minimum land area required for a PD District is five (5) acres Regulating Ordinance - Concurrent to the process of rezoning a property to PD District, the developer shall prepare a Regulating Ordinance for review and approval by the Plan Commission. The Regulating Ordinance shall be in a format provided by the Zoning Administrator Timing of Rezoning - A property shall not be rezoned to a PD District prior to final review of a Regulating Ordinance by the Plan Commission. The adoption of the Regulating Ordinance shall occur concurrently to the rezoning of the property to a PD District.

Planned Development (PD) District

4.02 General

- A. Description: A Planned Development (PD) District is a special zoning district that can be petitioned for by a property owner allowing for a stand alone ordinance to be adopted which becomes the regulations for a proposed development.
- B. Creation: The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 9: Processes* of the Unified Development Ordinance.
- C. Official Zoning Map: Once a planned development is approved, it shall be identified as a PD District on the Official Zoning Map, and shall include the ordinance number for the Regulating Ordinance.
- D. PD District Regulations:
 - 1. *Development Standards*: The development standards from the base zoning district shall apply a PD District unless an alternate base zoning district is assigned by the Plan Commission; or unless the Regulating Ordinance's standards supersedes the base zoning ordinance's development standards.
 - 2. *Design Standards*: The set of design standards applicable to the most similar type of subdivision shall apply to a PD District, unless:
 - a. An alternate set of design standards are assigned by the Plan Commission; or
 - b. The Regulating Ordinance's standards supersedes the design standards.
 - 3. *Permitted Land Uses*: The land uses within a PD District shall be determined by the Regulating Ordinance. Any land use not specifically permitted in the Regulating Ordinance. Any unspecified land uses shall not be permitted. Vague land uses or land use categories shall not be permitted in a Regulating Ordinance.
 - 4. *Land Use Consistency*: The dominant land use for a PD District shall be incorporated in the Regulating Ordinance as follows:
 - a. If the original zoning district was PR then the development shall be at least sixty-five percent (65%) single-family residential. No industrial land uses shall be permitted.
 - b. If the original zoning district was AG or IA then the development shall be at least eighty percent (80%) single-family residential. No industrial land uses shall be permitted.
 - c. If the original zoning district was R1, R2, or R3 then the development shall be at least seventy-five percent (75%) single-family, two-family, and/or three-family residential. No industrial land uses shall be permitted.
 - d. If the original zoning district was UR, M1, M2, or MP then the development shall be at least sixty percent (60%) single-family or multiple-family residential. No industrial land uses shall be permitted.
 - e. If the original zoning district was UV or IS then the development shall be at least fifty percent (50%) institutional land uses. No industrial land uses shall be permitted.
 - f. If the original zoning district was NC, LC, GC, OC, CB, or HC then the development shall be at least fifty percent (50%) commercial land uses. Up to twenty percent (20%) may be industrial land uses.
 - g. If the original zoning district was EP, IC, I1, I2, or HI then the development shall be at least fifty percent (50%) office or industrial land uses. No more than fifteen percent (15%) of the development may be residential land uses.
 - h. If the original zoning district was HI then the development shall be at least eighty percent (80%) high intensity industrial land use. No residential land uses shall be permitted.
 - 5. *Applicability of the Unified Development Ordinance*: If the PD District or Regulating Ordinance is silent or does not address a particular development standard, design standard, or other specification that is regulated by the Unified Development Ordinance, then the standard of the closest relating zoning district shall apply.

4.03 Procedure

All proceedings brought under *Article 4: Planned Development District* are subject to the Rules of Procedure of the Plan Commission. All applications that involve subdivision of a land shall also be subject to the subdivision procedures established by *Article 9: Processes* of the Unified Development Ordinance.

Planned Development (PD) District

4.04 Limitation of Revisions to the Unified Development Ordinance

- A. Public Health and Safety: Additions or modifications to the Unified Development Ordinance that directly effect public health and safety shall apply to any PD District whether prior to or during development.
- B. Deviation from the Unified Development Ordinance: A PD District and its Regulating Ordinance shall not modify or supersede the applicability of Articles 1, 3, 4, 8, 9, 10, or 11 from the Unified Development Ordinance.
- C. Failure to Comply: If a PD District is no longer proceeding in accordance with its Regulating Ordinance, commitments, conditions, covenants, or time related requirements imposed by its Regulating Ordinance, the fullest extent of *Article 10: Enforcement and Penalties* may be use by the Enforcement Official to cause remedy.
- D. Rezoning to Standard District: All PD Districts, including phases or subdistricts, once seventy percent (70%) built-out are subject to being rezoned into an appropriate standard zoning district if the Plan Commission deems it necessary to better administer the development.

4.05 Required Permanent Open Space

- A. Open Space: No PD District shall be approved, unless the design provides for the prescribed percentage of permanent landscaped or natural open space. Open space may be designated through the use of common area or other legal mechanisms such as conservation easements to the satisfaction of the Plan Commission and Common Council. The minimum required permanent open space shall be as follows:
 - 1. 50% when the original zoning district was PR.
 - 2. 35% when the original zoning district was AG or IA.
 - 3. 25% when the original zoning district was R1, R2, or R3.
 - 4. 20% when the original zoning district was UR, M1, M2, MP, UV, IS, NC, LC, GC, OC, CB, HC, EP, IC, I1, or I2.
 - 5. 40% when the original zoning district was HI.
- B. Mixed-Uses: In the case of a mixed-uses development, single-family areas shall generally have twenty-five percent (25%) permanent open space and non-single-family areas shall generally have twenty percent (20%) permanent open space. The distribution of permanent open space shall strive to preserve existing natural features (e.g. woodlots and wetlands).
- C. Development in Stages: If the planned development is to be constructed in phases, permanent open space shall be provided for each phase of the development.

Article

5

Development Standards

*City of Richmond
Unified Development
Ordinance*

Development Standards Overview

5.01 How to Use this Article

This Article contains development standards that are arranged by category. There are two (2) ways to determine which development standards apply to a specific zoning district. They are:

- A. Blue Boxes: Refer to the two-page layouts in *Article 2: Zoning Districts* for a specific zoning district. In the “Additional Development Standards that Apply” box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the “Additional Development Standards that Apply” section apply to that zoning district.
- B. District Icons: Refer to the icons used at the top of each development standard section in this Article. Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (e.g. R1 for the Low Density Single-family Residential District). These zoning district icons note that the development standards written in that section apply to that zoning district.

Section Name	Page Number	Section Name	Page Number
Accessory Dwelling Standards (AD)	5-4	Manufactured Housing Standards (MH)	5-46
Accessory Structure Standards (AS)	5-6	Outdoor Dining Standards (OD)	5-47
Architectural Standards (AR)	5-14	Outdoor Display Area Standards (DA)	5-49
Confined Feeding Standards (CF)	5-15	Outdoor Storage Standards (OS)	5-51
Density and Intensity Standards (DI)	5-16	Parking Standards (PK)	5-53
Driveway Standards (DW)	5-17	Performance Standards (PF)	5-61
Environmental Standards (EN)	5-21	Public Improvement Standards (PI)	5-62
Fence and Wall Standards (FW)	5-22	Setback Standards (SB)	5-64
Fireworks Retail Standards (FR)	5-25	Sewer and Water Standards (SW)	5-66
Floodplain Standards (FP)	5-26	Sexually Oriented Business Standards (SX)	5-67
Floor Area Standards (FA)	5-27	Sign Standards (SI)	5-68
Height Standards (HT)	5-28	Special Exception Standards (SE)	5-98
Home Business Standards (HB)	5-29	Storage Tank Standards (SR)	5-99
Keeping of Animals Standards (KA)	5-33	Structure Standards (ST)	5-100
Kennel Standards (KL)	5-35	Telecommunication Facility Standards (TC)	5-101
Landscaping Standards (LA)	5-37	Temporary Use and Structure Standards (TU)	5-103
Lighting Standards (LT)	5-43	Trash Receptacle Standards (TR)	5-105
Loading Standards (LD)	5-44	Vision Clearance Standards (VC)	5-106
Lot Standards (LO)	5-45	Wind Turbine System Standards (WT)	5-107

District Icons

5.02 Icon Key

-  - Parks and Recreation District
-  - Agricultural District
-  - Intense Agricultural District
-  - Low Density Single-family Residential District
-  - Medium Density Single-family Residential District
-  - High Density Single-family Residential District
-  - Urban Residential District
-  - Multiple-family Residential District
-  - Intense Multiple-family Residential District
-  - Manufactured Home Park District
-  - University District
-  - Institutional District
-  - Neighborhood Commercial District
-  - Limited Commercial District
-  - General Commercial District
-  - Outdoor Commercial District
-  - Central Business District
-  - Highway Commercial District
-  - Ed-Med-Tech Park District
-  - Industrial Commercial District
-  - Low to Moderate Intensity Industrial District
-  - High Intensity Industrial District
-  - High Impact District

5.03 AD-01: Accessory Dwelling Standards

This Accessory Dwelling Standards section applies to the following zoning district:



The intent of the Accessory Dwelling Standards is to provide an opportunity for an accessory dwelling while ensuring that specific conditions are met to protect the health, safety, and welfare of the residents. The following standards apply:

- A. **Applicability:** An accessory dwelling shall meet the applicable setbacks and structure heights for accessory structures as indicated on the two-page layout.
 - 1. *Minimum Front Yard Setback:* The minimum front yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 - 2. *Minimum Side Yard Setback:* The minimum side yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 - 3. *Minimum Rear Yard Setback:* The minimum rear yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 - 4. *Maximum Structure Height:* The maximum structure height shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
- B. **Permits:** An Improvement Location Permit shall be required prior to the construction of an accessory dwelling or the conversion of an accessory structure to an accessory dwelling.
- C. **Types:** An accessory dwelling may be permitted on a lot only if the primary structure (i.e. primary dwelling) is owner-occupied.
 - 1. *Permitted:* An accessory dwelling may include a guest house, mother-in-law suite, or any single dwelling.
 - 2. *Prohibited:* A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer; in part, in whole, or of the like, shall not be permitted as an accessory dwelling.
- D. **Relationship:**
 - 1. *Use:* An accessory dwelling shall be ancillary and complementary to the use of the primary structure (i.e. primary dwelling). An accessory dwelling shall not be permitted if the primary structure was converted to anything other than single-family residential.
 - 2. *Timing:* An accessory dwelling shall not be constructed on a lot prior to the construction of the primary structure (i.e. primary dwelling).
- E. **Quantity and Size:**
 - 1. *Maximum Number:* No more than one (1) accessory dwelling shall be permitted on a lot.
 - 2. *Size:* An accessory dwelling shall be a minimum of 500 square feet and shall not exceed forty percent (40%) of the square feet of the primary structure (i.e. primary dwelling). If the square feet of the primary structure is less than 1,250 square feet the accessory dwelling shall be between 400 square feet and 600 square feet in area.
- F. **Design:**
 - 1. *Attachment:* The accessory dwelling may be attached to or detached from the primary structure (i.e. primary dwelling).
 - 2. *Minimum Components:* The accessory dwelling shall contain bathroom, kitchen, and sleeping facilities.
 - 3. *Driveway:* An accessory dwelling shall utilize the driveway of the primary structure (i.e. primary dwelling).
 - 4. *Parking:* At least one (1) parking space shall be available for an accessory dwelling.
 - 5. *Utilities:* An accessory dwelling shall utilize the utility connections that serve the primary structure (i.e. primary dwelling).
 - 6. *Home Business:* A home business (type 1) or home business (type 2) may be conducted within an accessory dwelling during or after use as an accessory dwelling, and according to *Section 5.34: Type 1 Home Business Standards* and *Section 5.35: Type 2 Home Business Standards*.

7. *Exemptions:* A detached accessory dwelling shall be exempt from complying with the *Architectural Standards* and *Landscaping Standards*.
8. *Accessory Structures:*
 - a. A detached accessory dwelling shall be considered ancillary and complementary to the primary structure (i.e. primary dwelling). The accessory dwelling shall not be permitted to have its own accessory structures; all accessory structures on the lot shall be considered accessory to the primary structure (i.e. primary dwelling).
 - b. Accessory dwellings shall not count towards the maximum number and maximum size standards for accessory structures included in *Accessory Structure Standards*.
9. *Physical Appearance:* The exterior finish and facade of any accessory dwelling shall match, closely resemble, or significantly complement the materials and colors used on the primary structure (i.e. primary dwelling).

Accessory Structure Standards (AS)

5.04 AS-01: General Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The intent of the Accessory Structure Standards is to permit accessory structures that meet the needs of property owners while protecting the health, safety, and welfare of the residents. The following standards apply:

- A. Cross Reference: Some accessory structures are regulated independent of the Accessory Structure Standards. The following types of structures are regulated in other sections:
 1. *Accessory Dwellings*: See *Accessory Dwelling Standards*.
 2. *Fences and Walls*: See *Fence and Wall Standards*.
 3. *Outdoor Dining*: See *Outdoor Dining Standards*.
 4. *Parking Lots*: See *Parking Standards*.
 5. *Signs*: See *Sign Standards*.
 6. *Storage Tanks*: See *Storage Tank Standards*.
 7. *Swimming Pools*: Swimming pools shall meet the regulations within these Accessory Structure Standards sections and the *Indiana Administrative Code (675 IAC 20: Swimming Pool Code)*.
 8. *Telecommunication Facilities*: See *Telecommunication Facility Standards*.
 9. *Trash Receptacles*: See *Trash Receptacle Standards*.
- B. Applicability:
 1. *Minimum Front Yard Setback*: The minimum front yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 2. *Minimum Side Yard Setback*: The minimum side yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 3. *Minimum Rear Yard Setback*: The minimum rear yard setback shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 4. *Maximum Structure Height*: The maximum structure height shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
- C. Permits: An Improvement Location Permit shall be required prior to the installation or construction of an accessory structure greater than 200 square feet unless specifically noted otherwise. In circumstances where a permit is not required, the accessory structure shall still meet all applicable Accessory Structure Standards.
- D. Types:
 1. *Permitted Accessory Structures*:
 - a. *Construction Trailer*: A construction trailer shall be permitted on any lot for the duration of a construction project; from the date a building permit or Improvement Location Permit has been issued until thirty (30) days after the certificate of occupancy has been issued. A construction trailer may be located within ten (10) feet of a property line regardless of the setback requirements for the applicable zoning district. However, a construction trailer shall still be applicable to *Section 5.95: Vision Clearance Triangle Standards*.
 2. *Prohibited Accessory Structures*:
 - a. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer; in part, in whole, or of the like, shall not be permitted as an accessory structure.
 - b. Temporary and portable storage units (e.g. PODS) shall not be permitted as a permanent accessory structure. See *Temporary Use and Structure Standards*.
- E. Maintenance: All accessory structures shall be properly maintained and kept in good condition.
- F. Exemption:
 1. *Satellite Dish*: Satellite dishes less than two (2) feet in diameter shall be exempt when installed on a rooftop, wall, or on the ground. Ground mounted satellite dishes shall be setback at least thirty (30) feet from a front property line and ten (10) feet from all other property lines.
 2. *Solar Panel*: Solar panels that are roof mounted or ground mounted shall be exempt if the cumulative square footage of all solar panels do not exceed seventy-five percent (75%) of the footprint of the primary structure, when roof mounted; and 600 square feet if ground mounted. Solar panels shall not be ground mounted in the front yard.

Accessory Structure Standards (AS)

5.05 AS-02: Parks and Recreation and Agricultural Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

A. Types:

1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, boat houses, carports, detached garages, greenhouses, mini-barns, pole structures, pool houses, sheds, and other structures used primarily for storage.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreation.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot or the zoning district's permitted uses.
2. *Timing*: An accessory structure may be installed or constructed on a lot prior to the construction of the primary structure or without the existence of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: No more than ten (10) storage-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Location: Storage-based and recreation-based accessory structures shall only be allowed in side yards and rear yards with the following exceptions:

1. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall not be considered a sport court. However, a basketball goal shall meet the front yard setback requirement.
2. *Detached Garage*: A detached garage may be placed forward of a primary structure, but only if it is side loading and to the side of the primary structure's facade.

Accessory Structure Standards (AS)

5.06 AS-03: Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

A. Types:

1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other structures used primarily for storage.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreation.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot.
2. *Timing*: An accessory structure shall not be installed or constructed on a lot prior to completing construction of the primary structure (i.e. issuance of the certificate of occupancy), except when the property is greater than 3 acres and located within the extra-territorial jurisdiction (a.k.a. two-mile fringe) of the City of Richmond.

C. Quantity and Size:

1. *Maximum Quantity*: No more than three (3) storage-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed seventy-five percent (75%) of the footprint of the primary structure, and no single structure shall exceed 25% of the footprint of the primary structure for property less than one-half (1/2) an acre; except for lots over one (1) acre which shall be regulated as follows:
 - a. *Lots With 1 to 2 Acres*: The cumulative square footage of all storage-based accessory structures on a lot with one (1) to two (2) acres of land shall not exceed 150% of the footprint of the primary structure. All accessory structures shall also meet the primary structure setback standards due to their potentially large footprint.
 - b. *Lots With 2 Acres or More*: The cumulative square footage of all storage-based accessory structures on a lot with more than two (2) acres of land shall not exceed 200% of the footprint of the primary structure. All accessory structures shall also meet the primary structure setback standards due to their potentially large footprint.

D. Materials: The exterior finish and facade of all storage-based accessory structures greater than 200 square feet shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

E. Location: Storage-based and recreation-based accessory structures shall only be allowed in side yards and rear yards with the following exceptions:

1. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall not be considered a sport court. However, a basketball goal shall meet the front yard setback requirement.

Accessory Structure Standards (AS)

5.07 AS-04: Multiple-family Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted.
 - a. Support-based accessory structures shall include a management office, sales office, maintenance facility, enclosed vending, laundry, trash compactors, recycling containers, dumpsters, and other structures customarily incidental to the development.
 - b. Support-based accessory structures shall be subordinate to the residential component of the development
 - c. Support-based accessory structures shall be located, designed, and intended to serve only the needs of the development and its residents.
 - d. Support-based accessory structures shall present no visible evidence of its non-residential nature to areas outside the development.
2. *Storage-based*: Except for garages and carports, storage-based accessory structures specific to each dwelling unit shall not be permitted.
3. *Recreation-based*: Recreation-based accessory structures shall include an indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, indoor or outdoor play equipment, and other recreation features customarily incidental to the development.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the primary use.
2. *Timing*:
 - a. *Support-based*: A support-based accessory structure may be installed or constructed on a lot prior to the construction of the primary structure.
 - b. *Storage-based*: A storage-based accessory structure shall not be installed or constructed on a lot prior to completing construction of the primary structure (i.e. issuance of the certificate of occupancy).

C. Quantity and Size:

1. *Maximum Quantity*: No more than four (4) support-based accessory structures shall be permitted for any development. There is no limit on storage-based and recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Materials: The exterior finish and facade of all accessory structures greater than 200 square feet shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

E. Location: Support-based and storage-based accessory structures are not restricted to any specific yards.

5.08 AS-05: Manufactured Home Park Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:

MP

The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted in areas on the lot that are not dwelling sites.
 - a. Support-based accessory structures shall include a management office, sales office, maintenance facility, indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, indoor or outdoor play equipment, enclosed vending, laundry, emergency storm shelter, and other structures customarily incidental to the development.
 - b. Support-based accessory structures shall be subordinate to the residential component of the development.
 - c. Support-based accessory structures shall be located, designed, and intended to serve only the needs of the development and its residents.
 - d. Support-based accessory structures shall present no visible evidence of its non-residential nature to areas outside the development.
2. *Storage-based*: Storage-based accessory structures in the form of detached garages, carports, and sheds shall be permitted on dwelling sites.
3. *Recreation-based*: Recreation-based accessory structures in the form of decks and ground-mounted satellite dishes shall be permitted on dwelling sites.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the primary use.
2. *Timing*:
 - a. *Support-based*: A support-based accessory structure may be installed or constructed on a lot prior to the construction of a primary structure. They also may be installed or constructed prior to installation of a primary structure on a dwelling site.
 - b. *Dwelling Site Accessory Structures*: Storage-based and recreation-based accessory structures shall not be installed or constructed on a lot or a dwelling site prior to the construction or installation of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity per Development*: No more than four (4) support-based accessory structures shall be permitted for any development. There is no limit on recreation-based accessory structures.
2. *Maximum Quantity per Dwelling Site*: Each dwelling site shall be permitted one (1) shed in addition to a carport or garage. No additional storage-based accessory structures shall be permitted on a dwelling site.
3. *Maximum Size*: The total area of storage-based accessory structures on a dwelling site shall not exceed twenty-five percent (25%) of the dwelling site area or 600 square feet, whichever is less.

D. Materials: The exterior finish and facade of all accessory structures greater than 200 square feet shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

E. Location: Storage-based and recreation-based accessory structures shall only be allowed in side yards and rear yards with the following exception:

1. *Basketball Goals*: A basketball goal along a driveway or mounted on the garage shall not be considered a sport court. However, a basketball goal shall meet the front yard setback requirement.

Accessory Structure Standards (AS)

5.09 AS-06: University Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a maintenance facility, mechanical structure, stand-alone restroom facility, storage building, enclosed vending, kiosk, or other structure used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, fountain, pavilion, picnic shelter, public art display, sport court, terrace, play equipment, or other structures that add a recreational element to the primary use of the lot.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure may be installed or constructed on a lot prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: There is no limit on support-based or recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Materials: The exterior finish and facade of all accessory structures shall match, closely resemble, or significantly complement the character of the district.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.10 AS-07: Institutional Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. A support-based accessory structure shall include a maintenance facility, mechanical structure, freestanding canopy, stand-alone restroom facilities, storage building, enclosed vending, kiosk, or structures used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. A recreation-based accessory structure shall include a deck, fountains, pavilion, picnic shelter, public art display, sport courts, terrace, playground equipment or other structures that add a recreational element to the primary use of the lot.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: A support-based accessory structure shall not be installed or constructed on a lot prior to the construction of a primary structure. A recreation-based accessory structure may be installed or constructed prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: Up to eight (8) support-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Materials: The exterior finish and facade of all accessory structures shall match, closely resemble, or significantly complement the character of the district.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

Accessory Structure Standards (AS)

5.11 AS-08: Neighborhood Commercial Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a storage building, refrigeration/freezer unit, freestanding canopy, mechanical structure, or other structure used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. A recreation-based accessory structure shall include a deck, terrace, play equipment, or other structures that add a recreational element to the primary structure that is consistent with the intent of the district.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be installed or constructed on a lot prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: No more than one (1) support-based accessory structure shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed 800 square feet in area or ten percent (10%) of the footprint of the primary structure, whichever is greater.

D. Materials: The exterior finish and facade of all accessory structures greater than 200 square feet shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.12 AS-09: Central Business Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning district:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted for non-residential uses. Support-based accessory structures shall include a storage building, refrigeration/freezer unit, mechanical structure, remote teller, or other structure used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted for non-residential uses. Recreation-based accessory structures shall include a deck, fountain, pavilion, public art display, terrace, or other structures that add a recreational element to the primary structure that is consistent with the intent of the district.
3. *Prohibited*: Accessory structures for residential uses shall not be permitted.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be installed or constructed on a lot prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: One (1) support-based accessory structure shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: A support-based accessory structure shall not exceed 500 square feet in area or twenty-five percent (25%) of the footprint of the primary structure, whichever is greater.

D. Materials: The exterior finish and facade of any accessory structure shall match, closely resemble, or significantly complement the materials and color used on the primary structures.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

Accessory Structure Standards (AS)

5.13 AS-10: Commercial Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a maintenance facility, mechanical structure, freestanding canopy, storage building, refrigeration/freezer unit, or other structures used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, fountain, pavilion, picnic shelter, public art display, sport court, terrace, play equipment, or other structures that add a recreational element to the primary use of the lot.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be permitted prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: No more than four (4) support-based accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Materials: The exterior finish and facade of all accessory structures over 200 square feet in area shall match, closely resemble, or significantly complement the materials and color used on the primary structure.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.14 AS-11: Industrial Accessory Structure Standards

This Accessory Structure Standards section applies to the following zoning districts:



The following standards apply:

A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a cooling tower, maintenance facility, mechanical structure, storage building, water tower, or other structures used in support of the primary structure.
2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-based accessory structures shall include a deck, fountain, pavilion, picnic shelter, public art display, sport court, terrace, play equipment, or other structures that add a recreational element to the primary use of the lot.

B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be installed or constructed on a lot prior to the construction of the primary structure.

C. Quantity and Size:

1. *Maximum Quantity*: No more than eight (8) accessory structures shall be permitted on a lot. There is no limit on recreation-based accessory structures.
2. *Maximum Size*: There is no maximum size.

D. Materials: The exterior finish and facade of all accessory structures over 200 square feet in area shall match, closely resemble, or significantly complement the materials used on the primary structure.

E. Location: Support-based and recreation-based accessory structures shall only be allowed in side yards and rear yards.

5.15 AR-01: Residential and Neighborhood Commercial Architectural Standards

This Architectural Standards section applies to the following districts:



The intent of the Architectural Standards is to protect the health, safety, and welfare of residents by maintaining the community's character and improving the quality of life. The following standards apply:

- A. Facade: The front facade of all single-family and two-family dwellings shall face the public or private street to which the home gains primary access, except as described below:
 1. *Corner Lots*: The front facade may face either street if located on a corner lot.
 2. *Large Setbacks*: A single-family dwelling setback a minimum of 200 feet from the public right-of-way may orient the front facade up to ninety degrees (90°) from parallel to that public right-of-way.
- B. Roof:
 1. *Minimum Pitch*: Five (5) vertical units to twelve (12) horizontal units (5:12 pitch) for the main roof planes.
 2. *Minimum Eave/Overhang*: All dwellings shall have eaves or overhangs a minimum of nine (9) inches from the facade's siding material on at least eighty percent (80%) of the roofline. The eave/overhang shall be determined after the installation of masonry.
- C. Equipment: All mechanical equipment, air conditioner units, propane tanks, and the like shall not be located forward of the front facade. This standard applies to each facade that faces a public right-of-way.
- D. Garage and Carport:
 1. *Garage Capacity*: A minimum of a one-car garage is required for all single-family and two-family dwellings.
 2. *Garage-forward Design*: Front-loading garages shall not be located forward of the facade by more than eight (8) feet on multiple-family units or single-family units with less than 1,200 square feet of living space.
 3. *Carport*: Carports shall be attached and integrally designed with the primary structure. The carport's materials shall be complementary to the materials of the primary structure.
- E. Additions: The exterior finish and facade of all additions shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.

5.16 AR-02: Institutional and Commercial Architectural Standards

This Architectural Standards section applies to the following districts:



The following standards apply:

- A. Facade:
 1. *Front Facade*: The front facade shall generally face the public or private street to which the business gains primary access or which has the greatest exposure to an adjacent street including a highway or an interstate. On corner lots and through lots, the front facade may face either street. If the primary structure is greater than 300 feet from the front property line and greater than fifty (50) feet from all other property lines, its front facade may face any direction.
 2. *Other Facades*: Any other facade (i.e. not the front facade) that faces an interstate, highway, or arterial street shall be finished to a standard similar to the architectural quality of the front facade, including building materials, architectural details, windows, or faux windows. Facades thirty (30) feet or greater in length or facade faces 420 square feet or greater in area without visual relief shall not be permitted.
- B. Site Layout: Lineal/strip development shall incorporate variation in building height, building mass, roof forms and changes in wall planes.
- C. Entries: A building greater than 15,000 square feet shall have clearly defined, highly visible customer entrances featuring at least two (2) of the following:
 1. Canopies or porticos;
 2. Overhangs;
 3. Arcades;
 4. Raised corniced parapets over the door;
 5. Peaked roof forms;
 6. Arches;
 7. Outdoor patios;
 8. Architectural details such as tile work and moldings that are integrated into the building structure and design;
 9. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
 10. Columns;
 11. Awnings; or
 12. Enframed window walls.

Confined Feeding Standards (CF)

5.17 CF-01: Confined Feeding Standards

This Confined Feeding Standards section applies to the following districts:



The intent of the Confined Feeding Standards is to protect the health, safety, and welfare of residents by regulating the placement and operation of confined feeding beyond standards required by State and federal agencies. The following standards apply:

- A. Minimum Distance from Existing Uses: All elements of the confined feeding operation, including animal barns/sheds, lagoons, animal mortality facilities, parking areas, truck maneuvering areas, and accessory facilities shall meet the following standards:
 1. *Residential and Institutional*: The minimum separation to an existing residential or institutional use shall be 1,300 feet measured from foundation to foundation.
 2. *Retail, Restaurant, or Entertainment Uses*: The minimum separation to an existing retail, restaurant, or entertainment use shall be 1,200 feet measured from foundation to property line.
- B. Reduction of Setbacks: The 750 foot required front, side, and rear yard setbacks for confined feeding operations may be reduced if the surrounding land is restricted from residential, institutional, retail, restaurant, and entertainment uses, resulting in an equivalent setback of 750 feet. The specific regulations are as follows:
 1. *Minimum Reduction of Setbacks*:
 - a. *Distance to Public Right-of-way*: Under no circumstances shall the confined feeding operation be closer than 300 feet from a public right-of-way, when measured from foundation to right-of-way.
 - b. *Front Yard Setback*: The minimum front yard setback is 100 feet.
 - c. *Side Yard Setback*: The minimum side yard setback is 100 feet.
 - d. *Rear Yard Setback*: The minimum rear yard setback is 100 feet.
 2. *Options for Allowing Reduced Setbacks*: The owner shall secure one (1) or more the following options for the area off-site, from the adjacent property owners to meet the 750 feet minimum:
 - a. *Deed Restriction*: The adjacent property shall be restricted by deed and recorded at the County Recorder's office. The deed restriction shall only be removed by demolition of the confined feeding operation or conversion to a non-restricted use; and by majority vote of the Plan Commission.
 - b. *Conservation Easement*: The adjacent property shall be restricted through conservation easement in perpetuity. The conservation easement shall only be able to be removed by demolition of the confined feeding operation or conversion to a non-restricted use; and by majority vote of the Plan Commission.
- C. Animal Mortalities: Animal mortalities are subject to the following standards.
 1. *Restricted Methods*: Disposal pits and animal landfills are not permitted.
 2. *Permitted Methods*: On-site incineration, composting, and rendering are permissible. Transporting animal mortalities to an off-site incinerator, composting facility, or rendering plant is permissible.
 3. *Storage for Removal to Off-site Facility*: All animal mortalities shall be stored in a leak-proof container or facility, and be fully enclosed with an opaque fence at least six (6) feet in height with a gate to gain access.
 4. *Frequency of Removal*: All animal mortalities shall be removed from the site periodically to assure the on-site storage container or facility does not exceed its designed capacity.

Density and Intensity Standards (DI)

5.18 DI-01: Density and Intensity Standards

This Density and Intensity Standards section applies to the following districts:



The intent of the Density and Intensity Standards is to protect the health, safety, and welfare of residents through the establishment of maximum density and maximum land use intensity requirements. The following standards apply:

- A. Applicability: If a density or intensity standard does not appear on the two-page layout in *Article 2: Zoning Districts* for a zoning district, then a density or intensity standard shall not apply to that particular zoning district.
 1. *Maximum Density*: The maximum density shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 2. *Maximum Lot Coverage*: The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

5.19 DW-01: General Driveway Standards

This Driveway Standards section applies to the following zoning districts:



The intent of the Driveway Standards is to maximize safety for drivers. The following standards apply:

- A. **Project Applicability:** Any new or expanded access to a public right-of-way intended for vehicular or farm equipment use shall be considered a driveway and shall meet the Driveway Standards of the Unified Development Ordinance.
 1. *Residential Limits:* Access to four (4) or more single-family lots or access to four (4) or more dwelling sites within a manufactured home park shall be established as a public or private street and meet the applicable standards within the City of Richmond's Construction Standards.
 2. *Non-residential Limits:* Access to four (4) or more non-residential lots and that conveys over 2,000 vehicles on average per day shall be established as a public or private street and meet the applicable standards within the City of Richmond's Construction Standards.
- B. **Cross Reference:** Some regulations related to Driveway Standards are not included in this section. Please refer to the following documents for additional information and regulations:
 1. *Street Classification:* The classification of streets shall be based on the Thoroughfare Plan.
 2. *Construction Standards:* A driveway shall meet or exceed the City of Richmond's Construction Standards.
- C. **Permits:** A Driveway Permit shall be required for all driveway cuts onto public streets. The Board of Public Works reviews and issues the driveway permit in the City of Richmond and shall be issued prior to the receipt of an Improvement Location Permit.
 1. *State and Federal Highways:* An Indiana Department of Transportation permit shall be required as a prerequisite to the Driveway Permit for all driveway cuts onto State or Federal highways.
 2. *County Roads:* Streets located outside the corporate limits of Richmond shall first get approval for driveway cuts from the Wayne County Planning and Zoning department.
- D. **Measurement Rules:**
 1. *Between Driveway and Street Intersection:* The distance between a driveway and a street intersection shall be determined by measuring from the edge of pavement of the driveway to the nearest right-of-way line of the street that is parallel or mostly parallel to the driveway. This measurement shall be taken at the right-of-way line of the street to which the driveway gains access.
 2. *Between Driveways:* The distance between driveways shall be determined by measuring from the edge of pavement of one (1) driveway to the nearest edge of pavement of the other driveway at the right-of-way line of the street to which the driveways gain access.
 3. *Driveway Width:* The width of a driveway shall be determined by measuring from one (1) edge of the pavement to the other edge of the pavement at the right-of-way line of the street to which the driveway gains access.
- E. **Positioning:**
 1. *Alignment:* The centerline of two (2) driveways accessing an arterial or collector street from opposite sides of the street shall align with each another, or shall meet the applicable driveway separation requirements.
 2. *Clear Vision of Driveways:* All driveways shall be located to reasonably prevent collisions with intersecting traffic.
 - a. Driveways gaining access to streets with a posted speed limit of thirty miles per hour (30 MPH) or less shall be located such that they are visible by a driver for at least sixty (60) feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
 - b. Driveways gaining access to streets with a posted speed limit of thirty-five miles per hour (35 MPH) to forty-five miles per hour (45 MPH) shall be located such that they are visible by a driver for at least 120 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
 - c. Driveways gaining access to streets with a posted speed limit of fifty miles per hour (50 MPH) or higher shall be located such that they are visible by a driver for at least 200 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.

Driveway Standards (DW)

3. *Additional Separation:* Either the Zoning Administrator or the Engineer may deny a proposed driveway location or require additional separation due to other safety concerns, including, but not limited to, width of the public street, condition of the public street, lack of shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.
- F. *Discretion:* The Zoning Administrator, Engineer, or Technical Review Committee may determine if public improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, or other improvements are necessary. See *Public Improvement Standards*.

5.20 DW-02: Agricultural Driveway Standards

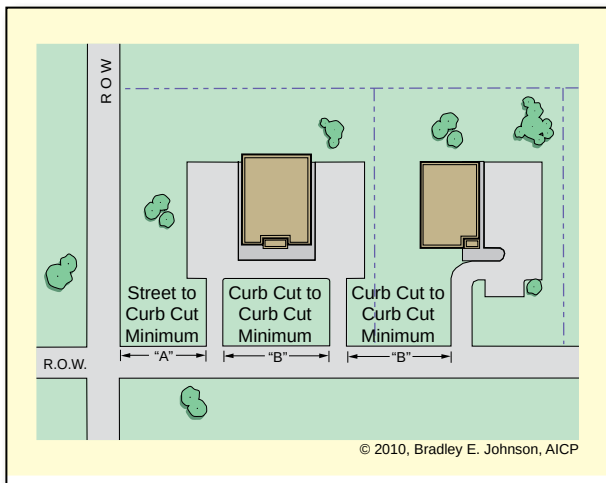
This Driveway Standards section applies to the following zoning districts:



The following standards apply:

A. Separation:

1. *From Street Intersection:* A driveway shall not be permitted to be installed within 100 feet of any intersecting street (see “A” below).
2. *From Another Driveway:* A driveway shall not be permitted to be installed within sixty (60) feet of another driveway (see “B” below).



- B. Width: A driveway shall not exceed thirty (30) feet in width.
- C. Materials: Asphalt, concrete, pavers, other durable paving materials, or gravel shall be acceptable driveway surface materials.
- D. Setback: All driveways shall be setback at least ten (10) feet from side property lines.

5.21 DW-03: Residential Driveway Standards

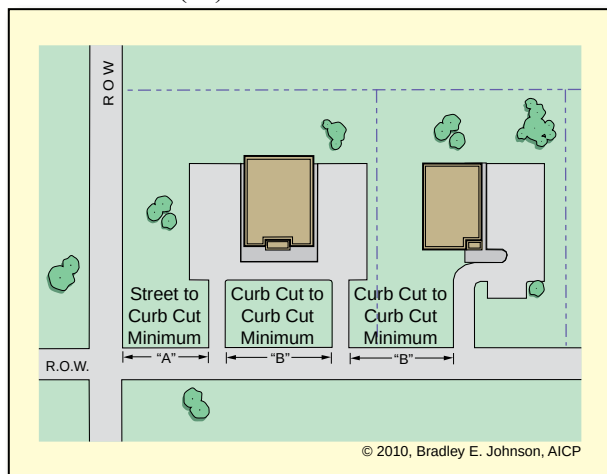
This Driveway Standards section applies to the following zoning districts:



The following standards apply:

A. Separation:

1. *From a Street Intersection:* A driveway shall not be permitted to be installed:
 - a. Within 150 feet of any intersecting street if access is along an arterial or collector street.
 - b. Within 100 feet of any intersecting street if access is along a local street.
 - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
2. *Between Driveways:* Unless a shared driveway is established, two (2) or more driveways shall not be permitted to be installed:
 - a. Within 100 feet of each another if access is along an arterial or collector street (see “B” below).
 - b. Within sixteen (16) feet of one another if access is along a local street (see “B” below).



- B. Width: A driveway shall be at least nine (9) feet wide, but shall not exceed ten (10) feet per lane and twenty (20) feet overall.
- C. Materials: Driveways shall consist of asphalt, concrete, pavers, or other durable paving material approved by the Zoning Administrator unless located within the extra-territorial jurisdiction of the City of Richmond, where gravel shall be an acceptable driveway surface materials.
- D. Setback: Driveways shall be setback at least three (3) feet from side property lines unless a shared driveway is established.
- E. Shared Driveway:
 1. *Easement Required:* Shared driveways shall be permitted, but they shall be placed in a shared driveway easement per *Section 7.06: Easement Standards* or other legal mechanism but the lot shall have the required frontage per *Section 5.52: Lot Standards*.
 2. *Width:* Shared driveways shall not exceed twenty (20) feet in width.
- F. Quantity: Only one (1) driveway shall be installed per property.

5.22 DW-04: Non-residential Driveway Standards

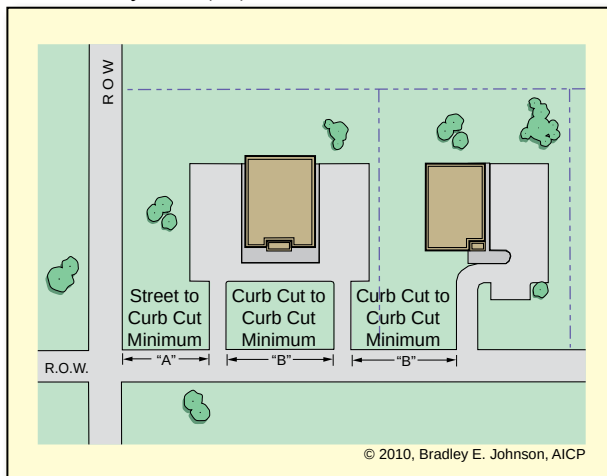
This Driveway Standards section applies to the following zoning districts:



The following standards apply:

A. Separation:

1. *From a Street Intersection:* A driveway shall not be permitted to be installed:
 - a. Within 150 feet of any intersecting street if access is along an arterial or collector street (see “A” below).
 - b. Within 100 feet of any intersecting street if access is along a local street (see “A” below).
 - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
 - d. Under no circumstances shall a driveway be permitted within sixty (60) feet of any street intersection.
2. *Between Driveways:* Two (2) or more driveways shall not be permitted to be installed:
 - a. Within 100 feet of one another if access is along an arterial or collector street (see “B” below).
 - b. Within forty-five (45) feet of one another if access is along a local street (see “B” below).



- B. Width: A driveway shall be at least nine (9) feet wide, but shall not exceed ten (10) feet per lane and forty-five (45) feet in overall width.
- C. Materials: Driveways shall consist of asphalt, concrete, or other non-porous material approved by the Zoning Administrator.
- D. Setback: Driveways shall be setback at least ten (10) feet from side property lines, except when *Section: 5.22(A)(1)(c)* applies.
- E. Curbs: When curbs are established along the subject property, the curb shall be extended to the property line from the edge of pavement for all driveways, following the edge of the driveway.

Environmental Standards (EN)

5.23 EN-01: Environmental Standards

This Environmental Standards section applies to the following zoning districts:



The intent of the Environmental Standards is to protect the health, safety, and welfare of residents by providing for the protection of air, soil, and water quality on a local level. The following standards apply:

- A. Cross Reference: Some regulations related to Environmental Standards are not included in this section. Please refer to the following sections for additional information and regulations:
 1. *Storage Tanks*: See *Storage Tank Standards*.
- B. Prohibitive Geology: A development shall provide an engineered site plan if it contains any of the following:
 1. *Slope*: Pre-development or post development slopes greater than twenty percent (20%).
 2. *Rock*: Adverse rock formations.
 3. *Soil*: Adverse soils.
 4. *Stability Limitations*:
 - a. Has a low loading rate.
 - b. Has a low weight-bearing strength.
 - c. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.
 5. *Overcoming Prohibitive Geology*: Structures may be permitted if an engineered site plan is submitted and approved by the Technical Review Committee.
- C. Air Quality:
 1. *Generally*: A use shall not discharge fly ash, dust, smoke, vapors, noxious toxic or corrosive matter, or other air pollutants in such concentration as to conflict with public air quality standards or be detrimental to humans, animals, vegetation, or property.
 2. *Outdoor Burners*: Outdoor wood burners and corn burners shall not discharge ash, smoke, or fine particulate matter such that it is detectable beyond the lot lines of the lot on which it is located. Development in the AG District shall be exempt from this provision.
- D. Soil and Water Quality:
 1. *Erosion Control*:
 - a. Developments shall be in compliance with the City of Richmond's Stormwater Management Ordinance.
 - b. Developments shall be in compliance with the filing requirements for erosion control on construction sites as in *Indiana Administrative Code 327-1 (Rule 5)*, when applicable.
 - c. Sedimentation in adjoining surfaces, drainage systems, and watercourses caused from the development of a lot or use shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the developed lot or use to remove the sedimentation.
 2. *Fill*: All fill materials shall be free of environmentally hazardous materials. The Zoning Administrator or the City's MS4 Coordinator may request representative samples of the fill for testing purposes.
 3. *Production*: No use shall produce pollutants in such a quantity as to pollute soils, water bodies, adjacent properties, or conflict with public water standards.
 4. *Storage*: No use shall accumulate within the lot, or discharge beyond the lot lines, any waste, debris, refuse, trash, discarded construction materials, discarded appliances, scrap metals, or rotting wood that are in conflict with applicable public health, safety, and welfare standards unless expressly permitted by the Unified Development Ordinance.
 5. *Disposal*: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot unless expressly permitted by the Unified Development Ordinance.
- E. Environmental Feature Protective Setback: Primary structures, accessory dwellings, storage-based accessory structures, and support based-accessory structures shall be at least a twenty-five (25) feet from the delineated boundary of a wetland or the edge of the water at normal pool of a lake, pond, creek, stream, or river.

Fence and Wall Standards (FW)

5.24 FW-01: General Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning districts:



The intent of the Fence and Wall Standards is to ensure neighborliness, visibility, and aesthetic quality; and to protect the health, safety, and welfare of the residents. The following standards apply:

- A. Cross Reference: Some regulations related to Fence and Wall Standards are not included in this section. Please refer to the following sections and documents for additional information and regulations:
 1. *Vision Clearance*: Fences and walls shall meet all vision clearance standards in *Section 5.95: Vision Clearance Triangle Standards*.
 2. *Covenants*: Property owners within subdivisions are advised to investigate applicable Declaration of Covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard of the two (2) apply to lots with covenants.
- B. Permits: No permit shall be required for the installation of a fence or wall when located within the building envelope (i.e. meets all setbacks for primary structures).
- C. Positioning:
 1. *Presentation*: Fences and walls shall present the non-structural face outward.
 2. *Property Line*: Fences and walls shall be permitted on the property line.
 3. *Easement*: No fence or wall shall be located within a public or private easement unless written permission from the easement holder has been granted.
- D. Maintenance: All fences and walls are required to be properly maintained and kept in good condition.
- E. Exemption: Corner lots may utilize rear yard height standards in side yards as deemed appropriate by the acting Zoning Administrator.

5.25 FW-02: Parks and Recreation Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning district:



The following standards apply:

- A. Height: Fences and walls shall not exceed four (4) feet in height when located within twenty-five (25) feet of any property line. All other fences shall not exceed six (6) feet in height.
- B. Height Exceptions: Fences that surround swimming pools, sport courts, sport fields, and similar amenities that are also located within the building envelope are allowed to be any height deemed necessary to protect players, spectators, vehicles, and adjacent property; or deemed essential to the facility to conduct the sport, recreation, or game (i.e. a backstop behind home plate in a baseball field or a wall for solo tennis practice).
- C. Types:
 1. *Permitted Materials*: Wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials.
 2. *Permitted Materials for Sport and Recreation*: Vinyl, zinc or powder coated chain link, galvanized chain link, wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials for surrounding swimming pools, sport courts, sport fields, and similar amenities.
 3. *Prohibited Material*: Fences and walls shall not incorporate barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous fence materials.

Fence and Wall Standards (FW)

5.26 FW-03: Agricultural Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning districts:



The following standards apply:

- A. **Height:** Fences and walls around a farmstead, not farm fields, shall not exceed five (5) feet in height in the front and side yards, and eight (8) feet in height in the rear yard. Containment fences for livestock, or fences around farm fields shall not exceed six (6) feet in height. Containment fences for livestock or exotic animals that are at least fifty (50) feet from all property lines are allowed up to ten (10) feet in height.
- B. **Height Exceptions:** Fences that surround a swimming pool or sport courts located within the building setbacks, and in the side or rear yard, are allowed up to eight (8) feet in height.
- C. **Types:**
 1. *Permitted Materials Around a Farmstead:* Wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials around a farmstead.
 2. *Permitted Materials for Containment and Farm Fields:* Vinyl, zinc or powder coated chain link, galvanized chain link, chicken wire, wire mesh, agricultural wire, wood, composite outdoor wood, stone, masonry, wrought iron, decorative metal, and PVC shall be permitted fence and wall materials for containment and for around farm fields.
 3. *Prohibited Material:* Except where used for containment purposes, fences and walls shall not incorporate barbed wire or above ground electrified wires. Razor wire, broken glass, sharpened top spikes, and similarly hazardous fence material are not permitted.

5.27 FW-04: Residential Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning districts:



The following standards apply:

- A. **Height:**
 1. *Front or Side Yard:* Fences and walls in front or side yards shall not exceed four (4) feet in height.
 2. *Rear Yard:* Fences and walls in rear yards shall not exceed six (6) feet in height when located between the property line and the building envelope, or eight (8) feet in height when located within the building envelope.
- B. **Types:**
 1. *Permitted Materials in Front, Side and Rear Yards:* Vinyl, zinc and powder coated chain link, wood, PVC, composite outdoor wood, stone, masonry, wrought iron, and decorative metal shall be permitted fence and wall materials.
 2. *Prohibited Material:* Fences and walls shall not incorporate metal or plastic slats in chain link fences. Barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are not permitted.

Fence and Wall Standards (FW)

5.28 FW-05: Manufactured Home Park Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning district:

MP

The following standards apply:

A. Height:

1. *Perimeter Fences:* Fences and walls around the perimeter of a manufactured home park shall not exceed four (4) feet in height when installed along a frontage road and six (6) feet in height when located within ten (10) feet of the property line.
2. *Dwelling Site Fences:* Decorative fences up to three and one-half (3.5) feet in height are allowed on a dwelling site, but they shall not enclose, partially enclose, or give the perception of being an enclosed dwelling site.

B. Height Exceptions: Fences that surround a community swimming pool or sport court located within the applicable building envelope, and at least fifty (50) feet from the public right-of-way of a perimeter street, are allowed up to eight (8) feet in height, otherwise the height limit shall be six (6) feet.

C. Types:

1. *Permitted Materials in Front and Side Yards:* Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
2. *Prohibited Material:* Fences and walls shall not incorporate metal or plastic slats in chain link fences. Barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are not permitted.

5.29 FW-06: Non-residential Fence and Wall Standards

This Fence and Wall Standards section applies to the following zoning districts:

UV IS NC LC GC OC HC EP IC I1 I2 HI

The following standards apply:

A. Height:

1. *Front and Side Yard:* Fences and walls in the front yards or side yards shall not exceed four (4) feet in height and shall be decorative in character.
2. *Rear Yard:* Fences and walls in the rear yard shall not exceed eight (8) feet in height and shall be associated with securing outdoor storage or vehicles, or industrial uses. Otherwise, all fences or walls in rear yards shall not exceed six (6) feet in height.

B. Height Exceptions:

1. *Swimming Poole or Sport Court:* Fences that surround a swimming pool or sport court located within the applicable building envelope, and at least fifty (50) feet from the public right-of-way of a perimeter street, are allowed up to eight (8) feet in height, otherwise the height limit shall be six (6) feet.
2. *State or Federal Law:* Fences required by state or federal law shall be permitted to exceed eight (8) feet in height, but shall not be greater than the minimum height that meets said law.

C. Types:

1. *Permitted Materials in Front and Side Yards:* Wood, composite outdoor wood, stone, masonry, wrought iron, vinyl, zinc and powder coated chain link, and decorative metal, shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards:* Vinyl, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
3. *Prohibited Material:* Fences and walls shall not incorporate metal or plastic slats in chain link fences. Barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous fence material are prohibited.

Fireworks Retail Standards (FR)

5.30 FR-01: Fireworks Retail Standards

This Fireworks Retail Standards Section applies to the following zoning districts:



The intent of the Fireworks Retail Standards is to regulate the retail sale of fireworks to protect the health, safety, and welfare of the residents. The following standards apply:

- A. Location: Fireworks sales shall be located in a primary structure equipped with an appropriately sized and charged sprinkler system.
- B. Separation: Fireworks sales shall not locate within a 100 foot radius of a residential district, gasoline station, storage tank and any other land use that contains highly flammable materials on-site. The distance is measured from the nearest property line to nearest property line in all directions.

Floodplain Standards (FP)

5.31 FP-01: Floodplain Standards

This Floodplain Standards section applies to the following zoning districts:



The following standards apply:

- A. Cross Reference: See City of Richmond Flood Hazard Ordinance, *Chapter 153: Zoning of Flood Hazard Areas and Floodplain Management*.

Floor Area Standards (FA)

5.32 FA-01: Floor Area Standards

This Floor Area Standards section applies to the following zoning districts:



The following standards apply:

- A. Applicability: If a floor area standard does not appear on the two-page layout for a zoning district, then a standard does not apply to that particular zoning district.
 1. *Minimum Main Floor Area*: The minimum main floor area shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 2. *Maximum Main Floor Area*: The maximum main floor area shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.
 3. *Minimum Dwelling Unit Size*: The minimum dwelling unit size shall be as indicated on the applicable two-page layout in *Article 2: Zoning Districts*.

Height Standards (HT)

5.33 HT-01: Height Standards

This Height Standards section applies to the following zoning districts:



The intent of the Height Standards is to ensure adequate fire and life-safety protection for taller structures, and to protect the health, safety, and welfare of the residents in the zoning jurisdiction of the City. The following standards apply:

- A. Cross Reference: Telecommunication towers are not regulated by the Height Standards. See *Telecommunication Facility Standards* for applicable height standards.
- B. Applicability: If a height standard does not appear on the two-page layout for a zoning district, then a standard does not apply to that particular zoning district.
 1. *Maximum Structure Height for a Primary Structure*: The maximum structure height for a primary structure shall be per the two-page layout for the applicable zoning district as found in *Article 2: Zoning Districts*.
 2. *Maximum Structure Height for an Accessory Structure*: The maximum structure height for an accessory structure shall be per the two-page layout for the applicable zoning district as found in *Article 2: Zoning Districts*.
 3. *Exceptions*: When permitted, the following types of structures or features shall be exempt or partially exempt from the maximum structure height standards as described:
 - a. Grain elevators and grain silos used for agricultural and industrial purposes may exceed the maximum structure height, but shall not exceed 100 feet in height.
 - b. Barns used predominantly for agricultural purposes may exceed the maximum structure height, but shall not exceed fifty (50) feet in height.
 - c. Church steeples, bell towers, and religious symbols may exceed the maximum structure height, but shall not exceed 200% of the height of the existing or proposed primary structure.
 - d. Functional chimneys may exceed the maximum structure height, but shall not extend more than ten (10) feet above the roof's highest point, or as required by Indiana Building Code.
 - e. Awnings shall be constructed to allow clear passage beneath the awning. Specifically, no fabric, structural component, decorative element, or the like shall be less than eight (8) feet above the surface beneath the awning.
 - f. Public utility structures and private water towers may exceed the maximum structure height, but shall not exceed 150 feet.
 - g. Roof-mounted antennas that are not located on a front roof plane may exceed the maximum structure height, but shall not exceed five (5) feet over the maximum structure height for a primary structure, per the applicable zoning district, or ten (10) feet above the primary structure's height, whichever is less.
 - h. Lattice or pole type towers used for an antenna, when located in a rear yard, may exceed the maximum structure height, but shall not exceed twenty (20) feet over the maximum structure height for a primary structure, per the applicable zoning district, or thirty (30) feet above the primary structure's height, whichever is less.
 - i. Roof-mounted mechanical equipment, including elevator bulkheads, may exceed the maximum structure height, but shall not extend any more than fifteen (15) feet above the roof's highest point; provided that it is architecturally integrated into the building's features or is generally screened from view by an architectural enclosure, parapet, or similar feature. Industrial uses shall be exempt from the integration and screening requirement.
 - j. Flagpoles may exceed the maximum structure height, but shall not exceed thirty (30) feet, or ten (10) feet above the height of the primary structure's height, whichever is greater.
 - k. Ham radio towers shall be exempt from the maximum structure height if the ham radio tower is located on a lot owned by a ham radio operator that has a valid and active license from the Federal Communication Commission (FCC).

Home Business Standards (HB)

5.34 HB-01: Type 1 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The intent of the Home Business Standards is to ensure the protection of the health, safety, and welfare of the residents in the zoning jurisdiction of the City by allowing and regulating home businesses that have minimal impact on the residential character of neighborhoods. The following standards apply:

- A. Permits: An Improvement Location Permit for a type 1 home business shall not be required.
- B. Uses: The home business shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
- C. Personnel: No person other than occupants of the dwelling unit shall be employed in the home based business.
- D. Operations:
 1. *Nuisance*: The type 1 home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
 2. *Traffic*: The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the neighborhood in which it is located.
 3. *Customers*: The home business shall not have patrons or customers visit the home business.
 4. *Hours*: The hours of operation of the home business shall not interfere with the use and enjoyment of adjacent properties.
- E. Design:
 1. *Primary Structure*:
 - a. The home business shall be conducted entirely within the primary structure, or off-site in a district which permits such use.
 - b. The home business shall not exceed ten percent (10%) of the square footage of the primary structure.
 - c. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
 2. *Accessory Structure*: No accessory structure shall be utilized for any part of the type 1 home business.
 3. *Parking and Loading*: Off-street parking and loading facilities beyond what is common for a residential structure shall not be permitted.
 4. *Mechanical Equipment*: The home business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
 5. *Utility Service*: The home business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable, or internet services for residential property shall be permitted.
 6. *Signs*: Signs shall not be permitted.

Home Business Standards (HB)

5.35 HB-02: Type 2 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The following standards apply:

- A. Permits: An Improvement Location Permit for a type 2 home business shall be required.
- B. Uses: The home business shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
 1. *Prohibited*: The home business shall not include walk-in retail or wholesale sales.
 2. *Discretion*: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business shall be permitted as a type 2 home business.
- C. Personnel:
 1. *Residency*: The primary operator shall reside in the dwelling unit where the home business is located.
 2. *Employees*: One (1) employee who does not reside in the dwelling unit where the home business is located may be employed at the home business.
- D. Operations:
 1. *Nuisance*: The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
 2. *Traffic*: The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the neighborhood in which it is located.
 3. *Customers*: The home business shall not generate visitors in the form of patrons or customers in greater volumes than would normally be expected in the neighborhood.
 4. *Hours*: The hours of operation of the home business shall be no earlier than 6:00 AM and no later than 9:00 PM, which applies to customers and employees that do not reside in the dwelling unit where the home business is located. The hours of operation of the home business shall not interfere with the use and enjoyment of adjacent residential properties.
- E. Design:
 1. *Primary Structure*:
 - a. The home business shall be conducted entirely within the dwelling unit.
 - b. The home business shall not exceed twenty-five percent (25%) of the square footage of the dwelling unit or 500 square feet, whichever is less.
 - c. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the dwelling unit which change the character of the dwelling unit, exterior displays, or the outdoor storage of materials or equipment used in the home business.
 2. *Accessory Structure*: No accessory structure shall be utilized for any part of the home business.
 3. *Parking and Loading*:
 - a. Off-street parking and loading facilities beyond what is common for a residential structure shall not be permitted.
 - b. The home business shall not receive more than three (3) deliveries per week. Deliveries shall be made primarily between 8:00 AM and 5:00 PM by a vehicle not larger than a box-style truck.
 4. *Mechanical Equipment*: The home business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
 5. *Utility Service*: The home business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable, or internet services for residential property shall be permitted.
 6. *Signs*: One (1) wall sign, not to exceed four (4) square feet, shall be permitted. The sign shall be permanently attached to the primary structure. Signs in the yard shall not be permitted.

Home Business Standards (HB)

5.36 HB-03: Type 3 Home Business Standards

This Home Business Standards section applies to the following zoning districts:



The following standards apply:

- A. Permits: An Improvement Location for a type 3 home business shall be required.
- B. Permissible Home Businesses:
 - 1. *Permitted*: The home business shall be limited to assembly of products, automobile repair, welding, contracting business, landscaping business, light manufacturing, or a similar use as determined by the Zoning Administrator.
 - 2. *Prohibited*: The home business shall not include any kind of walk-in retail sales.
 - 3. *Discretion*: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business shall be permitted as a type 3 home business.
- C. Personnel:
 - 1. *Residency*: The primary operator of the home business shall reside in the dwelling unit on the same lot where the home business is located.
 - 2. *Employees*: Five (5) employees who do not reside in the dwelling unit where the home business is located may be employed by the home business.
- D. Operations:
 - 1. *Nuisance*: The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
 - 2. *Hours*: The hours of operation of the home business shall be no earlier than 6:00 AM and no later than 9:00 PM, which applies to customers and employees that do not reside in the dwelling unit where the home business is located. The hours of operation of the home business shall not interfere with the use and enjoyment of adjacent residential properties.
- E. Design:
 - 1. *Primary Structure*:
 - a. The office component of the home business may be operated in the dwelling unit.
 - b. The home business shall not exceed five percent (5%) of the square footage of the dwelling unit.
 - c. There shall be no evidence of the home business from alterations to the exterior of the residence. However, the character of the property may show minimal evidence of its business use, including exterior storage of materials, vehicles, or equipment used in the home business.
 - 2. *Accessory Structure*:
 - a. The home business shall be primarily conducted within an accessory structure.
 - b. The home business may consume 100% of the square footage of the accessory structure.
 - 3. *Parking and Loading*:
 - a. Off-street parking and loading facilities beyond what is common for the dwelling unit or agricultural use shall not be permitted.
 - b. There shall be no more than seven (7) operable vehicles parked on the lot at any time, not including those parked inside.
 - 4. *Exterior Storage*:
 - a. Vehicles, trailers, and other equipment used in the home business shall be stored and/or parked in an organized manner that is in an inconspicuous location.
 - b. All exterior storage shall be located behind the footprint of the dwelling unit and behind or beside the accessory structure that is the primary location of the home business.
 - c. All exterior storage shall be screened so it is nearly invisible from any right-of-way.

Home Business Standards (HB)

5. *Mechanical Equipment:* The home business shall not require the installation of industrial-grade mechanical equipment. Commercial-grade mechanical equipment shall be permitted.
6. *Utility Service:* The home business shall not require the installation of a sewer or water utility service beyond what is common in a residential structure. Commercial-grade electrical services and exceeding typical phone, cable, or internet services for residential property shall be permitted.
7. *Sign Standards:* One (1) wall sign shall be permitted on the accessory structure, or one (1) ground sign shall be permitted in the front yard. The wall sign or ground sign shall not exceed six (6) square feet in area, regardless of its distance from the street. If a ground sign, it shall not be within fifteen (15) feet of the front property line or edge of pavement, nor within fifteen (15) feet from a side property line.

Keeping of Animals Standards (KA)

5.37 KA-01: Single-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. Exotic Animals: Exotic animals shall not be permitted.
- B. Household Pets (Indoor): Any number of household pets are permitted as defined.
- C. Outdoor Pets: Outdoor pets are permitted as follows:
 1. *Maximum Number of Outdoor Pets*: One (1) outdoor pet per one-fifth ($\frac{1}{5}$) acre with an absolute maximum of five (5).
- D. Farm Animals: All farm animals shall be prohibited except chickens, which are permitted as follows:
 1. *Minimum Lot Area*: One-fifth ($\frac{1}{5}$) acre.
 2. *Maximum Number of Farm Animals*: Three (3) chickens per lot.
 3. *Permitted and Prohibited Types*: Hens shall be permitted and roosters shall be prohibited.
 4. *Location*: A chicken coop shall be permitted, but only in the rear yard and within the setbacks applicable to a primary structure in the subject zoning district.

5.38 KA-02: Multiple-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. Exotic Animals: Exotic animals shall not be permitted.
- B. Household Pets (Indoor): Any number of household pets are permitted as defined.
- C. Outdoor Pets: Outdoor pets are not permitted.

Keeping of Animals Standards (KA)

5.39 KA-03: Agricultural Keeping of Farm Animals Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. Exotic Animals: One (1) exotic animal is permitted per twenty-five (25) acres.
- B. Household Pets (Indoor): Any number of household pets are permitted as defined.
- C. Outdoor Pets: Outdoor pets are permitted as follows:
 1. *Minimum Lot Area*: One-fifth ($\frac{1}{5}$) acre.
 2. *Maximum Number of Outdoor Pets*: One (1) outdoor pet per one-fifth ($\frac{1}{5}$) acre with an absolute maximum of six (6).
- D. Farm Animals: Farm Animals are permitted as follows:
 1. *Minimum Lot Area*: Five (5) acres for all farm animals, except chickens, which require one-fifth ($\frac{1}{5}$) acre.
 2. *Minimum Pasture Area*: Two (2) acres or all farm animals, except chickens, which require one-fifth ($\frac{1}{5}$) acre.
 3. *Maximum Animal Units*: One (1) animal unit per two (2) acres of fenced pasture, except chickens, which shall not exceed five (5) per lot when the lot area is less than five (5) acres, otherwise maximum animal units shall be the below chart.
 4. *Determination of Animal Units*: See table below.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	1
Horse, Mule, Donkey, Camel, and similar	1
Horse (34 inches or less at withers)	3
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	20

5. *Other Animal Types*: The Zoning Administrator shall determine "animals per animal unit" for all other species.

5.40 KL-01: Commercial Kennel Standards

This Kennel Standards section applies to the following zoning districts:



The following standards apply:

A. Prerequisites:

1. *Minimum Lot Area*: All commercial kennels shall be located on a lot with a minimum of two (2) acres.
 2. *Minimum Fenced Yard*: All commercial kennels shall maintain a minimum one-eightieth (1/80) acre (544 1/2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the commercial kennel's dog capacity). As a minimum, all commercial kennels that provide services for dogs shall have a one-quarter (1/4) acre fenced area.
- B. *Minimum Main Floor Area*: The commercial kennel shall have a building with a minimum main floor area of fifty (50) square feet per one (1) domestic pet, with an prerequisite minimum of 1,000 square feet. Newly constructed commercial kennels, as well as commercial kennels to be located in an existing building shall, have a minimum capacity of fifty (50) square feet of main floor area per one (1) domestic pet.
- C. *Commercial Kennel Building*: The building required in *Section 5.40(B): Minimum Main Floor Area* shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
- D. *Hours of Operation*: The commercial kennel may be staffed twenty-four (24) hours per day. The use of outdoor areas shall be limited to eight (8) hours between which shall be allocated between the hours of 8:00 AM and 8:00 PM daily.
- E. *Setback Standards*: All buildings and outdoor containment areas used by the commercial kennel shall be a minimum of 100 feet from all property lines.
- F. *Noise Containment*: The commercial kennel shall keep all windows closed ninety-nine percent (99%) of each day and doors closed ninety percent (90%) of each day.
- G. *Fence Enclosures*: All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.
- H. *Waste Management*: The animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by the County Health Department. The commercial kennel shall submit a waste management plan to the County Health Department for consideration and determination of waste management options.

5.41 KL-02: Home Enterprise Kennel Standards

This Kennel Standards section applies to the following zoning district:



The following standards apply:

A. Prerequisites:

1. *Minimum Lot Area:* All kennels shall be located on a lot with a minimum of one (1) acre.
2. *Minimum Fenced Yard:* All kennels shall maintain a minimum one-eightieth (1/80) acre (544 1/2 square feet) of outdoor fenced area for each boarding unit for dogs on premises (i.e. the kennel's dog capacity).

B. Maximum Kennel Size: The kennel facility shall not contain more than six (6) domestic pets that are not the owner of the property. However, no more than ten (10) domestic pets shall be kept on the property.

C. Kennel Building Standards:

1. *Kennel Location:* The kennel shall be fully contained in a dedicated space within the home, or in no more than one (1) accessory structure.
2. *Minimum Floor Area:* The kennel shall have a minimum floor area of fifty (50) square feet per one (1) domestic pet, with a prerequisite minimum of 200 square feet.
3. *Kennel Facility:* The kennel facility shall be mechanically air conditioned and ventilated to eliminate the need to open windows or doors during warm or hot days. Only the building used to board or predominantly keep animals shall be subject to this requirement.
4. *Noise Containment:* The kennel shall keep all windows closed ninety-nine percent (99%) of each day, and doors closed ninety percent (90%) of each day.

D. Hours of Operation: The maximum hours of operation (i.e. hours for domestic pet owners to pick-up their animal) for the kennel shall be from 6:00 AM to 8:00 PM daily. The use of outdoor areas shall be limited to two (2) hours between 8:00 AM and 8:00 PM daily.

E. Setback Standards: All outdoor areas used by the kennel shall be a minimum of fifty (50) feet from all property lines.

F. Fence Enclosures: All outdoor facilities for domestic pets shall be fully fenced-in with vinyl, zinc or powder coated chain link fence, or similar quality product. Invisible fences shall not constitute a sufficient barrier to keep domestic pets contained or to prevent intrusion by other animals.

Landscaping Standards (LA)

5.42 LA-01: General Landscaping Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of Landscaping Standards is to maintain community character, enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. The following standards apply:

A. Cross Reference:

1. *Vision Clearance Standards*: All landscape materials shall be located to avoid interference with visibility per *Section 5.95: Vision Clearance Triangle Standards*.
2. *Trees Preservation*: Removal of trees within the right-of-way shall not occur without the permission of the Street Tree Commission.

B. Applicability: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when one (1) of the following conditions is met:

1. *New Primary Structure*: An Improvement Location Permit for a new primary structure is obtained.
2. *Addition to Primary Structure*: An Improvement Location Permit for an addition to the primary structure that adds fifty percent (50%) or more square footage is obtained.

C. Placement:

1. *Easements*: Landscape materials shall not be planted in rights-of-way or easements without permission from the City and/or the easement holder unless otherwise required by the Unified Development Ordinance. A tree canopy, however, may project over a right-of-way or any type of easement.
2. *Infrastructure Interference*:
 - a. Landscape materials shall be located to avoid interference with overhead and underground utilities.
 - b. Landscape materials shall maintain five (5) feet of horizontal clearance from sewer and water lines.
 - c. Landscape materials shall not project into sidewalks, pedestrian paths, and the like below a height of seven (7) feet.
 - d. Landscape materials shall not project over street curbs or pavement below a height of eight (8) feet.

D. Maintenance: Trees, vegetation, irrigation systems, fences, walls, and other landscape materials are essential elements of a project. Owners and their successors in title are responsible for the regular maintenance of all landscaping materials such that they are kept in good condition, including street trees located in the adjacent right-of-way. All landscape materials shall be maintained alive, healthy, and free from disease and pests. Failure to maintain minimum landscape materials is a violation of the Unified Development Ordinance subject to the provisions of *Article 10: Enforcement and Penalties*.

E. Tree Preservation Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape standards in the Unified Development Ordinance. A credit shall be granted per tree that contributes to and satisfies similarly to the intent of a particular section of the landscape standards (e.g. street trees, lot plantings, pond plantings, or bufferyards) within the Unified Development Ordinance.

1. *Preservation Plan*: If tree preservation credits are desired, a Tree Preservation Plan shall be submitted prior to any construction activity. The Tree Preservation Plan shall identify the trees intended to be saved and a strategy for retaining and protecting the trees and their existing root systems.
2. *Credits*:
 - a. For each preserved deciduous tree with the caliper measurement of eight (8) inches or greater, credit for two (2) deciduous trees shall be granted.
 - b. For each preserved evergreen tree eight (8) feet tall or greater, credit for two (2) evergreen trees shall be granted.
3. *Drip Line Protection*: Any tree intended to be protected shall have a construction fence or similar conspicuous barrier installed around the tree at the drip line. Soil disturbance or compaction shall be prohibited within the drip line. Storage of materials inside the fence shall be prohibited.
4. *Unplanned Damage*: Any tree intended to be saved that is removed or damaged shall be replaced in the same proportion as the credits that were originally granted.

5.43 LA-02: Interstate Buffering Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Interstate Buffering Standards is to maintain community character, enhance aesthetics along the interstate highway, and mitigate noise to adjacent lots from an interstate highway. The following standards apply:

- A. **Applicability:** Any lot that is contiguous to an interstate highway right-of-way and that is constructing a new primary structure shall comply with the standards in this section. All required landscape material shall be in addition to landscape material that may be required by other Landscaping Standards.
- B. **Quantity:** One (1) canopy tree for every forty (40) feet of property line that is contiguous with the interstate highway. Each tree shall have a caliper measurement of at least two (2) inches.
- C. **Placement:** Each required tree shall be planted between ten (10) and thirty (30) feet from the property line along the contiguous boundary; and at least thirty (30) feet from one another. It is not required to plant them in a row or in equal increments from one another.

5.44 LA-03: Residential Lot Planting Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Residential Lot Planting Standards is to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. The following standards apply:

- A. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by street tree planting, pond planting, parking lot planting, and bufferyard planting specified in other parts of this Landscaping Standards section.
 1. **Foundation Plantings:**
 - a. Primary structures with facades that face a street and that are eighty (80) lineal feet or less in width, shall plant at least three (3) shrubs in front of the facade that faces the street. This provision applies to all facades that face a street.
 - b. Facades of primary structure that face a street and are over eighty (80) lineal feet, shall plant one (1) shrub for every twenty (20) lineal feet of facade frontage on a street. This provision applies to all facades that face a street.
 2. **Yard Plantings:**
 - a. Lots 8,000 square feet or less shall plant one (1) canopy tree. Each tree shall have a caliper measurement of at least two (2) inches.
 - b. Lots over 8,000 square feet, but less than 18,000 square feet, shall plant two (2) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - c. Lots over 18,000 square feet, but less than 35,000 square feet, shall plant three (3) canopy trees. Each tree shall have a caliper measurement of at least two (2) inches.
 - d. Lots 35,000 square feet or more shall plant four (4) canopy trees, plus one (1) canopy tree for every additional 15,000 square feet of lot size above 35,000 square feet. Each tree shall have a caliper measurement of at least two (2) inches. Under no circumstances shall more than eight (8) trees be required for this provision.
- B. **Placement:**
 1. **Foundation Plantings:** Foundation plantings shall be planted along the foundation fronting the street and be located within ten (10) feet of the building foundation.
 2. **Yard Plantings:** Yard plantings shall be planted in the front yard and/or side yards.

Landscaping Standards (LA)

5.45 LA-04: Non-Residential Lot Planting Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Non-Residential Lot Planting Standards is to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. The following standards apply:

- A. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by street tree planting, pond planting, parking lot planting, and bufferyard planting specified in other parts of this Landscaping Standards section.
 1. *Foundation Plantings:*
 - a. Primary structures with facades that face a street and that are eighty (80) lineal feet or less in width, shall plant at least three (3) shrubs in front of the facade that faces the street. This provision applies to all facades that face a street.
 - b. Facades of primary structure that face a street and are over eighty (80) lineal feet, shall plant one (1) shrub or ornamental tree for every twenty (20) lineal feet of facade frontage on a street. This provision applies to all facades that face a street.
 2. *Yard Plantings:*
 - a. Lots 20,000 square feet or less shall plant one (1) canopy tree. Each tree shall have a caliper measurement of at least two (2) inches.
 - b. Lots over 20,000 square feet shall plant two (2) canopy trees, plus one (1) canopy tree for every additional 25,000 square feet of lot size above 40,000 square feet. Each tree shall have a caliper measurement of at least two (2) inches. Under no circumstances shall more than ten (10) trees be required for this provision.
- B. **Placement:**
 1. *Foundation Plantings:* Foundation plantings shall be planted along the foundation fronting the street and be located within ten (10) feet of the building foundation.
 2. *Yard Plantings:* Yard plantings shall be planted in the front and/or side yards.

5.46 LA-05: Manufactured Home Park Planting Standards

This Landscaping Standards section applies to the following zoning district:



The intent of the Manufactured Home Park Planting Standards is to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. The following standards apply:

- A. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by street tree planting, pond planting, parking lot planting, and bufferyard planting specified in other parts of this Landscaping Standards section.
 1. *Yard Plantings:*
 - a. Dwelling Sites shall plant one (1) canopy tree. Each tree shall have a caliper measurement of at least two (2) inches.
- B. **Placement:**
 1. *Yard Plantings:* Yard plantings shall be planted in the rear yard or side yard.

Landscaping Standards (LA)

5.47 LA-06: Parking Lot Planting Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Parking Lot Planting Standards is to require a reasonable amount of plant materials around and within parking lots to reduce glare, reduce heat buildup, enhance visual quality of developments, screen and mitigate potential conflicts between land uses, reduce noise pollution, reduce wind, minimize storm runoff, and improve air quality. The following standards apply:

- A. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by lot planting, pond planting, street tree planting, and bufferyard planting specified in other parts of this Landscaping Standards section.
 1. **Parking Lot Perimeter Plantings:** Parking lots with ten (10) or more spaces shall have one (1) deciduous tree fifty (50) feet of parking lot perimeter and one (1) shrub per twenty-five (25) feet of parking lot perimeter. Each tree shall have a caliper measurement of at least one and one-half (1 ½) inches and each shrub shall be at least a one and one-half (1 ½) gallon container.
 2. **Parking Lot Perimeter Planting Exemption:** Portions of a parking lots perimeter that are immediately adjacent to a building on the same lot shall be exempt from the calculation for determining quantity.
 3. **Parking Lot Interior Plantings:** Parking lots with thirty-five (35) or more parking spaces shall have one (1) landscape island for every thirty-five (35) spaces. Each landscape island shall be at least 180 square feet in area or at least as large as the drip line area of the tree(s), which ever is greater. Each landscape island shall contain at least one (1) tree per 180 square feet in area. Each tree shall have a caliper measurement of at least one and one-half (1 ½) inches. Parking lot landscape islands shall be maintained with plant materials, decorative stone, and/or mulch. Crushed limestone or similar gravel shall not be permitted. If a parking lot only has one (1) aisle then all required landscape islands shall be installed as landscape bumpouts.
- B. **Placement:**
 1. **Parking Lot Perimeter Plantings:** Parking lot perimeter plantings shall be installed within ten (10) feet of the parking lot edge. Clustering and inconsistent spacing of perimeter plantings is encouraged to imitate natural vegetation. Equal spacing of perimeter planting is discouraged. All sides of a parking lot shall have parking lot perimeter plantings installed in proportion to the lineal feet of parking lot perimeter per side.
 2. **Parking Lot Interior Plantings:** Landscape islands shall be distributed equally throughout the parking lot.

5.48 LA-07: Pond Planting Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Pond Planting Standards is to require a reasonable amount of plant materials around ponds to enhance the visual quality of the development, add shadows to cool water temperature and provide habitat, and to prevent soil erosion. The following standards apply:

- A. **Project Applicability:** Pond plantings shall be installed around retention ponds, detention facilities, and recreational ponds that exceed 20,000 square feet in area.
- B. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by lot planting, parking lot planting, street tree planting, and bufferyard planting specified in other parts of this Landscaping Standards section.
 1. **Perimeter Planting:** One (1) tree and two (2) shrubs per 8,000 square feet of pond area shall be required.
- C. **Placement:** Landscape materials shall be installed within twenty (20) feet of the edge of the water, and grouping of landscape materials is encouraged to imitate natural vegetation.

Landscaping Standards (LA)

5.49 LA-08: Bufferyard Planting Standards

This Landscaping Standards section applies to the following zoning districts:



The intent of the Bufferyard Planting Standards is to screen more intensive land uses from less intensive land uses through the installation of a landscaped bufferyard. The following standards apply:

A. Project Applicability:

1. *Conflicting Districts:* Bufferyards shall be installed along side and rear property lines where conflicting zoning districts meet, as indicated on *Table LA-A*. An "R" on *Table LA-A* indicates a bufferyard shall be required.
2. *Responsibility:* The owner of a property that is more intense shall be responsible for installing the bufferyard at the time the property is rezoned, developed, and/or improved. In the event a property is rezoned, resulting in a conflict with an existing and more intense use or zoning district, then the bufferyard shall be the responsibility of the owner of the property that has the less intense zoning (i.e. the newly rezoned property).

B. Design:

1. *Depth:* Bufferyards shall be twenty (20) feet in width along the entire segment of property line which is contiguous to the lesser intense zoning district. A required buffer yard shall not count toward minimum setback requirements.
2. *Placement:* Landscape materials shall be installed within the bufferyard such that visual breaks from differing intensity land uses are no greater than ten (10) feet as measured perpendicular to adjacent property lines.
3. *Plant Quantities:* The following shall be the minimum requirements for landscape materials in the bufferyard:
 - a. One (1) evergreen tree per twelve (12) feet of contiguous boundary with the conflicting zoning district shall be planted.
 - b. One (1) shrub per eight (8) feet of contiguous boundary with the conflicting zoning district shall be planted.

Landscaping Standards (LA)

Table LA-A: Buffer Yards Required

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
PR																R				R	R	R	R
AG																						R	R
IA				R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			R
R1			R								R	R	R	R	R	R		R	R	R	R	R	R
R2			R								R	R	R	R	R	R		R	R	R	R	R	R
R3			R								R	R	R	R	R	R		R	R	R	R	R	R
UR			R										R		R	R		R	R	R	R	R	R
M1			R								R	R			R	R		R	R	R	R	R	R
M2			R											R	R	R		R	R	R	R	R	R
MP			R											R	R	R		R	R	R	R	R	R
UV			R	R	R	R		R								R				R	R	R	R
IS			R	R	R	R		R								R					R	R	R
NC			R	R	R	R	R									R						R	R
LC			R	R	R	R	R		R	R						R						R	R
GC			R	R	R	R	R	R	R	R													R
OC	R		R	R	R	R	R	R	R	R	R	R	R	R								R	R
CB			R																				R
HC			R	R	R	R	R	R	R	R													R
EP			R	R	R	R	R	R	R	R												R	R
IC	R		R	R	R	R	R	R	R	R	R												R
I1	R			R	R	R	R	R	R	R	R	R											R
I2	R	R		R	R	R	R	R	R	R	R	R	R	R		R			R				R
HI	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	

5.50 LT-01: Lighting Standards

This Lighting Standards section applies to the following zoning districts:



The intent of the Lighting Standards is to protect the health, safety, and welfare of the residents within the zoning jurisdiction of the City by permitting site and facade lighting that has minimal impact on adjacent property. The following standards apply:

A. Cross Reference:

1. *Parking Lot Lighting:* See *Parking Standards* for parking lot lighting requirements.
2. *Illumination of Signs:* See *Sign Standards* for standards regarding the illumination of signs.

B. Permits: A Building Permit shall be required for the installation of lighting, and all light fixtures shall be installed in compliance with the Indiana Electrical Code.

C. Applicability: The lighting standards apply to all site lighting, security lighting, landscape lighting and facade-mounted lighting, but not parking lot lighting or sign lighting. Although most site lighting, security lighting, landscape lighting and facade lighting is located outside, this section also applies to any lights mounted inside a structure that is intended to provide lighting to outdoor spaces.

D. Measurement Rules: Measurements of light readings shall be taken at any point along the property line of the subject property with a light meter facing the center of the property at any height from the ground level to thirty-five (35) feet above ground level.

E. Types: All lighting fixtures and poles within a single development or on a single lot shall be consistent in style, color, size, height, and design.

1. *Permitted:*

- a. *Pole and Wall Mounted Fixtures:* Pole and wall mounted (e.g. wall packs) lighting shall be permitted when they are full-cutoff fixtures.
- b. *Ground Mounted Fixtures:* Ground mounted fixtures shall be shielded as to greatly minimize light spilling upwards beyond what it is intended for illumination. Also, the least amount of light necessary shall be utilized when ground mounted.
- c. *Facade Highlighting:* Low voltage landscaping lighting and low voltage up-lighting of structure facades and landscaping from ground-mounted fixtures shall be permitted.

2. *Prohibited:*

- a. Non-cutoff fixtures shall not be permitted.
- b. Strobe lights shall not be permitted.

3. *Exemptions:*

- a. *Sport Field and Sport Court Lighting:* Sport field and sport court lights shall be semi-cutoff or cutoff fixtures, shall not exceed 100 feet in height, and shall be shut-off by 10:00 PM Sunday through Thursday and 11:00 PM Friday through Saturday.
- b. *Landscape Lighting:* Ground mounted low voltage (i.e. DC) landscape lighting systems shall be exempt.
- c. *Recessed lighting in eaves with low voltage or low wattage lighting* shall be exempt.
- d. *Low Wattage Lights:* Low wattage carriage lights, ceiling mounted porch lights, and dusk-to-dawn pole lights not greater than fifteen (15) feet in height shall be exempt when the total number of said lights does not exceed five (5) on any single lot.

F. Glare: Light fixtures shall be shielded to prevent glare on streets, alleys, and adjacent properties. Any structural part of the light fixture providing this shielding shall be permanently affixed.

G. Light Trespass: The maximum allowable light at a property line shall be five (5) lux, with the following exception:

1. *Adjacent Commercial or Industrial Zoning Districts:* When the subject property is located adjacent to a commercial zoning district or an industrial zoning district, then the allowable light at the property line shall be twenty (20) lux, but only along the property lines that are adjacent to the specified zoning districts. However, no light shall cross that adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.

Loading Standards (LD)

5.51 LD-01: Loading Standards

This Loading Standards section applies to the following zoning districts:



The intent of Loading Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by requiring loading berths to meet certain standards. The following standards apply:

- A. Project Applicability: The following loading standards only apply when a project electively involves a loading docks.
- B. Design:
 1. *Location*:
 - a. Loading docks shall be located so that they are inconspicuous from public streets. If such a location is not possible, a loading dock clearly visible from a public street shall be screened by solid structure walls and/or landscape buffers.
 - b. Loading docks shall have adequate area for trucks to maneuver in and out of the facility. Trucks shall not block rights-of-way, streets, alleys, aisles, or other internal circulation when maneuvering into or docked at loading docks.
 2. *Surface Materials*: Loading docks shall be paved with asphalt or concrete.
 3. *Drainage*: Loading docks shall be constructed to allow proper drainage away from the structure.

5.52 LO-01: Lot Standards

This Lot Standards section applies to the following zoning districts:



The intent of the Lot Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by establishing area, width, and frontage requirements for lots. The following standards apply:

- A. Applicability: If a lot standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
1. *Minimum Dwelling Site Area*: The minimum dwelling site area shall be per each two-page layout in *Article 2: Zoning Districts*.
 2. *Minimum Dwelling Site Width*: The minimum dwelling site width shall be per each two-page layout in *Article 2: Zoning Districts*.
 3. *Minimum Lot Area*: The minimum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
 4. *Maximum Lot Area*: The maximum lot area shall be per each two-page layout in *Article 2: Zoning Districts*.
 5. *Minimum Lot Width*: The minimum lot width shall be per each two-page layout in *Article 2: Zoning Districts*.
- B. Minimum Lot Frontage:
1. *General*:
 - a. *Non Cul-de-sac Lots*: The minimum lot frontage on a non cul-de-sac lot shall be a minimum of forty (40) feet.
 - b. *Cul-de-sac Lots*: The minimum lot frontage for lots established on a cul-de-sac shall be a minimum of twenty-five (25) feet.
 - c. *Agriculture*: The minimum lot frontage for lots in the AG or AI District shall be forty (40) feet under all circumstances.

Manufactured Housing Standards (MH)

5.53 MH-01: Manufactured Housing and Lease-lot Development Standards

This Manufactured Housing Standards section applies to the following district:

MP

The intent of Manufactured Housing Standards is to promote quality and safe lease-lot manufactured home and mobile home developments. The following standards apply:

- A. Permits: An Improvement Location Permit shall be required for each manufactured home dwelling and each mobile home dwelling prior to installation on a dwelling site, and for all other primary or accessory structures on the lot or dwelling sites.
- B. Design:
 1. *Dwelling Sites*:
 - a. Each dwelling site within a lease-lot development shall have separate utility connections.
 - b. Each dwelling site within a lease-lot development with four (4) or more dwelling sites shall have direct access onto a paved private street.
 - c. No more than one (1) dwelling shall be placed on a dwelling site.
 - d. Each dwelling site within a lease-lot development shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage collection, and public utilities.
 2. *Dwelling Units*:
 - a. Each dwelling within a lease-lot development shall either:
 - i. Mobile Home: Be placed and tied down on a concrete pad with perimeter enclosure (i.e. skirting); or
 - ii. Modular Home: Be permanently mounted on a cinder block or concrete foundation.

Outdoor Dining Standards (OD)

5.54 OD-01: Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:



The intent of Outdoor Dining Standards is to permit outdoor dining in appropriate areas while maintaining pedestrian accessibility and circulation, ensuring the safety of diners and restaurant servers, and preserving or enhancing the character of the area. The following standards apply:

- A. **Prerequisite:** Any establishment that wishes to have outdoor dining partially or fully within the right-of-way shall first get approval from the Richmond Common Council. This approval is necessary because right-of-way is the exclusive jurisdiction of the Richmond Common Council. Therefore, the Zoning Administrator, Plan Commission, or Board of Zoning Appeals cannot process an Improvement Location Permit or other petition for this use within a right-of-way without prior approval from the Richmond Common Council.
- B. **Permits:** An Improvement Location Permit shall be required prior to establishing an outdoor dining area. A new permit shall not be required each year unless changes are proposed in the outdoor dining area.
- C. **Operations:** Generally, outdoor dining is permitted from March 31 through December 1, and from 6:00 AM until 11:00 PM Sunday through Thursday and 6:00 AM until 12:00 midnight Friday through Saturday.
- D. **Design:**
 1. *Circulation and Accessibility:*
 - a. All outdoor dining areas shall maintain a minimum four (4) foot wide pedestrian circulation area along a public sidewalk. The pedestrian circulation area shall be free of all obstacles including but not limited to tree wells, fire hydrants, street light poles, and newspaper boxes. This pedestrian circulation area shall be maintained at all times.
 - b. Outdoor dining areas shall not interfere with handicap accessibility, curbs, ramps, or driveways.
 - c. Portions of outdoor dining areas fronting a right-of-way may have a pedestrian barrier enclosing the outdoor dining area except for ingress/egress into the establishment. The pedestrian barrier shall meet all of the following criteria:
 - i. Pedestrian barriers shall be sturdy, stable, and have sufficient weight so they cannot be blown over by wind.
 - ii. Pedestrian barriers shall not be permanently attached or bolted to the sidewalk, unless granted special permission from the Board of Works.
 - iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
 - iv. Pedestrian barriers shall be removed and stored during the off season, but not on the exterior of the building.
 - d. Outdoor dining areas that do not front a right-of-way may have a pedestrian barrier around at least seventy-five percent (75%) of the outdoor dining area. The pedestrian barrier shall meet all of the following criteria:
 - i. Pedestrian barriers shall be constructed of wood, composite wood, stone, masonry, wrought iron, decorative metal, or a combination of these materials.
 - ii. Pedestrian barriers shall be permanently attached to the ground.
 - iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
 - e. No element of the outdoor dining area shall interfere with access to any structure.
 2. *General:*
 - a. A sufficient number of trash containers shall be provided outdoors and be readily accessible to outdoor diners. However, full service establishments with outdoor dining areas shall not be required to provide outdoor trash containers.
 - b. There shall be no storage of food trays; carts; receptacles for dirty dishes or trays; carts for utensils; or cooking appliances in any portion of the outdoor dining area.
 - c. There shall be no service stations in any portion of the outdoor dining area.

Outdoor Dining Standards (OD)

3. *Furniture:*

- a. To maintain a high quality environment, quality materials shall be used for outdoor dining areas. Outdoor dining furniture and outdoor trash containers shall be iron, steel, aluminum, wood, or resin. Finishes on the furniture and trash containers shall be kept relatively free of fading, chips, and rust.
- b. Umbrellas are permitted, but shall be flame retardant, color-fast fabric with an anti-flyback feature.
- c. Outdoor dining furniture, trash containers, and umbrellas shall not incorporate signs.
- d. Outdoor dining furniture, trash containers, and umbrellas shall be stored during the off-season, but not on the exterior of the building.

Outdoor Display Area Standards (DA)

5.55 DA-01: Outdoor Display Area Standards

This Outdoor Display Area Standards section applies to the following zoning districts:



The intent of the Outdoor Display Area Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the district and do not jeopardize the health, safety, and welfare of the residents of the zoning jurisdiction of the City. The following standards apply:

- A. **Project Applicability:** Outdoor areas that a business or organization wants to use on a regular basis for outdoor displays shall meet the Outdoor Display Area Standards section.
- B. **Permits:** An Improvement Location Permit shall be required when a new outdoor display area is proposed. Once a permit is issued for an outdoor display area, a new permit is not required each time the merchandise changes. However, a new permit shall be required if the outdoor display area changes.
- C. **Location:**
 1. **Accessibility:** An outdoor display area shall not block any sidewalk, accessibility ramp, or driveway.
 2. **Setbacks:**
 - a. **Front Yard:** An outdoor display area shall meet the primary structure front yard setback standard identified in the applicable zoning district in *Article 2: Zoning Districts*.
 - b. **Side and Rear Yards:** An outdoor display area shall meet the accessory structure side yard and rear yard setbacks standard as identified in the applicable zoning district in *Article 2: Zoning Districts*.
 3. **Proximity to Primary Structure:** An outdoor display area shall meet at least one (1) of the following proximity standards:
 - a. Every portion of an outdoor display area shall be fifteen (15) feet or less from the front facade of the primary structure.
 - b. Every portion of an outdoor display area shall be forty (40) feet or less from a side facade of the primary structure.
 - c. An outdoor display area shall meet the screen requirements in *Section 5.55(E): Screening*.
- D. **Size:**
 1. **Maximum Area:** The cumulative area of all outdoor display areas shall not exceed fifteen percent (15%) of the footprint of the primary structure or tenant space to which the outdoor display area is associated.
 2. **Maximum Height:**
 - a. When products are displayed within an enclosed temporary structure, the enclosed temporary structure shall not exceed fifteen (15) feet in height.
 - b. Products displayed outside shall not exceed twelve (12) feet in height when located under a canopy or in a sales yard, otherwise all other outdoor display areas shall not exceed six (6) feet.
- E. **Screening:** When an outdoor display area is more than fifteen (15) feet from the front facade of the primary structure or more than forty (40) feet from a side facade of the primary structure, at least one of the following screening mechanisms shall be installed.
 1. **Ornate Fence:** An ornate fence that is four (4) feet to eight (8) feet in height integrated into the design of the primary structure.
 2. **Landscaping:** A five-foot (5') wide landscape buffer that consists of one (1) tree and one (1) shrub for every ten (10) feet of perimeter around the outdoor display area. The trees and shrubs shall be permanently planted and may be arranged creatively for aesthetic purposes, but shall reasonably screen the outdoor display area.

Outdoor Display Area Standards (DA)

5.56 DA-02: Outdoor Commercial Outdoor Display Area Standards

This Outdoor Display Area Standards section applies to the following zoning districts:



The intent of the Outdoor Display Area Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the district and do not jeopardize the health, safety, and welfare of the residents of the zoning jurisdiction of the City. The following standards apply:

- A. Project Applicability: Outdoor areas that a business or organization wants to use on a regular basis for outdoor displays shall meet the Outdoor Display Area Standards section.
- B. Permits: An Improvement Location Permit shall be required when a new outdoor display area is proposed. Once a permit is issued for an outdoor display area, a new permit is not required each time the merchandise changes. However, a new permit shall be required if the outdoor display area changes.
- C. Location:
 - 1. Accessibility: An outdoor display area shall not block any sidewalk, accessibility ramp, or driveway.
 - 2. Setbacks:
 - a. Front Yard: An outdoor display area shall be setback at least five (5) feet from the front property line, sidewalk, or street surface, whichever results in a greater setback.
 - b. Side and Rear Yards: An outdoor display area shall be setback at least ten (10) feet from the side and rear property line.
 - 3. Proximity to Primary Structure: An outdoor display area does not need to be within a specified proximity to a primary structure.
- D. Size:
 - 1. Maximum Area: The cumulative area of all outdoor display areas may cover up to seventy percent (70%) of the lot.
 - 2. Maximum Height:
 - a. Products displayed outside shall not exceed fourteen (14) feet in height when located on an asphalt or concrete surface, or on a physical display (e.g. an apparatus used to display a vehicle or other merchandise).
- E. Screening: Not required.
- F. Restricted Surfaces: Outdoor display of merchandise shall not occur within a right-of-way, on grass, on gravel, or on any other unimproved surface. Additionally, driving aisles and customer parking areas shall not be impeded or used for the display of merchandise.
- G. Orderliness: Merchandise displayed outdoors shall be arranged and maintained in an orderly fashion as to look professional and organized. Disorderly arrangements and placement shall be considered eyesores and blight, and considered a violation of these standards.

Outdoor Storage Standards (OS)

5.57 OS-01: General Outdoor Storage Standards

This Outdoor Storage Standards section applies to the following zoning districts:



The intent of Outdoor Storage Standards is to protect the health, safety, and welfare and ensure neighborliness and aesthetic quality for the residents within the City's zoning jurisdiction. The following standards apply:

- A. Prohibited: The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted.
- B. Stored Vehicles: Stored vehicles shall not encroach into a right-of-way or block or impede an access easement, sidewalk, or driving aisle.
- C. Recreational Vehicles:
 - 1. *Quantity*: No more than one (1) recreational vehicle shall be stored outdoors or parked outdoors on a lot at any one (1) time.
 - 2. *Parking*:
 - a. A recreational vehicle shall be stored or parked on a paved surface in a rear yard or side yard of a lot such that no part of the recreational vehicle projects into the front yard.
 - b. A recreational vehicle shall not be stored on the street in front of or on the driveway of any lot for more than forty-eight (48) hours in any thirty (30) day period.
 - 3. *Use*: At no time shall a stored recreational vehicle be occupied for living, sleeping, or home business purposes.

5.58 OS-02: Industrial Outdoor Storage Standards

This Outdoor Storage Standards section applies to the following zoning districts:



The following standards apply:

- A. Industrial Outdoor Storage: Outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be permitted if all of the following conditions are met:
 - 1. *Location*: Outdoor storage areas shall be located in a side yard or rear yard and shall be setback thirty (30) feet from the property line, or the setback required for an accessory structure, whichever results in a greater setback.
 - 2. *Screening*: Outdoor storage areas shall be screened on all sides with a solid fence or wall that is six (6) feet tall, or eight (8) feet tall if what is stored is greater than six (6) feet in height.

Outdoor Storage Standards (OS)

5.59 OS-03: Heavy Industrial and High Impact Outdoor Storage Standards

This Outdoor Storage Standards section applies to the following zoning districts:



The following standards apply:

- A. Industrial Outdoor Storage: Outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be permitted if all of the following conditions are met:
 1. *Location*:
 - a. When Adjacent to an I2 or HI Districts: Outdoor storage areas may be located in a front yard, side yard, or rear yard and shall be setback twenty (20) feet from the property line.
 - b. When Adjacent to Any Other District: Outdoor storage areas may be located in a front yard, side yard or rear yard and shall be setback 100 feet from the front lot line, and fifty (50) feet from all other property lines, or the minimum applicable setback required for an accessory structure, whichever results in a greater setback.
 2. *Screening*: Outdoor storage areas shall be screened on all sides by a solid, opaque wall or fence of not less than six (6) feet tall, or eight (8) feet tall if what is stored is greater than six (6) feet in height. A chain link fence or a variation of a chain link fence combination shall not constitute an acceptable screening device.

Parking Standards (PK)

5.60 PK-01: General Parking Standards

This Parking Standards section applies to the following zoning districts:



The intent of Parking Standards is to require minimal parking standards in order to assure public health, safety and welfare; minimize risks to the natural environment; and minimize conflict and promote vehicular and pedestrian safety along streets by minimizing on-street parking. The following standards apply:

- A. Project Applicability: Parking consistent with the requirements of the Unified Development Ordinance shall be required when any of the following conditions are met.
 1. *New Primary Structure*: An Improvement Location Permit for a new primary structure is obtained.
 2. *Large Expansion*: An Improvement Location Permit for an existing parking lot to be expanded ten percent (10%) or more of its existing size is obtained.
 3. *Second Expansion*: A legally nonconforming parking area has already been expanded one (1) time, up to ten percent (10%) of its existing size, with a valid Improvement Location Permit, and a second expansion is proposed for the same legal nonconforming parking area.
- B. Cross Reference:
 1. *Setback Standards*: Parking lots shall comply with the setbacks in the *Setback Standards*.
 2. *Driveway Standards*: For standards regarding driveways or access to parking lots, see *Driveway Standards*.
 3. *Temporary Sales in Parking Lots*: For standards regarding temporary structures and temporary uses located in existing parking lots or parking areas, see *Temporary Use and Structure Standards*.
 4. *Accessory Dwellings*: For additional parking requirements for accessory dwellings, see *Section 5.03: Accessory Dwelling Standards*.
- C. Permits: An Improvement Location Permit shall be required for new parking lots or the expansion of an existing parking lot.
- D. Design:
 1. *Materials*: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, or the like. Gravel, stone, rock, dirt, sand, or grass shall not be permitted as parking surfaces.
 2. *Size of Spaces*: Each off-street parking space shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.
 3. *Right-of-way*: Off-street parking spaces shall not be fully or partially in a right-of-way or access easement.
- E. Prohibited: Parking of motor vehicles shall not be permitted on lawns, or similar unimproved surface.

5.61 PK-02: Single-family Residential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Quantity: A minimum of three (3) off-street parking spaces shall be required per dwelling unit.
- B. Minimum Garage: A one-car garage shall be required for all single-family residences.
- C. Location:
 1. *Same Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
 2. *Garages*: The required parking spaces may include spaces within garages and/or carports.

Parking Standards (PK)

5.62 PK-03: Traditional Residential Parking Standards

This Parking Standards section applies to the following zoning district:



The following standards apply:

- A. Quantity: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.
- B. Location:
 - 1. *Same Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
 - 2. *Garages*: The required parking spaces may include spaces within garages and/or carports.

5.63 PK-04: Multiple-family Residential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Exceptions: Assisted Living Facility and Nursing Homes shall be regulated by *Table PK-A: Minimum Number Of Parking Spaces Per Use*
- B. Quantity:
 - 1. *Tenants*: A minimum of two (2) parking spaces shall be required per dwelling unit.
 - 2. *Visitors*: One (1) parking space per every four (4) dwelling units shall be required for visitors.
- C. Location:
 - 1. *Tenants*: Tenant parking spaces shall be located on the same site as the dwelling unit. Tenant parking spaces may include spaces within garages and/or carports.
 - 2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as angled parking along internal private streets, but shall be proportionately assigned to an area within 200 feet of each multiple-family structure.

5.64 PK-05: Manufactured Home Residential Parking Standards

This Parking Standards section applies to the following zoning district:



The following standards apply:

- A. Quantity:
 - 1. *Dwelling Site*: A minimum of two (2) parking spaces shall be required per dwelling site.
 - 2. *Visitors*: One (1) parking space per every three (3) dwelling sites shall be required for visitors.
- B. Location:
 - 1. *Dwelling Site*: The required dwelling site parking spaces shall be located on the dwelling site. The required dwelling site parking spaces may include spaces within garages and/or carports.
 - 2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as on-street parking along internal private streets, but shall be proportionately dispersed throughout the development.

5.65 PK-06: Neighborhood Commercial and Central Business Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

- A. Quantity: None. Off-street parking is not required.

Parking Standards (PK)

5.66 PK-07: Nonresidential Parking Standards

This Parking Standards section applies to the following zoning districts:



The following standards apply:

A. Quantity:

1. *Minimum Number:*
 - a. Off-street parking shall be required for all uses as shown in *Table PK-A: Minimum Number Of Parking Spaces Per Use*. The land use is listed in the left column. The minimum number of parking spaces for employees or tenants is the in middle column, and the minimum number of parking spaces for visitors, clients, and customers is in the right column. The minimum number of parking spaces shall be the sum of all three (3) columns. The numbers do not guarantee the quantity needed per use, only minimums are expressed.
 - b. A development that combines two (2) or more uses or group of adjacent developments may provide a shared parking area if the shared lot provides a minimum of seventy-five percent (75%) of the required spaces for each use and the Zoning Administrator approves the shared parking area.
 - c. If a use is not clearly noted in *Table PK-A: Minimum Number Of Parking Spaces Per Use*, the Zoning Administrator shall determine a use with similar employment and customer characteristics, therefore determining the minimum number of parking spaces required.
2. *Additional Parking Lot Landscape Requirements for Electively Larger Parking Lots:* Developments that elect to have more than 130% of the minimum required number of spaces shall be required to increase the minimum required perimeter parking lot landscape material by twenty-five percent (25%) and increase the minimum number of required parking lot landscape islands by twenty-five percent (25%). Developments that elect to have more than 160% of the minimum required number of spaces shall be required to increase the minimum required perimeter parking lot landscape material by fifty percent (50%) and increase the minimum number of required parking lot landscape islands by fifty percent (50%). See *Section 5.47: Parking Lot Planting Standards* for the minimum requirements that shall be increased per this subsection.
3. *Bicycle Parking:* Developments are encouraged to provide bicycle parking areas when appropriate. If provided, bicycle parking areas shall be within sixty (60) feet of the main entryway into the primary structure or be located inside the primary structure. Additionally, a secured bike rack shall be installed to provide the opportunity for secure parking of bicycles.
4. *Stacking Lanes Spaces:* The following uses shall provide minimum stacking lane spaces as indicated below:
 - a. ATM: 3 spaces per drive-up ATM
 - b. Bank: 3 spaces per drive-up window lane
 - c. Day Care Center: 6 spaces if utilizing curb-side pick-up or drop-off
 - d. Dry Cleaner: 3 spaces if utilizing curb-side pick-up or drop-off
 - e. Pharmacy: 4 spaces for a drive-through window
 - f. Place of Worship: 5 spaces if utilizing curb-side pick-up or drop-off
 - g. Restaurant: 5 spaces for a drive-through window
 - h. School: 10 spaces if utilizing curb-side pick-up or drop-off
 - i. Service-type Business: 3 spaces if utilizing curb-side pick-up or drop-off

Parking Standards (PK)

- B. **Design:** Parking lots and parking areas shall meet the following criteria:
1. **Aisle Widths:** Minimum parking aisle widths shall be as follows:
 - a. Sixty-one degree (61°) to ninety degree (90°) angle spaces shall have a minimum eighteen (18) feet wide parking aisle for one-way traffic or minimum twenty-four (24) feet wide parking aisle for one-way or two-way traffic.
 - b. Forty-six degree (46°) to sixty degree (60°) angle spaces shall have a minimum of eighteen (18) feet wide parking aisle for one-way traffic.
 - c. Up to forty-five degree (45°) angle spaces shall have a minimum twelve (12) feet wide parking aisle for one-way traffic.
 2. **Aisle Exits:** All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be permitted.
 3. **Driving Lanes:** Driving lanes in parking lots that provide access to parking aisles shall be defined by striping, curbs, pavement markings, arrows, or parking spaces.
 4. **Maneuvering:** Parking areas shall be designed to prevent vehicles from maneuvering in the right-of-way.
 5. **Drainage:** Parking areas shall be constructed to prevent ninety-five percent (95%) of a parking lots area from ponding. If areas of parking lots are designed and approved for retention of water they are exempt from this provision.
 6. **Lighting:**
 - a. If parking lots are illuminated, the light fixtures and poles shall be consistent in color, size, height, and design.
 - b. Parking lot lights shall not exceed twenty-five (25) feet in height, measured from the bottom of the fixture to the ground.
 - c. Parking lot lights shall meet all standards in *Lighting Standards*.
 7. **Connectivity:**
 - a. Connectivity to adjacent parking lots shall be required in at least one (1) location. This may be accomplished through an aisle connector, frontage street, access street, or stub to an adjacent lot zoned for commercial, institutional, or industrial use.
 - b. Cross-access Easements:
 - i. Where parking lots connect or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Section 7.06: Easement Standards*.
 - ii. Cross-access easements shall not be less than ten (10) feet in width per lane nor exceed twelve (12) feet in width per lane.
 8. **Cart Corrals:** Cart corrals shall be required for all retail businesses with more than 20,000 square feet of retail space that provide shopping carts or the like to customers. Cart corrals shall be made of permanent materials and be anchored to the parking lot surface to prevent them from moving in wind. Cart corrals shall not exceed ten (10) feet in width and thirty-six (36) feet in length. Cart corrals shall be maintained in good condition and shall not have commercial signs affixed to them.
- C. **Land Banking:** A parking lot may be constructed with fewer parking spaces than required in *Table PK-A: Minimum Number Of Parking Spaces Per Use* if the following standards are met:
1. **Space in Reserve:** Adequate and appropriate space shall be land banked such that the full number of parking spaces required in *Table PK-A: Minimum Number Of Parking Spaces Per Use* can be constructed on-site at a later date, should the need arise.
 2. **Full Parking Lot Design:** A full and partial parking lot design shall be provided at the time of site plan review showing how the full number of parking spaces required in *Table PK-A: Minimum Number Of Parking Spaces Per Use* would be installed and how drainage and access would be handled, should the need arise. This design shall be recorded.
 3. **Recorded Plat:** The property owner shall also record a plat that clearly denotes the land-banked area, and identifies the area as a “no-build zone.”
 4. **Limits of Land Banking:** Under no circumstances shall less than forty percent (40%) of spaces required in *Table PK-A: Minimum Number Of Parking Spaces Per Use* be permitted to be installed.

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Accessory Uses		
farmer's market	-	no minimum
heliport, private	-	3 spaces per helipad
large wind turbine system	1 space	-

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Agricultural Uses		
grain elevator	1 space per employee on the largest shift	-
processing of agricultural products	1 space per employee on the largest shift	-
sales of agricultural products	2 spaces or 1 space per employee on the largest shift, whichever is greater	-
storage of agricultural products	1 space or 1 space per employee on the largest shift, whichever is greater	-

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
amusement center	1 space per employee on the largest shift	0.3 space per maximum occupancy
amusement park	1 space per employee on the largest shift	0.3 space per maximum occupancy
automobile dealership	1 space per employee on the largest shift	-
automobile oriented business	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area
bank machine/atm	-	2 spaces per ATM
banquet hall	-	1 space per 3 persons of maximum occupancy
bar/tavern	-	1 space per 3 persons of maximum occupancy
barber/beauty shop	-	3 spaces per chair
billiard/arcade room	-	1 space per 300 sq. ft. of floor area
bowling alley	-	4 spaces per lane
broadcast studio	1 space per employee on the largest shift	3 spaces per radio station broadcasted from the location
campground	-	1.5 spaces per camp site
club or lodge	-	1 space per 3 persons of maximum occupancy
coffee shop	-	1 space per 3 seats
coin laundry	-	1 space per 300 sq. ft. floor area
commercial training facility or school	-	1 space per student of maximum occupancy
country club	-	1 space per 3 persons of maximum occupancy
dance/night club	-	1 space per 3 persons of maximum occupancy
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 3 seats
driving range	-	2 spaces per 3 tee boxes
equipment rental	1 space per employee on the largest shift	1 space per 10,000 sq. ft. of outdoor display area and 1 space per 500 sq. ft. of floor area
equipment sales	1 space per employee on the largest shift	1 space per 10,000 sq. ft. of outdoor sales area and 1 space per 500 sq. ft. of floor area
farmer's market	-	-
fitness center/health club	-	1 space per 300 sq. ft. of floor area
funeral home or mortuary	-	1 space per 4 seats
gas station	-	1 space per 4 fuel pumps
golf course	-	20 spaces per 9 holes
health spa/day spa	-	3 spaces per spa suite
hotel/motel	1 space per employee on the largest shift	1 space per unit
ice cream shop	-	1 space per 3 seats

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Commercial Uses		
kennel (commercial)	-	1 space per 5 pet accommodation spaces
machinery rental	1 space per employee on the largest shift	1 space per 10,000 sq. ft. of outdoor display area and 1 space per 500 sq. ft. of indoor display area
machinery sales	1 space per employee on the largest shift	1 space per 10,000 sq. ft. of outdoor display area and 1 space per 500 sq. ft. of indoor display area
miniature golf	-	20 spaces per 18 hole course
movie theater	-	1 space per 4 seats
office, construction trade	1 space per employee on the largest shift	-
office, design services	-	1 space per 300 sq. ft. of floor area
office, general services	-	1 space per 300 sq. ft. of floor area
office, medical services	-	4 spaces per treatment room
paintball facility	-	10 spaces per court or field
photography studio	-	3 spaces per studio
race track	-	1 space per 3 seats
recreation center/play center	-	1 space per 300 sq. ft. of floor area
recreation vehicle rental	1 space per employee on the largest shift	1 space per 5,000 sq. ft. of outdoor display area and 1 space per 1,000 sq. ft. of indoor display area
recreation vehicle sales	1 space per employee on the largest shift	1 space per 15,000 sq. ft. of outdoor display area and 1 space per 2,000 sq. ft. of indoor display area
restaurant	1 space per employee on the largest shift	1 space per 3 seats in dining room
restaurant with drive-up window	1 space per employee on the largest shift	1 space per 3 seats in dining room
retail (type 1), very low intensity	-	1 space per 300 sq. ft. of floor area
retail (type 2), low intensity	-	1 space per 300 sq. ft. of floor area
retail (type 3), medium intensity	-	1 space per 300 sq. ft. of floor area
retail (type 4), high intensity	-	1 space per 300 sq. ft. of floor area
retail (type 5), very high intensity	-	1 space per 300 sq. ft. of floor area
retail (type 6), outdoor sales	-	1 space per 500 sq. ft. of floor area and 1 space per 20 vehicles for sale
retail (type 7), special handling	-	1 space per 300 sq. ft. of floor area
sexually oriented retail business	-	1 space per 300 sq. ft. of floor area
shooting range (indoor)	-	2 spaces per target
shooting range (outdoor)	-	2 spaces per target
skating rink	-	1 space per 300 sq. ft. of floor area
sports complex (indoor)	-	20 spaces per field of court
sports complex (outdoor)	-	20 spaces per field of court
studio arts	-	1 space per 300 sq. ft. of floor area
swimming pool	-	1 space per 75 sq. ft. of water surface
tailor/pressing shop	-	1 space per 300 sq. ft. of floor area
tanning salon	-	1.5 spaces per bed
tattoo/piercing parlor	-	1.5 spaces per chair
watercraft rental	1 space per employee on the largest shift	1.5 spaces per every rentable watercraft
watercraft sales	1 space per employee on the largest shift	1 space per 10,000 sq. ft. of outdoor display area and 1 space per 1,500 sq. ft. of indoor display area
waterpark	1 space per employee on the largest shift	0.3 space per maximum occupancy
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area accessible to the public

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Industrial Uses		
assembly	1 space per employee on the largest shift	1 visitor space per 10 employees
construction material landfill	1 space per employee on the largest shift	1 visitor space per 10 employees
distribution facility	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
electrical generation plant	1 space per employee on the largest shift	1 visitor space per 10 employees
flex-space	-	1 space per 400 square feet of floor area
food production/processing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
gravel/sand mining	1 space per employee on the largest shift	1 space per 4 acres of quarry area
hazardous waste landfill	1 space per employee on the largest shift	10 spaces
heavy equipment repair	1 space per employee on the largest shift	1 space per 1,000 square feet
heavy manufacturing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
incinerator	1 space per employee on the largest shift	1 visitor space per 10 employees
junk yard	1 space per employee on the largest shift	1 space per acre
light manufacturing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
liquid fertilizer storage/distribution	1 space per employee on the largest shift	1 visitor space per 10 employees
outdoor storage	1 space per employee on the largest shift	1 visitor space per 10 employees
recycling processing	1 space per employee on the largest shift	1 visitor space per 10 employees
rendering plant	1 space per employee on the largest shift	1 visitor space per 10 employees
research center, chemical	1 space per employee on the largest shift	1 visitor space per 10 employees
research center, medical	1 space per employee on the largest shift	1 space per 5 employees
research center, technological	1 space per employee on the largest shift	1 visitor space per 5 employees
sanitary landfill/refuse dump	1 space per employee on the largest shift	1 visitor space per 10 employees
scrap metal yard	1 space per employee on the largest shift	1 visitor space per 10 employees
sewage treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees
sign painting/fabrication	1 space per employee on the largest shift	1 visitor space per 5 employees
storage tanks (hazardous)	1 space per employee on the largest shift	1 visitor space per 10 employees
storage tanks (nonhazardous)	1 space per employee on the largest shift	1 visitor space per 10 employees
telecommunication facility	2 spaces per facility	-
testing lab	1 space per employee on the largest shift	1 visitor space per 5 employees
tool and die shop	1 space per employee on the largest shift	1 visitor space per 10 employees
transfer station	1 space per employee on the largest shift	1 visitor space per 10 employees
transfer station (recycling/waste)	1 space per employee on the largest shift	1 visitor space per 10 employees
utility facility, above ground	1 space per facility	-
warehouse	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
warehouse storage facility	1 space per employee on the largest shift	1 visitor space per 10 employees
water treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees
welding	1 space per employee on the largest shift	1 visitor space per 5 employees

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional Uses		
airport, public	1 space per employee on the largest shift	0.3 space per based aircraft
bus station	-	8 spaces per bus bay
camp	1 space per employee on the largest shift	0.1 space per maximum occupancy
cemetery/mausoleum	-	1 space per 50 grave sites
child care institution	-	1 space per 8 children living in the facility

Parking Standards (PK)

Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Institutional Uses		
church, temple, or mosque	-	3 space per 7 seats
community center	-	1 space per 3 persons at maximum occupancy
composting facility, public	1 space per employee on the largest shift	5 visitor spaces
crematory	1 space per employee on the largest shift	5 visitor spaces
government office	1 space per employee on the largest shift	1 space per 500 sq. ft. of floor area
government operations (non-office)	1 space per employee on the largest shift	1 visitor space per 5 employees
heliport, public	-	3 spaces per helipad
hospital	1.5 spaces per employee on the largest shift	1 space per bed
jail	1 space per employee on the largest shift	1 space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 space per 8 cells
library	-	1 space per 3 persons at maximum occupancy
medical center	1 space per employee on the largest shift	2 spaces per examination room
museum	-	1 space per 3 persons at maximum occupancy
nature center	-	1 space per 3 persons at maximum occupancy
park	-	5 space per playground and 20 spaces per sport court or field;
parking lot, public	-	-
police, fire, or rescue station	1 space per employee on the largest shift	1 visitor space per 5 employees
pool, public	-	1 space per 75 sq. ft. of water surface
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
retreat center	1 space per employee on the largest shift	1 space per 0.5 of the maximum occupancy or
school (P-12)	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on maximum occupancy)
skate park	-	1 space per 500 sq. ft. of skating surface
stadium	-	0.35 space per maximum seating capacity
trade or business school	1 space per teacher, staff, administrator	0.7 space per maximum enrollment or 20 spaces per classroom; whichever is less
university or college	-	1 space per 5 students

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
Residential Uses		
assisted living facility	1 space per employee on the largest shift	1 space per 5 residents
dwelling, multiple-family (2 or 3 units)	2 spaces per dwelling unit	-
dwelling, multiple-family (4 or 6 units)	1.5 spaces per dwelling unit	1 space per 4 dwelling units
dwelling, multiple-family (7 or 15 units)	1.5 spaces per dwelling unit	1 space per 4 dwelling units
dwelling unit (first floor)	1 space per dwelling unit	-
dwelling unit (upper floors)	1 space per dwelling unit	-
fair housing facility (large)	1 space per employee on the largest shift	0.4 space per maximum occupancy
fair housing facility (small)	1 space per employee on the largest shift	0.5 space per bedroom
nursing home	1 space per employee on the largest shift	1 space per 4 beds
residence hall	-	-

Performance Standards (PF)

5.67 PF-01: Performance Standards

This Performance Standards section applies to the following zoning districts:



The intent of the Performance Standards is to protect the health, safety, and welfare of residents of the zoning jurisdiction of the City by establishing requirements for noise, vibration, odor, and other performance characteristics. The following standards apply:

- A. Cross Reference: See *Section 5.23: Environmental Standards* for standards relating to air quality, water quality, and soil quality.
- B. Nuisance Characteristics: No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of the Unified Development Ordinance shall be so altered or modified to conflict with these standards.
 1. *Electrical Disturbance*: No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
 2. *Noise*:
 - a. No use shall produce noise that, when measured at any of the lot lines, exceeds seventy (70) decibels from 6:00 AM to 9:00 PM or forty (40) decibels from 9:00 PM to 6:00 AM.
 - b. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
 3. *Vibration*: No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
 4. *Odor*: No use shall emit across the lot lines malodorous gas or odor in such quantity as to be detectable at any point along the lot lines.
 5. *Heat and Glare*: No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard noticeable from any point beyond the lot lines.
- C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, City, and/or local authorities that may also have jurisdiction shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

Public Improvement Standards (PI)

5.68 PI-01: Public Improvement Standards

This Public Improvement Standards section applies to the following zoning districts:



The intent of the Public Improvement Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by ensuring public facilities are adequate to serve development. The following standards apply:

- A. **Project Applicability:** Public improvements consistent with the requirements of the Unified Development Ordinance shall be required when one (1) of the following conditions is met:
 1. *New Primary Structure:* An Improvement Location Permit for a new primary structure is obtained.
 2. *Addition to Primary Structure:* An Improvement Location Permit for an addition to the primary structure that adds fifty percent (50%) or more square footage is obtained.
- B. **Adequate Public Facilities:** Development is permitted only if public streets, public sidewalks, drainage facilities, and public utilities are adequate to serve the proposed development.
 1. *Public Streets:*
 - a. The Technical Review Committee or the Plan Commission may require a traffic and street impact study to determine a proposed development's impact on public streets. If required, the City of Richmond shall conduct or procure services for a traffic and street impact study at the expense of the developer.
 - b. Based on the results of the study, the Technical Review Committee or the Plan Commission shall make a determination as to whether the public street(s) will sufficiently accommodate the increased traffic generated by the development.
 - i. If the public street(s) is (are) determined to be insufficient, the Plan Commission may deny the development; or
 - ii. The Plan Commission may approve the development with mitigating conditions. The Technical Review Committee or the Plan Commission may recommend off-site improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, shared driveways or other improvements that will provide sufficient facilities for the increased traffic from the proposed development.
 2. *Public Sidewalks:* Public sidewalks shall be required along the edge of the right-of-way, except when the Zoning Administrator determines the development is agricultural in nature or the nearest existing public sidewalk or trail is greater than 500 feet from the subject site. Any required public sidewalks shall closely align with the existing sidewalks and meet or exceed the City of Richmond's Construction Standards.
 3. *Drainage Facilities:*
 - a. Storm drainage collection, detention, and retention facilities shall have sufficient capacity to serve the development.
 - b. If existing storm drainage facilities are not sufficient to serve the development, the Plan Commission may deny the development or approve the development with mitigating conditions. The Plan Commission, Technical Review Committee, City Engineer, MS4 Coordinator, or County Surveyor may recommend off-site improvements that will provide sufficient facilities for the increased runoff from the proposed development.

4. *Public Utilities:*
 - a. *Cross Reference:* Requirements for when connection to municipal sanitary sewer and water systems are in *Section 5.71: Sewer and Water Standards*.
 - b. *Sanitary Sewer:* The sanitary sewer collection system and wastewater treatment facility shall have sufficient capacity to serve the development. If the existing sanitary sewer collection system or wastewater treatment facility does not have sufficient capacity to serve the development, the Plan commission may deny the development or approve the development with mitigating conditions. The Plan Commission, Technical Review Committee, or appropriate utility representative may recommend off-site improvements that will provide sufficient facilities for the increased demand in service from the proposed development.
 - c. *Water:* The public water supply and distribution system shall have sufficient capacity to serve the development. If the public water supply and distribution system does not have sufficient capacity to serve the development, improvements that will provide sufficient facilities for the increased demand in service from the proposed development shall be required prior to approval of the development. The Plan Commission, Technical Review Committee, or appropriate utility representative may recommend improvements.
- C. *Guarantees:* When mitigating conditions are required, the developer may be required to post performance and maintenance guarantees for such improvements.

5.69 SB-01: General Setback Standards

This setback standards section applies to the following zoning districts:



The intent of the Setback Standards is to protect the health, safety, and welfare of residents of the zoning jurisdiction of the City by requiring structures to meet certain setbacks. The following standards apply:

A. Cross Reference:

1. *Outdoor Display Area:* For setback standards related to outdoor display areas, see *Section 5.55: Outdoor Display Area Standards*.

B. Applicability: If a setback standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.

1. *Minimum Dwelling Site Front Setback:* The minimum dwelling site front setback shall be per each two-page layout in *Article 2: Zoning Districts*.
2. *Minimum Dwelling Site Side Setback:* The minimum dwelling site side setback shall be per each two-page layout in *Article 2: Zoning Districts*.
3. *Minimum Dwelling Site Rear Setback:* The minimum dwelling site rear setback shall be per each two-page layout in *Article 2: Zoning Districts*.
4. *Minimum Front Setback:*
 - a. The minimum front setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - b. Where a subdivision has been platted and substantially built-out utilizing a front setback less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the average setback as defined in *Article 11: Definitions*.
5. *Minimum Side Setback:*
 - a. The minimum side setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - b. Where a subdivision has been platted and substantially built-out utilizing a side setback less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the average setback as defined in *Article 11: Definitions*.
6. *Minimum Rear Setback:*
 - a. The minimum rear setback shall be as per each two-page layout in *Article 2: Zoning Districts*.
 - b. Where a subdivision has been platted and substantially built-out utilizing a rear setback less than that required by *Article 2: Zoning Districts*, an infill lot may utilize the average setback as defined in *Article 11: Definitions*.

C. Exceptions: The following types of structures, features or land uses are exempt or partially exempt from the setback standard as stated:

1. *Signs:* Signs are exempt from the setbacks in this section, but shall abide by the applicable sign standards.
2. *Telecommunication Towers:* Telecommunication towers are exempt from the setbacks in this section, but shall abide by the *Section 5.87: Telecommunication Facility Standards*.
3. *Architectural Features:* Cornices, eaves, sills, canopies, bay windows, bow windows, or similar features shall be permitted to encroach into a required front yard, side yard, and/or rear yard setback not more than three (3) feet. However, these items shall never be closer than three (3) feet to the property line.
4. *Awnings:* Awnings shall be permitted to encroach into a required front, side, and/or rear setback not more than four (4) feet, but shall not be closer than three (3) feet to the property line except in the CB District. (See *Section 5.78: Parks, Neighborhood and Limited Commercial, and Central Business Sign Standards* for standards relating to the projection of awnings in CB Districts.)
5. *Chimneys:* Chimneys shall be permitted to extend into a required setback not more than two (2) feet. However, chimneys shall never be closer than three (3) feet to the property line.
6. *Fences and Walls:* Fences and walls shall be exempt from the setbacks in this section, but shall abide by the applicable fence and wall standards.
7. *Driveways:* Driveways are exempt from setbacks in this section, but shall abide by the side yard setbacks established by the applicable driveway standards.

8. *Parking Lots*: In commercial, institutional, and industrial zoning districts, parking lots may encroach into the front and rear yard setbacks but shall not encroach into side yard setbacks for a primary structure by the following amounts:
 - a. *Front and Rear Yards*: Parking lots may project into a front and rear yard by twenty-five percent (25%) of the minimum front yard setback, unless a specific setback for parking lots is designated in the zoning district.
9. *Utility Poles, Lines, and Junction Boxes*: Utility poles, lines, and junction boxes shall be exempt from the setbacks in this section.
10. *Trash Receptacles*: Trash receptacles shall meet the setback standards in *Section 5.94: Trash Receptacle Standards*.
11. *Stairs or Open Platform*: Stairs or an open platform or landing which does not extend above the level of the floor elevation of the first floor of the structure shall be permitted to extend into a required front, side, and/or rear setback not more than four (4) feet. However, these items shall never be closer than three (3) feet to the side property line or ten (10) feet to the front or rear property line.
12. *Storage Tanks*: Storage tanks shall be exempt from the setbacks in this section, but shall comply with the setbacks established by the applicable storage tank standards.
13. *Porch*: A porch shall be permitted to encroach into a required front yard, side yard, and/or rear yard setback, but not by more than six (6) feet.
14. *Deck*: A deck shall be permitted to encroach into a required side yard, and/or rear yard setback by not more than ten (10) feet. Under no circumstances shall a deck be closer than three (3) feet from a property line.
15. *Cul-de-sac Lots*: Irregularly shaped lots that front onto a cul-de-sac may encroach into the front yard setback up to 5' as deemed appropriate by the acting Zoning Administrator.
- D. *Environmental Features*: A twenty-five (25) foot setback shall be maintained between a structure and environmental feature, including: wetland, floodplain, recreation pond, and retention pond.

5.70 SB-02: Intense Agriculture Setback Standards

This setback standards section applies to the following zoning district:

IA

The following standards apply:

- A. *Exceptions*: The following types of structures or features are exempt or partially exempt from the setback standard as stated:
 1. *Single-family Detached*: A single-family detached dwelling, when on the same lot as a confined feeding operation, shall be subject to the following:
 - a. *Front Yard Setback*: 100 feet,
 - b. *Side Yard Setback*: 100 feet, and
 - c. *Rear Yard Setback*: 100 feet.

5.71 SW-01: Sewer and Water Standards

This sewer and water standards section applies to the following zoning districts:



The intent of the Sewer and Water Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by specifying the type of utility connections required. The following standards apply:

- A. Applicability: If the below listed sewer and water standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
 1. *Sewer*:
 - a. Connection to a sanitary sewer utility shall be per each two-page layout in *Article 2: Zoning Districts*. Details about the terminology on the two-page layouts is as follows.
 - i. Required: Connection to the City of Richmond municipal sanitary sewer system shall be required.
 - ii. Required Where Available: Connection to the City of Richmond municipal sanitary sewer system shall be required when access to the municipal sanitary sewer system is available within 300 feet or less of the property line.
 - iii. Municipal or Privately-owned Sewer Utility Required: A connection to either the City of Richmond municipal sanitary sewer system or a privately-owned sanitary sewer system shall be required.
 - b. Cross Reference: Service and connections to the City of Richmond municipal sanitary sewer systems shall comply with *Chapter 54 of the City of Richmond Code of Ordinances*.
 2. *Water*:
 - a. Connection to the Indiana American Water Company's water system shall be per each two-page layout in *Article 2: Zoning Districts*. Details about the terminology on the two-page layouts is as follows.
 - i. Required: Required means a connection to the Indiana American Water Company's water system shall be required.
 - ii. Required Where Available: Required where available means a connection to the Indiana American Water Company's water system shall be required when access to the water system is available within 300 feet or less of the property line.

5.72 SX-01: Sexually Oriented Business Standards

This Sexually Oriented Business Standards section applies to the following zoning district:



The intent of the Sexually Oriented Business Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by regulating the proximity of sexually oriented businesses to certain other current and future land uses. The following standards apply:

- A. Permits: Sexually oriented businesses shall obtain an Improvement Location Permit prior to establishing the business.
- B. Measurement Rules: Separation distances shall be measured in a straight line from the closest points between property lines, without regard to intervening structures or objects.
- C. Separation: Sexually oriented businesses shall have the following separation requirements:
 - 1. *Similar Businesses*: Sexually oriented businesses shall be separated from other sexually oriented businesses by at least 1,000 feet.
 - 2. *Residential Districts*: Sexually oriented businesses shall be separated from residential zoning districts by at least 1,000 feet.
 - 3. *Public Gathering Places*: Sexually oriented businesses shall be separated from schools, parks, playgrounds, libraries, places of worship, day-care centers, government offices, and similar public gathering places by at least 1,000 feet.
- D. Design:
 - 1. *Parking*:
 - a. Parking lots shall not accommodate parking for semi tractor trailers.
 - b. Overnight parking shall not be permitted.

5.73 SI-01: General Sign Standards

This Sign Standards section applies to the following zoning districts:



The intent of the Sign Standards is to accomplish the goals of the *City of Richmond Comprehensive Plan*; to regulate time, place, and manner characteristics of signs; to avoid the unnecessary proliferation of signs; to provide businesses with appropriate identification; to create a consistent streetscape; to maintain and enhance the aesthetic environment of the City; to eliminate potential hazards to motorists and pedestrians resulting from sign location and clutter; and to promote the health, safety, and welfare of the residents of zoning jurisdiction of the City of Richmond. The following standards apply:

- A. Freedom of Speech: Any permanent sign or standard temporary sign permitted by the Sign Standards may be used for freedom of speech purposes for any length of time.
- B. Permits:
 1. *Improvement Location Permit*: An Improvement Location Permit shall be required for all signs located, erected, constructed, reconstructed, moved, or structurally altered unless otherwise specified in this section.
 2. *State Permit*: All signs proposed to be located along a State-owned interstate or highway shall obtain the proper State sign permit or written authorization from the Indiana Department of Transportation prior to seeking an Improvement Location Permit.
 3. *Easement Holder Approval*: All signs proposed to be located within an easement shall obtain written approval from the easement holder for the proposed sign prior to seeking an Improvement Location Permit. For example, a sign proposed within a legal drain (i.e. regulated drain) easement shall obtain written approval from the County Drainage Board before applying for an Improvement Location Permit.
- C. Cross Reference:
 1. *Home Businesses*: Signs associated with a home business shall be exempt from the Sign Standards section, but shall comply with the standards in *Home Business Standards*.
 2. *Lighting Standards*: When illumination of signs is permitted by this Sign Standards section, all illumination and lighting associated with signs shall meet the glare, light trespass, and other standards in *Section 5.50: Lighting Standards*.
- D. Devices, insignias, and Text Not Considered Signs: The following devices, insignias and uses of text are not considered signs and therefore are not regulated by the Sign Standards.
 1. *Political Flags*: The flag of any nation, state, city, or other political unit is exempt.
 2. *Outdoor Scoreboard*: An outdoor scoreboard used in conjunction with a legally-established sport field is exempt. However, when the scoreboard is visible from a public street and contains a commercial message, it shall comply with the sign standards for the applicable zoning district.
 3. *Addresses*: Posting of a street address on a mailbox, building, or other prominent location to provide adequate property identification.
 4. *Public Safety Message*: Posting of a public safety or private property message. Examples include "Beware of Dog," "Private Property," "No Trespassing," "Gas Line," "Weight Limit," "Video Surveillance," and "No Turnaround."
 5. *Operational Limitations or Information*: Posting of operational limitations and information. Examples include hours of operation, admittance requirements (e.g. "Minimum Age is 18 to Enter"), "Employees Only," "Men's Restroom," "Women's Restroom," "Visitor Parking," and "No Deliveries."
 6. *Required Postings*: Messages required by a State agency, State law, federal agency, or federal law.
 7. *Religious Symbols*: Religious symbols incorporated into the architecture on places of worship or other structures occupied by religious organizations.
 8. *Holiday Decorations*: Holiday decorations, provided they convey no commercial message.
 9. *Artistic Expression*: Artistic expression on the wall of a building, provided they convey no commercial message. Artistic expressions with a commercial message shall be regulated as a wall sign.
 10. *Political Campaign Signs*: Political campaign signs are a type of freedom of speech and are not a regulatable device.
 11. *Signs in Right-of-way*: A sign permitted by the controlling agency of a right-of-way.
 12. *Entryway Features*: An entryway feature regulated by and approved as a design feature of a subdivision.

- E. Exempt: The following items shall be exempt from the Sign Standards and therefore, exempt from obtaining an Improvement Location Permit.
1. *Face-out, Face-in Change*: The face of a permanent sign, conforming or legal non-conforming, may be removed and replaced provided:
 - a. The sign area is not increased or decreased,
 - b. The sign height does not increase or decrease,
 - c. The sign mass does not increase or decrease,
 - d. The interior or exterior lighting element does not increase or decrease in intensity,
 - e. The sign location is not shifted or relocated,
 - f. The sign face method or type does not change (e.g. replacing a painted wood sign face with a backlit plastic sign face), or
 - g. The sign's structure is not changed or modified in a way that changes compliance with any applicable time, place, or manner standards.
 2. *Changeable Copy*: The changeable content on a permitted changeable copy sign shall be exempt from any sign regulations as long as the changeable content is installed such that it extends outside of the permitted sign area.
 3. *Postings*: Postings on a permanent and permitted display board sign.
 4. *Indoor Commercial Messages*: Commercial messages displayed inside a building that cannot be viewed legibly by pedestrians or drivers outside the building. Examples include a commercial message on a score-board inside a gymnasium, a wall clock inside a restaurant with a branded logo, and a large framed image of a product mounted on the wall of a retail store.
 5. *Miniscule Commercial Messages*: Miniscule commercial messages displayed on or near a primary entrance provided that the area of each miniscule commercial message does not exceed thirty (30) square inches and the cumulative area of all miniscule commercial messages does not exceed 240 square inches per primary entrance. Examples include "Visa," "Master Card," "Diner's Club," "ATM," and corporate logos.
 6. *Menu Sign*: A menu board used for a motor vehicle drive-through window or for walk-up window service shall be exempt.
 7. *Window Signs*: Signs displayed on the inside of windows shall be exempt.
- F. Prohibited Signs:
1. *Prohibited Types*:
 - a. *Flashing Signs*: Signs that gain attention through flashing (i.e. flashing signs) shall not be permitted.
 - b. *Vehicle Signs*: Vehicles with a sign area greater than fifty (50) square feet in area shall not be permitted to be parked for the primary purpose of displaying the sign. Prohibited vehicle signs shall not be construed to include vehicles with signs on them that:
 - i. Are lawfully parked overnight or during non-business hours in a discreet location.
 - ii. Are making deliveries, sales calls, transporting persons or property, or customary practices relating to operating the business.
 - iii. Are used in conjunction with customary construction operations on a construction site.
 - c. *Skyward Lights*: Strobe lights, search lights, beacons, or any light or lights that rapidly flash, project light in visible beams skyward, or project light horizontally in a circle shall not be permitted regardless if the light is part of or independent of a sign, except as approved for special events on a temporary basis.
 - d. *Signs with Moving or Movable Parts*: Signs or devices with visibly moving parts, shall not be permitted.
 - e. *Animated Signs*: Signs that gain attention through animation shall not be permitted.
 2. *Content*:
 - a. Signs that convey obscene content, indecent content, or profane words not allowable on broadcast television or radio during daytime hours according to the rules of the FCC shall not be permitted.
 - b. Signs that emulate emergency service vehicles or common traffic signs or signals shall not be permitted (e.g. signs that uses "Stop," "Slow," "Caution," "Danger," "Warning," or similar words with similar materials, scale, color, and location resulting in driver confusion or otherwise unsafe conditions).

- G. Prohibited Location: Signs, regardless of type, shall not be permitted by the Unified Development Ordinance in any of the following locations or by the following means:
1. *Right-of-way*: Signs shall not be permitted in any right-of-way, including bioswales and utility strips, unless authorized by the Board of Public Works and Safety, except as specified in *Section 5.78: Parks, Neighborhood and Limited Commercial, and Central Business Sign Standards*.
 2. *Utility Poles or Street Signs*: Signs shall not be permitted on any traffic control device, street sign, construction sign, or utility pole.
 3. *Fences*: Permanent signs shall not be permitted on any fence.
 4. *Trees*: Signs shall not be permitted to be attached to any tree, shrub, or other natural object.
 5. *Benches*: Signs shall not be permitted to be attached to or integrated into any bench or outdoor seating.
 6. *Towers*: Signs shall not be permitted to be attached to or integrated into any telecommunication antennae, telecommunication tower, television antennae, or similar towers.
 7. *Roofs*: Signs shall not be permitted to be attached to or be perceived to be attached to the roof of a structure. This provision includes signs integrated into the roofing material.
 8. *Fire Safety Obstruction*: Signs shall not be permitted on a fire escape or in a manner that substantially blocks view from the right-of-way to a fire door.
 9. *Obstructs Circulation*: Signs that obstruct or interfere with internal or external safe movement of vehicular or pedestrian traffic shall not be permitted.
 10. *Elevation*: Artificially altering the elevation of the ground to improve the visibility of a sign shall not be permitted. Likewise, increasing the height of a wall or creating a parapet wall to improve the visibility of a sign shall not be permitted.
 11. *Vision Clearance*: Signs shall not be permitted in areas prohibited by *Section 5.95: Vision Clearance Triangle Standards*.
- H. Sign Illumination:
1. *General*: Any sign that is permitted to be internally or externally illuminated, or a sign which utilizes electronic changeable copy shall be subject to the light trespass and glare regulations within the Lighting Standards.
 2. *Electronic Changeable Copy*: When electronic changeable copy is permitted it shall have a means to monitor ambient light (i.e. a photocell) and automatically increase the electronic message and sign face proportionately starting at 1,500 NITs or less during evening hours and increase incrementally up to a maximum of 4,500 NITs at the brightest time of day. Further, electronic changeable copy signs shall self-dim during storms and maintain that dimmed state until daylight returns.
 3. *Illuminated Sign Separation*: All illuminated signs shall be at least 300 feet from any existing residential dwelling unit.
- I. Maintenance: All signs and sign components shall be kept in good repair and in safe, clean, and working condition. If landscaping is required around the base of a sign, it shall be maintained in living condition, consistent in character with the approval, and not overgrown.

5.74 SI-02: Agricultural Sign Standards

This Sign Standards section applies to the following zoning district:



The following standards apply:

A. Permanent Signs:

1. *Wall Signs:* Wall signs shall be permitted provided the following conditions are met.
 - a. Quantity: One (1) wall sign shall be permitted.
 - b. Sign Area: The wall sign area shall not exceed twenty-five (25) square feet.
 - c. Projection: The wall sign shall not project more than four (4) inches from the face of the building to which it is attached.
 - d. Illumination: The wall sign shall not be illuminated.

B. Temporary Signs:

1. *Permits:* Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtain an Improvement Location Permit.
2. *Location:* Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
3. *Illumination:* Temporary signs shall not be illuminated.
4. *Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met.
 - a. Type: A standard temporary sign shall be a yard sign (e.g. sale of property, garage sale, and supporting high school teams).
 - b. Quantity: One (1) standard temporary sign shall be permitted for each street the lot fronts. However, no two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
 - c. Sign Area: The sign area for a standard temporary sign shall not exceed thirty-six (36) square feet per side.
 - d. Height Above Ground: No part of a standard temporary sign shall be more than four (4) feet above the ground.
 - e. Duration: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
5. *Special Temporary Signs:* Special temporary signs shall be permitted provided the following conditions are met.
 - a. Type: Special temporary signs shall include inflatables, banners, streamers, posters, pennants, and the like.
 - b. Quantity: One (1) special temporary sign shall be permitted per lot.
 - c. Height Above Ground: No part of a special temporary sign shall be more than fifteen (15) feet above the ground.
 - d. Duration: A special temporary sign may stay in place for thirty-five (35) total days in any calendar year.
6. *Temporary Marker Signs:* Temporary marker signs shall only be permitted on a lot having 300 feet or more of street frontage, provided the following conditions are met.
 - a. Type: Temporary marker signs (e.g. seed sign) shall be yard signs.
 - b. Quantity: Up to thirty (30) temporary marker signs shall be permitted per lot.
 - c. Sign Area: A single temporary marker sign shall not exceed three (3) square feet in sign area per side.
 - d. Height Above Ground: No part of a temporary marker sign shall be more than eight (8) feet above the ground.
 - e. Duration: A temporary marker sign may stay in place for the duration of the temporary event (e.g. planting through harvest). All temporary marker signs shall be taken down within seven (7) days after the temporary marker sign's purpose no longer exists.

Sign Standards (SI)

5.75 SI-03: Residential Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Subdivision Entryway Signs*: See Section 7.07: *Entryway Feature Standards*.

B. Permanent Signs: Permanent signs shall not be permitted.

C. Temporary Signs: Temporary signs shall be permitted as follows:

1. *Permits*: Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. *Location*: Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
3. *Illumination*: Temporary signs shall not be illuminated.
4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided all of the following conditions are met.
 - a. *Type*: A standard temporary sign shall be a yard sign (e.g. sale of property, garage sale, and supporting high school teams).
 - b. *Quantity*: One (1) standard temporary sign shall be permitted for lots with frontage on one (1) street. Two (2) standard temporary signs shall be permitted for lots with frontage on two (2) or more streets if they have a minimum of 300 feet of combined street frontage. However, no two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
 - c. *Sign Area*: The sign area for a standard temporary sign shall not exceed ten (10) square feet per side.
 - d. *Height Above Ground*: No part of a standard temporary sign shall be more than five (5) feet above the ground.
 - e. *Duration*: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.

5.76 SI-04: Multiple-family Residential and Manufactured Home Park Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Entry Feature Signs*: Entry feature signs shall be permitted provided the following conditions are met.
 - a. An entry feature sign for a development with less than twenty-four (24) dwelling units or dwelling sites shall meet the following conditions:
 - i. Type: The entry feature sign shall be a ground sign and may be double-sided.
 - ii. Quantity: One (1) entry feature sign shall be permitted per development.
 - iii. Sign Area: The sign area of the entry feature sign shall not exceed twenty-four (24) square feet.
 - iv. Height Above Ground: No part of an entry feature sign shall be more than four (4) feet above the ground.
 - v. Location: The entry feature sign shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 - vi. Illumination: The entry feature sign shall not be illuminated.
 - vii. Materials: The sign shall be wood, metal, masonry, or other durable materials, and both sides of the entry feature sign shall be finished using the same materials. Landscaping of the entry feature sign is encouraged.
 - viii. Maintenance: The entry feature sign shall be maintained by the property owner, an owners association, or similar legal entity.
 - b. An entry feature sign for a development with twenty-four (24) to sixty (60) dwelling units or dwelling sites shall meet the following conditions.
 - i. Type: The entry feature sign shall be a ground sign and shall be single-sided.
 - ii. Quantity: One (1) entry feature signs shall be permitted at the main entrance of the development. An additional one (1) entry feature sign shall be permitted if the development has two (2) or more vehicular entrances and has 1,000 feet of combined street frontage.
 - iii. Sign Area: The sign area for the main entry feature sign shall not exceed forty (40) square feet and thirty (30) square feet for all other entry feature signs.
 - iv. Height Above Ground: No part of an entry feature sign shall be more than six (6) feet above the ground.
 - v. Location: The entry feature sign shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 - vi. Illumination: The entry feature sign may be illuminated by exterior ground lighting.
 - vii. Materials: Supporting apparatuses of an entry feature sign shall be at least fifty percent (50%) brick, stone, or other masonry material. The back side of entry feature signs shall also be finished using the same materials to match the front of the sign. Landscaping of entry feature signs is encouraged.
 - viii. Maintenance: Entry feature signs shall be maintained by the property owner, an owners association, or similar legal entity.
 - c. An entry feature sign for a development with sixty-one (61) or more dwelling units or dwelling sites shall meet the following conditions.
 - i. Type: The entry feature sign shall be a ground sign and shall be single-sided.
 - ii. Quantity: One (1) entry feature sign shall be permitted at the main entrance of the development. An additional two (2) entry feature signs shall be permitted if the development has three (3) or more vehicular entrances and has 1,000 feet of combined street frontage.
 - iii. Sign Area: The sign area for the main entry feature sign shall not exceed 100 square feet and sixty (60) square feet for all other entry feature signs.
 - iv. Height Above Ground: No part of an entry feature sign shall be more than six (6) feet above the ground.

- v. **Location:** The entry feature sign shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 - vi. **Illumination:** The entry feature sign may be illuminated by exterior ground lighting.
 - vii. **Materials:** Supporting apparatuses of an entry feature sign shall be at least fifty percent (50%) brick, stone, or other masonry material. The back side of entry feature signs shall also be finished using the same materials to match the front of the sign. Landscaping of entry feature signs is encouraged.
 - viii. **Maintenance:** Entry feature signs shall be maintained by the property owner, an owners association, or similar legal entity.
2. **Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.
- a. **Maximum Quantity:** Two (2) wall signs per primary structure.
 - b. **Maximum Sign Area:** Twenty (20) square feet per sign and thirty (30) square feet per primary structure.
 - c. **Changeable Copy Ratio:** Changeable copy is not permitted.
 - d. **Maximum Projection from Building:** Eight (8) inches.
 - e. **Illumination:** Wall signs may be illuminated internally or by externally-mounted down-facing lights.
 - f. **Multiple-building Consistency:** The sign location and character shall be consistent from primary structure to primary structure in a multiple-building development.

B. Temporary Signs:

- 1. **Permits:** Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtaining an Improvement Location Permit.
- 2. **Location:** Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
- 3. **Illumination:** Temporary signs shall not be illuminated.
- 4. **Standard Temporary Signs:** Standard temporary signs shall be permitted provided the following conditions are met.
 - a. **Type:** Standard temporary signs shall be yard signs. Examples of standard temporary signs include sale of property and tract signs.
 - b. **Quantity:**
 - i. **Per Development:** Two (2) standard temporary signs shall be permitted for developments with frontage on one (1) street. Three (3) standard temporary signs shall be permitted for developments with frontage on two (2) or more streets and 300 feet or more of combined street frontage. However, no two (2) standard temporary signs shall be closer than eighty (80) feet to one another.
 - ii. **Per Dwelling Site:** One (1) standard temporary sign shall be permitted for each dwelling site provided the regulations of the development permit such a sign.
 - c. **Sign Area:** The sign area for a standard temporary sign shall not exceed eight (8) feet per side.
 - d. **Height Above Ground:** No part of a standard temporary sign shall be more than four (4) feet above the ground.
 - e. **Duration:** A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
- 5. **Special Temporary Signs:** Special temporary signs shall be permitted provided the following conditions are met.
 - a. **Type:** Special temporary signs shall include inflatables, banners, streamers, posters, pennants, and the like.
 - b. **Quantity:** One (1) special temporary sign shall be permitted per development.
 - c. **Height Above Ground:** No part of a special temporary sign shall be more than fifteen (15) feet above the ground.
 - d. **Duration:** A special temporary sign may stay in place for fifty (50) total days in any calendar year.

5.77 SI-05: Intense Agriculture, University, and Institutional Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Project Applicability:

1. Single-tenant Building:

- Permanent Signs:** Wall, ground, awning, display board, directional device signs, and wayfinding shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed one (1) square foot of sign area per lineal foot of front facade, or 150 square feet, whichever is less.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. Multiple-tenant Building:

- Permanent Signs:** Wall, gateway, awning, display board, directional device, and wayfinding signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed one (1) square foot of sign area per lineal foot of front facade.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

- Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building, not to exceed 3	1 per tenant space
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum of 65 square feet	1 square foot per lineal foot of front facade; maximum of 40 square feet
Changeable Copy Ratio	50% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	50% of the sign area may be changeable copy
Maximum Projection From Building	8 inches	8 inches

- Changeable Copy:** If changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination:** Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- Multiple-tenant Building Consistency:** The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.
- Exception:** Single-tenant buildings with a facade greater than 100 feet in length may have two (2) wall signs on those facades. However, the cumulative square footage of all permanent signs shall still apply.

2. *Ground Signs:* Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.77(B)(3): Gateway Signs* below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum of 40 square feet	not permitted
Changeable Copy Ratio	80% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	not permitted
Height Above Ground	8 feet maximum	not permitted

- Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
 - Location: A ground sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
 - Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the ground sign base.
 - Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.
 - Changeable Copy: If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs:* Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.77(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1/2 square foot per lineal foot of each tenant's front facade; maximum of 54 square feet
Maximum Tenant Sign Area	not permitted	18 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	8 feet maximum

- Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
- Location: A gateway sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
- Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the gateway sign base.
 - Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.
- Changeable Copy: If changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination: A gateway sign may be illuminated internally or by exterior mounted ground lighting.

4. *Awning Signs:* Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	20 square feet total	20 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.
5. *Display Board Signs:* Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. (Examples of display board signs include permanently affixed bulletin boards or encased display boards for posting of menus, specials, events, performances, and other temporary postings.) Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	40 square feet	20 square feet per tenant
Height Above Ground	7 feet maximum	7 feet maximum

- a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the building; or be a designated window on the building.
- b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.
6. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Directional device signs may only be used to indicate vehicular points of entry or exit.
 - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
 - c. Directional device signs shall not exceed thirty-six (36) inches in height.
 - d. Directional device signs may be illuminated.
 - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
 - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.
7. *Wayfinding System Signs:* Wayfinding systems may be permitted, in place of directional device signs, for large institutions that encompass multiple lots or many buildings, provided the following conditions are met. Wayfinding systems shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Wayfinding systems shall be used to direct vehicular and pedestrian traffic to specific destinations.
 - b. Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
 - c. Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exits, and the appearance of signs.

- C. **Temporary Signs:** Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. **Permits:** Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtaining an Improvement Location Permit.
 2. **Location:** Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 3. **Illumination:** Temporary signs shall not be illuminated.
 4. **Standard Temporary Signs:** Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Type:** A standard temporary sign shall be a yard sign or a window panel. Examples of standard temporary signs include sale of property, special sale, and special offer signs.
 - b. **Quantity:**
 - i. **Single-tenant Buildings:** One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 150 feet or more of combined street frontage. However, standard temporary signs shall be located at least eighty (80) feet from one another.
 - ii. **Multiple-tenant Buildings:** One (1) standard temporary sign shall be permitted for each tenant.
 - c. **Sign Area:** The sign area for a standard temporary sign shall not exceed ten (10) square feet per side.
 - d. **Height Above Ground:** No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
 - e. **Duration:** A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
 5. **Special Temporary Signs:** Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Disqualification:** Any lot with a permanent electronic message sign or other permanent sign with electronic changeable copy shall not qualify for a special temporary sign.
 - b. **Type:** Special temporary signs shall include inflatables, banners, streamers, posters, pennants, yard signs, window panels, sandwich boards, self-standing signs, and the like. Examples of special temporary signs include "now hiring" banners and "welcome home" signs.
 - c. **Quantity:**
 - i. **Single-tenant Buildings:** One (1) special temporary sign shall be permitted at any one (1) time for a lot.
 - ii. **Multiple-tenant Buildings:** One (1) special temporary sign shall be permitted for each tenant.
 - d. **Height Above Ground:** A special temporary sign shall not exceed fifteen (15) feet above the ground.
 - e. **Duration:** A special temporary sign may stay in place for fifty (50) total days in any calendar year.

5.78 SI-06: Parks, Neighborhood and Limited Commercial, and Central Business Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Project Applicability:

1. *Single-tenant Building:*

- Permanent Signs:** Wall, ground, projecting, awning, display board, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square feet of sign area per lineal foot of front facade, or 150 square feet, whichever is less.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. *Multiple-tenant Building:*

- Permanent Signs:** Wall, ground, projecting, awning, display board, tenant listing, and directional device signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square feet of sign area per lineal foot of front facade.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

- Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building, not to exceed 3	1 per tenant space
Maximum Sign Area	2 square feet of sign area per lineal foot of front facade; maximum of 85 square feet on front facade and 25 square feet each on side or rear facades	2 square feet of sign area per lineal foot of front tenant facade; maximum of 60 square feet per tenant front facade and 25 square feet per tenant each on side or rear facades
Changeable Copy Ratio	not permitted	not permitted
Maximum Projection From Building	8 inches	8 inches

- Changeable Copy:** Changeable copy shall not be permitted.
- Illumination:** Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- Multiple-tenant Building Consistency:** The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.
- Exception:** Single-tenant buildings with a facade greater than 120 feet in length may have two (2) wall signs on those facades. However, the cumulative square footage of all permanent signs shall still apply.

2. *Ground Signs:* Ground signs shall be permitted for single-tenant and multiple-tenant buildings provided the following conditions are met. All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum of 40 square feet	1 square foot per lineal foot of front facade; maximum of 40 square feet
Changeable Copy Ratio	80% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	not permitted
Height Above Ground	6 feet maximum	6 feet maximum

- Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
 - Location: A ground sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
 - Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the ground sign base.
 - Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.
 - Changeable Copy: If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Projecting Signs:* Projecting signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. All projecting signs shall be counted toward the maximum cumulative square footage for permanent signs.

Projecting Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1; or 2 for corner buildings	1 per each tenant space with 20 lineal feet of front facade
Maximum Sign Area	20 square feet total	14 square feet per tenant sign
Changeable Copy Ratio	not permitted	not permitted
Height Above Ground	8 feet minimum; 14 feet maximum	8 feet minimum; 14 feet maximum

- Double-sided: If a projecting sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
- Location: A projecting sign shall be located within ten (10) feet of the center of the primary entrance.
- Projection: Projecting signs and all supporting apparatuses of projecting signs shall not project more than eight (8) feet from the building facade. However, a projecting sign shall be at least two (2) feet from a curb or driving surface. In some cases, a projecting sign may encroach in the right-of-way which is owned by the Board of Public Works and Safety. The Board of Public Works and Safety generally approves these encroachments, but reserves the right to deny any encroachment into the right-of-way.
- Sign Separation: No two (2) projecting signs shall be within twenty (20) feet of one another.
- Changeable Copy: Changeable copy shall not be permitted.
- Illumination: A projecting sign may be illuminated internally or by externally-mounted lighting.

4. *Awning Signs:* Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	20 square feet total	20 square feet per tenant

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.
 - b. Projection: Awning signs and all parts of an awning shall not project more than six (6) feet from the building facade. However, an awning shall be at least two (2) feet from a curb or driving surface. In some cases, an awning may encroach into the right-of-way which is controlled by the Board of Public Works and Safety. The Board of Public Works and Safety generally approves these encroachments, but reserves the right to deny any encroachment into the right-of-way.
5. *Display Board Signs:* Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. Examples of display board signs include permanently affixed bulletin boards or encased display boards for posting of menus, specials, events, performances, and other temporary postings. Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	40 square feet	20 square feet per tenant
Height Above Ground	7 feet maximum	7 feet maximum

- a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the building; or be a designated window on the building.
 - b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.
6. *Tenant Listing Sign:* A tenant listing sign shall be permitted for a multiple-tenant building that has tenant spaces on upper floors and a common lobby or stairway. Tenant listing signs shall be counted toward the maximum cumulative square footage for permanent signs.

Tenant Listing Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1 per common lobby or stairway leading to upper floor tenant spaces
Maximum Sign Area	not permitted	6 square feet per sign
Height Above Ground	not permitted	7 feet maximum

- a. Location: The tenant listing sign shall be fully located with ten (10) feet of the primary entrance to the common lobby or stairway leading to upper floor tenant spaces.
7. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Directional device signs may only be used to indicate vehicular points of entry or exit.
 - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
 - c. Directional device signs shall not exceed thirty-six (36) inches in height.
 - d. Directional device signs may be illuminated.
 - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
 - f. No more than two (2) directional device signs shall be used per lot.

- C. **Temporary Signs:** Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. **Permits:** Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtaining an Improvement Location Permit.
 2. **Location:** Temporary signs may be located on a public or private sidewalk or in a first floor window. However, the placement of a temporary sign on a sidewalk shall be directly in front of the business and shall not constrain the sidewalk to less than five (5) feet of clear way for pedestrians and temporary signs located on a public sidewalk shall be taken inside each day at the close of business.
 3. **Illumination:** Temporary signs shall not be illuminated.
 4. **Standard Temporary Signs:** Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Type:** A standard temporary sign shall be a sandwich board, self-standing sign, or window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
 - b. **Quantity:**
 - i. **Single-tenant Buildings:** One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have a customer entrance on each front facade.
 - ii. **Multiple-tenant Buildings:** One (1) standard temporary sign shall be permitted for each tenant.
 - c. **Sign Area:** The sign area for a standard temporary sign shall not exceed twelve (12) square feet per side.
 - d. **Height Above Ground:** No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
 - e. **Duration:** Standard temporary signs shall only be placed on the sidewalk during the hours of operation (i.e. times when open to the public).
 - f. **Quality:** A standard temporary sign shall be constructed of durable, weather resistance, and ridged in construction. Sign faces shall not be paper, cardboard, or unprotected wood. Sign frames or structures shall not be wire, plastic or thin gauge metal; materials that are easily damaged or bent. Sign faces shall be securely attached to a frame or structure.
 5. **Special Temporary Signs:** Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Type:** Special temporary signs shall include inflatables, banners, streamers, posters, pennants, window panels, sandwich boards, self-standing signs, and the like.
 - b. **Quantity:**
 - i. **Single-tenant Buildings:** One (1) special temporary sign shall be permitted per lot at any one time.
 - ii. **Multiple-tenant Buildings:** One (1) special temporary sign shall be permitted for each tenant.
 - c. **Height Above Ground:** A special temporary sign shall not exceed fifteen (15) feet above the ground.
 - d. **Duration:** A special temporary sign may stay in place for fifty (50) total days in any calendar year. Special temporary signs shall only be placed on the sidewalk during the hours of operation (i.e. times when open to the public).

5.79 SI-07: General Commercial and Outdoor Commercial Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Project Applicability:

1. Single-tenant Building:

- Permanent Signs:** Wall, ground, pole, awning, display board, directional device, and wayfinding signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. Multiple-tenant Building:

- Permanent Signs:** Wall, gateway, pole, awning, display board, directional device, and wayfinding signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

- Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per facade, not to exceed 4	1 per tenant space
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum of 200 square feet on front facade and 70 square feet on each other facade	2 square foot per lineal foot of tenant front facade; maximum of 150 square feet on front facade and 50 square feet on each other facade
Changeable Copy Ratio	50% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	50% of the sign area may be changeable copy
Maximum Projection From Building	12 inches	12 inches

- Changeable Copy:** If changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination:** Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- Multiple-tenant Building Consistency:** The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.
- Exception:** Single-tenant buildings with a facade greater than 100 feet in length may have two (2) wall signs on those facades. Plus, one (1) additional wall sign shall be permitted for every twenty-five (25) feet over 100 lineal feet, with an absolute maximum of six (6) wall signs (i.e. a 155 foot long front facade may have up to 4 permanent wall signs). However, the cumulative square footage of all permanent wall signs shall still apply.

2. *Ground Signs:* Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.79(B)(3): Gateway Signs* below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	1.5 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	80% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	not permitted
Height Above Ground	8 feet maximum	not permitted

- Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
 - Location: A ground sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
 - Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the ground sign base.
 - Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.
 - Changeable Copy: If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs:* Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.79(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	15 feet maximum

- Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
- Location: A gateway sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
- Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the gateway sign base.
 - Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.
- Changeable Copy: If changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.

4. **Pole Signs:** Pole signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided a primary structure exists on the lot and the following regulations are met. Pole signs shall not be counted toward the maximum cumulative square footage for permanent signs.
 - a. Quantity:
 - i. Single-tenant building: One (1) pole sign shall be permitted for each single-tenant building.
 - ii. Multiple-tenant building: One (1) pole sign shall be permitted for each multiple-tenant building.
 - b. Sign Area and Sign Height: Pole signs for single-tenant buildings and multiple-tenant buildings shall meet the following sign area and height above the ground proportions. If a pole sign has identical sides, back-to-back, only one (1) side's area counts toward the sign area:
 - i. Pole signs shall not exceed twenty (20) feet above the ground. ^{§ 5-11} A pole sign shall not have a sign area greater than 100 square feet.
 - c. Location: A pole sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a pole sign shall be setback twenty (20) feet from all property lines.
 - d. Changeable Copy: Up to fifty percent (50%) of the sign area of a pole sign on a single-tenant building or a multiple-tenant building may be changeable copy. If changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - e. Illumination: A pole sign may be illuminated internally, but shall not be illuminated by externally-mounted lights.
5. **Awning Signs:** Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.
6. **Display Board Signs:** Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. Examples of display board signs include permanently affixed bulletin boards or encased display boards for menus, specials, events, performances, and other temporary postings. Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	50 square feet	20 square feet per tenant
Height Above Ground	6 feet maximum	6 feet maximum

- a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the single-tenant or multiple-tenant building; be a designated window on the single-tenant building; or consist of hardware permanently affixed to the single-tenant or multiple-tenant building for display of a consistent size posting.
- b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.

7. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Directional device signs may only be used to indicate vehicular points of entry or exit.
 - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
 - c. Directional device signs shall not exceed thirty-six (36) inches in height.
 - d. Directional device signs may be illuminated.
 - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
 - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.
8. *Wayfinding System Signs:* Wayfinding systems may be permitted, in place of directional device signs, for large developments that encompass multiple lots or many buildings, provided the following conditions are met. Wayfinding systems shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Wayfinding systems shall be used to direct vehicular and pedestrian traffic to specific destinations.
 - b. Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
 - c. Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exits, and the appearance of signs.

- C. **Temporary Signs:** Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. *Permits:* Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtaining an Improvement Location Permit.
 2. *Location:* Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 3. *Illumination:* Temporary signs shall not be illuminated.
 4. *Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. *Type:* A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. Examples of standard temporary signs include sale of property, special sale, and special offer signs.
 - b. *Quantity:*
 - i. *Single-tenant Buildings:* One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eighty (80) feet from one another.
 - ii. *Multiple-tenant Buildings:* One (1) standard temporary sign shall be permitted for each tenant.
 - c. *Sign Area:* The sign area for a standard temporary sign shall not exceed thirty (30) square feet per side.
 - d. *Height Above Ground:* No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
 - e. *Duration:* A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
 - f. *Quality:* A standard temporary sign shall be constructed of durable, weather resistance, and ridged in construction. Sign faces shall not be paper, cardboard, or unprotected wood. Sign frames or structures shall not be wire, plastic or thin gauge metal; materials that are easily damaged or bent. Sign faces shall be securely attached to a frame or structure.
 5. *Special Temporary Signs:* Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. *Disqualification:* Any lot with a permanent electronic message sign or other permanent sign with electronic changeable copy shall not qualify for a special temporary sign.
 - b. *Type:* Special temporary signs shall include inflatables, gas-inflatable, banners, streamers, posters, pennants, yard signs, window panels, sandwich boards, self-standing signs, and the like. Examples of special temporary signs include "now hiring" banners and "welcome home" signs.
 - c. *Quantity:*
 - i. *Single-tenant Buildings:* Two (2) special temporary signs shall be permitted at any one (1) time for a lot.
 - ii. *Multiple-tenant Buildings:* One (1) special temporary sign shall be permitted for each tenant.
 - d. *Height Above Ground:* A special temporary sign shall not exceed fifteen (15) feet above the ground; except for inflatable signs and gas-inflatable signs may extend up to fifty (50) feet.
 - e. *Duration:* A special temporary sign may stay in place for fifty (50) total days in any calendar year.

5.80 SI-08: Highway Commercial Sign Standards

This Sign Standards section applies to the following zoning district:



The following standards apply:

A. Project Applicability:

1. *Single-tenant Building:*

- Permanent Signs:** Wall, ground, pole, awning, display board, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade, or 350 square feet, whichever is less. A pole sign may also be permitted for single-tenant buildings provided the conditions specified are met.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. *Multiple-tenant Building:*

- Permanent Signs:** Wall, gateway, pole, awning, display board, and directional device signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 350 square feet of sign area. A pole sign may also be permitted for multiple-tenant buildings provided the conditions specified are met.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

- Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per facade, not to exceed 4	1 per tenant space
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum of 200 square feet on front facade and 70 square feet on other facades	2 square foot per lineal foot of front facade; maximum of 150 square feet on front facade and 50 square feet on other facades
Changeable Copy Ratio	50% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	50% of the sign area may be changeable copy
Maximum Projection From Building	12 inches	12 inches

- Changeable Copy:** If changeable copy is used, it shall be integrated into the permanent wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination:** Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- Multiple-tenant Building Consistency:** The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.
- Exception:** Single-tenant buildings with a facade greater than 100 feet in length may have two (2) wall signs on those facades; plus, one (1) additional wall sign shall be permitted for every twenty-five (25) feet over 100 lineal feet, with an absolute maximum of six (6) wall signs (i.e. a 155 foot long front facade may have up to 4 permanent wall signs). However, the cumulative square footage of all permanent wall signs shall still apply.

2. **Ground Signs:** Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.80(B)(3): Gateway Signs* below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	1.5 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	80% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	not permitted
Height Above Ground	8 feet maximum	not permitted

- a. **Double-sided:** If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
 - b. **Location:** A ground sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
 - c. **Landscaping:** Landscaping shall be installed around the base of a ground sign as follows:
 - i. **Quantity:** At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
 - ii. **Location:** All required plants shall be located within five (5) feet of the ground sign base.
 - iii. **Double-sided Ground Signs:** Any double-sided ground sign shall have landscaping on both sides.
 - d. **Changeable Copy:** If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - e. **Illumination:** A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. **Gateway Signs:** Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.80(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	8 feet maximum

- a. **Double-sided:** If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
- b. **Location:** A gateway sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
- c. **Landscaping:** Landscaping shall be installed around the base of a gateway sign as follows:
 - i. **Quantity:** At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
 - ii. **Location:** All required plants shall be located within five (5) feet of the gateway sign base.
 - iii. **Double-sided Gateway Signs:** Any double-sided gateway sign shall have landscaping on both sides.
- d. **Changeable Copy:** If changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- e. **Illumination:** A gateway sign may be illuminated internally or by exterior mounted ground lighting.

4. **Pole Signs:** Pole signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the majority of the lot is within 500 feet of an interstate right-of-way, a primary structure exists on the lot, and the following conditions are met. Pole signs shall not be counted toward the maximum cumulative square footage for permanent signs.
- a. **Quantity:**
 - i. Single-tenant building: One (1) pole sign shall be permitted for each single-tenant building.
 - ii. Multiple-tenant building: One (1) pole sign shall be permitted for each multiple-tenant building.
 - b. **Sign Area and Sign Height:** Pole signs for single-tenant buildings and multiple-tenant buildings shall meet the following sign area and height above the ground proportions. If a pole sign has identical sides, back-to-back, only one (1) side's area counts toward the sign area:
 - i. Pole signs with a sign area of 150 square feet or less shall be at least twenty-five (25) feet above the ground, but no part of the sign shall exceed thirty-five (35) feet above the ground.
 - ii. Pole signs with a sign area greater than 150 square feet, but less than 200 square feet shall be at least thirty (30) feet above the ground, but no part of the sign shall exceed fifty (50) feet above the ground.
 - iii. Pole signs with a sign area of 200 square feet or more shall be at least forty (40) feet above the ground, but no part of the sign shall exceed seventy-five (75) feet above the ground.
 - iv. A pole sign shall not have a sign area greater than 225 square feet.
 - c. **Location:** A pole sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a pole sign shall be setback twenty (20) feet from all property lines.
 - d. **Landscaping:** Landscaping shall be installed around the base of a pole sign as follows:
 - i. **Quantity:** At least eight (8) shrubs shall be installed. For pole signs greater than fifty (50) feet, the required shrubs shall be replaced with ornamental trees.
 - ii. **Location:** All required plants shall be located within ten (10) feet of the pole sign, and at a minimum shall be distributed in all directions facing a public street or parking lot. If ornamental trees are required, they shall be installed within twenty (20) feet of the pole sign.
 - e. **Changeable Copy:** Up to fifty percent (50%) of the sign area of a pole sign on a single-tenant building or a multiple-tenant building may be changeable copy. If changeable copy is used, it shall be integrated into the permanent pole sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - f. **Illumination:** A pole sign may be illuminated internally, but shall not be illuminated by externally-mounted lights.
5. **Awning Signs:** Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. **Illumination:** Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.

6. *Display Board Signs:* Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. (Examples of display board signs include permanently affixed bulletin boards or encased display boards for posting of menus, specials, events, performances, and other temporary postings.) Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	50 square feet	20 square feet per tenant
Height Above Ground	6 feet maximum	6 feet maximum

- a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the single-tenant or multiple-tenant building; be a designated window on the single-tenant building; or consist of hardware permanently affixed to the single-tenant or multiple-tenant building for display of a consistent size posting.
 - b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.
7. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
- a. Directional device signs may only be used to indicate vehicular points of entry or exit.
 - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
 - c. Directional device signs shall not exceed thirty-six (36) inches in height.
 - d. Directional device signs may be illuminated.
 - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
 - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.

- C. **Temporary Signs:** Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. **Permits:** Standard temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards. Special temporary signs shall be required to obtaining an Improvement Location Permit.
 2. **Location:** Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 3. **Illumination:** Temporary signs shall not be illuminated.
 4. **Standard Temporary Signs:** Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Type:** A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
 - b. **Quantity:**
 - i. **Single-tenant Buildings:** One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eighty (80) feet from one another.
 - ii. **Multiple-tenant Buildings:** One (1) standard temporary sign shall be permitted for each tenant.
 - c. **Sign Area:** The sign area for a standard temporary sign shall not exceed thirty (30) square feet per side.
 - d. **Height Above Ground:** No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
 - e. **Duration:** A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
 - f. **Quality:** A standard temporary sign shall be constructed of durable, weather resistance, and ridged in construction. Sign faces shall not be paper, cardboard, or unprotected wood. Sign frames or structures shall not be wire, plastic or thin gauge metal; materials that are easily damaged or bent. Sign faces shall be securely attached to a frame or structure.
 5. **Special Temporary Signs:** Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. **Disqualification:** Any lot with a permanent electronic message sign or other permanent sign with electronic changeable copy shall not qualify for a special temporary sign.
 - b. **Type:** Special temporary signs shall include inflatables, banners, streamers, posters, pennants, yard signs, window panels, sandwich boards, self-standing signs, and the like. (Examples of special temporary signs include "now hiring" banner and "welcome home" sign.)
 - c. **Quantity:**
 - i. **Single-tenant Buildings:** Two (2) special temporary signs shall be permitted at any one (1) time for a lot.
 - ii. **Multiple-tenant Buildings:** One (1) special temporary sign shall be permitted for each tenant.
 - d. **Height Above Ground:** A special temporary sign shall not exceed fifteen (15) feet above the ground.
 - e. **Duration:** A special temporary sign may stay in place for fifty (50) total days in any calendar year.

5.81 SI-09: Industrial Sign Standards

This Sign Standards section applies to the following zoning districts:



The following standards apply:

A. Project Applicability:

1. Single-tenant Building:

- Permanent Signs:** Wall, ground, awning, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed four (4) square feet of sign area per lineal foot of facade facing an interstate, highway, arterial, or public street to which the facility gains access.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

2. Multiple-tenant Building:

- Permanent Signs:** Wall, gateway, awning, and directional signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 250 square feet of sign area.
- Temporary Signs:** Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

B. Permanent Signs: Permanent signs shall be permitted as follows:

- Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building; not to exceed 3	1 per tenant space
Maximum Sign Area	3 square foot per lineal foot of front facade; maximum of 400 square feet	2.5 square foot per lineal foot of front facade; maximum of 300 square feet
Changeable Copy Ratio	not permitted	not permitted
Maximum Projection From Building	12 inches	12 inches

- Illumination:** Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- Multiple-tenant Building Consistency:** The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed 150% of the allowable wall sign area for each tenant space.
- Exception:** Single-tenant buildings with a facade greater than 140 feet in length may have two (2) wall signs on those facades. However, the cumulative square footage of all permanent signs shall still apply.

2. *Ground Signs:* Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See *Section 5.81(B)(3): Gateway Signs* below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	not permitted
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum 180 square feet	not permitted
Changeable Copy Ratio	80% or 24 square feet of the sign area may be changeable copy, whichever is more restrictive	not permitted
Height Above Ground	8 feet maximum	not permitted

- Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
 - Location: A ground sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
 - Landscaping: Landscaping shall be installed around the base of a ground sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of ground sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the ground sign base.
 - Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides.
 - Changeable Copy: If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
 - Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs:* Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.81(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	8 feet maximum

- Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
- Location: A gateway sign shall be located a minimum of five (5) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
- Landscaping: Landscaping shall be installed around the base of a gateway sign as follows:
 - Quantity: At least one (1) shrub per two (2) lineal feet of gateway sign base shall be installed.
 - Location: All required plants shall be located within five (5) feet of the gateway sign base.
 - Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides.
- Changeable Copy: If changeable copy is used, it shall be integrated into the permanent gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages.
- Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.

4. *Awning Signs:* Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated.
5. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
 - a. Directional device signs may only be used to indicate vehicular points of entry or exit.
 - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
 - c. Directional device signs shall not exceed thirty-six (36) inches in height.
 - d. Directional device signs may be illuminated.
 - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
 - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.
- C. *Temporary Signs:* Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
 1. *Permits:* Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
 2. *Location:* Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
 3. *Illumination:* Temporary signs shall not be illuminated.
 4. *Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. *Type:* A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
 - b. *Quantity:*
 - i. *Single-tenant Buildings:* One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eighty (80) feet from one another.
 - ii. *Multiple-tenant Buildings:* One (1) standard temporary sign shall be permitted for each tenant.
 - c. *Sign Area:* The sign area for a standard temporary sign shall not exceed thirty (30) square feet per side.
 - d. *Height Above Ground:* No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
 - e. *Duration:* A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to five (5) days prior to the temporary event. All standard temporary signs shall be taken down within seven (7) days after the standard temporary sign's purpose no longer exists.
 - f. *Quality:* A standard temporary sign shall be constructed of durable, weather resistance, and ridged in construction. Sign faces shall not be paper, cardboard, or unprotected wood. Sign frames or structures shall not be wire, plastic or thin gauge metal; materials that are easily damaged or bent. Sign faces shall be securely attached to a frame or structure.

5. *Special Temporary Signs*: Special temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
 - a. Disqualification: Any lot with a permanent electronic message sign or other permanent sign with electronic changeable copy shall not qualify for a special temporary sign.
 - b. Type: Special temporary signs shall include inflatables, banners, streamers, posters, pennants, yard signs, window panels, sandwich boards, self-standing signs, and the like. (Examples of special temporary signs include "now hiring" banners and "welcome home" signs.)
 - c. Quantity:
 - i. Single-tenant Buildings: Two (2) special temporary signs shall be permitted at any one (1) time for a lot.
 - ii. Multiple-tenant Buildings: One (1) special temporary sign shall be permitted for each tenant.
 - d. Height Above Ground: A special temporary sign shall not exceed fifteen (15) feet above the ground.
 - e. Duration: A special temporary sign may stay in place for fifty (50) total days in any calendar year.

Special Exception Standards (SE)

5.82 SE-01: Special Exception Standards

This Special Exception Standards section applies to the following zoning districts:



The intent of the Special Exception Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by ensuring the most appropriate development standards are applied to special exception requests. The following standards apply:

- A. Cross Reference: The approval process and criteria for Special Exceptions is in *Article 9: Processes*.
- B. Applicable Development Standards: The development standards assigned to each zoning district are considered appropriate for the permitted uses within that zoning district. However, the development standards may not be appropriate for all Special Exception uses within a zoning district. For instance, some institutional uses are allowed in residential zoning districts as Special Exceptions. In this case, residential development standards would not necessarily be applicable.
 1. *Determining Appropriate Development Standards*:
 - a. The Zoning Administrator shall determine which development standards sections within *Article 5: Development Standards* shall apply to each Special Exception application. The development standards determined to apply shall be documented in the application and approval.
 - b. If the Special Exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as a guideline. In situations where the Special Exception use is not a permitted use in any zoning district, the most stringent development standards may be assigned by the Zoning Administrator as appropriate.

Storage Tank Standards (SR)

5.83 SR-01: Residential, Neighborhood Commercial and Central Business Storage Tank Standards

This Storage Tank Standards section applies to the following zoning districts:



The intent of the Storage Tank Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by requiring outdoor storage tanks to meet certain criteria. The following standards apply:

- A. Prohibited: Outdoor storage tanks or drums shall not be permitted, except for fuel oil and LP gas tanks used for home energy (e.g. heating).

5.84 SR-02: Parks and Recreation Storage Tank Standards

This Storage Tank Standards section applies to the following zoning district:



The following standards apply:

- A. Project Applicability: Any new outdoor storage tanks or drums installed after the effective date of this Unified Development Ordinance shall be permitted if all of the following standards are met.
- B. Permits: An Improvement Location Permit shall be required prior to the installation of new outdoor storage tanks or drums.
- C. Prerequisite Criteria: No liquid or gas fuel shall be stored in bulk above ground, except tanks or drums connected directly to energy generating devices or heating appliances located and operated on the same lot as the tanks or drums.
- D. Setbacks
 - 1. *Front Yard*: Outdoor storage tanks and drums shall not be permitted in front yards.
 - 2. *Side and Rear Yard*: Outdoor storage tanks and drums shall be setback at least thirty (30) feet from side and rear property lines.
 - 3. *Structures*: Outdoor storage tanks and drums shall be setback at least thirty (30) feet from primary structures and fifteen (15) feet from accessory structures.
- E. Quantity: No lot shall have more than two (2) outdoor storage tanks or drums.
- F. Cross Reference: Outdoor storage tanks and drums shall meet all applicable State and federal regulations.

5.85 SR-03: Non-residential Storage Tank Standards

This Storage Tanks Standards section applies to the following zoning districts:



The following standards apply:

- A. Project Applicability: Any new outdoor storage tanks or drums installed after the effective date of this Unified Development Ordinance shall be permitted if all of the following standards are met.
- B. Permits: An Improvement Location Permit shall be required prior to the installation of new outdoor storage tanks or drums.
- C. Setbacks
 - 1. *Front Yard*: Outdoor storage tanks and drums shall not be permitted in front yards.
 - 2. *Side and Rear Yard*: Outdoor storage tanks and drums shall be setback at least thirty (30) feet from side and rear property lines.
 - 3. *Structures*: Outdoor storage tanks and drums shall be setback at least thirty (30) feet from primary structures and fifteen (15) feet from accessory structures.
- D. Cross Reference: Outdoor storage tanks and drums shall meet all applicable State and federal regulations.

5.86 ST-01: Structure Standards

This Structure Standards section applies to the following zoning districts:

PR AG IA R1 R2 R3 UR M1 M2 MP UV IS NC LC GC OC CB HC EP IC I1 I2 HI

The intent of the Structure Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City and the character of each zoning district by regulating the quantity of primary structures on a lot. The following standards apply:

- A. Applicability: The maximum allowable number of primary structures shall be one (1) unless indicated otherwise on the applicable two-page layout in *Article 2: Zoning Districts*.

5.87 TC-01: Telecommunication Facility Standards

This Telecommunication Facilities Standards section applies to the following zoning districts:



The intent of the Telecommunication Facility Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by allowing for the provision of adequate and reliable public and private telecommunication service while minimizing the adverse, undesirable visual effects of such. The following telecommunication facility standards shall apply:

- A. Permits: An Improvement Location Permit shall be required prior to the construction, erection, placement, modification, or alteration of a telecommunication facility. See *Article 9: Processes*.
- B. Location:
 1. *Accessory Utility Structures*: The accessory utility structures of telecommunication facilities shall meet the minimum front yard setback, minimum side yard setback, and minimum rear setback requirements in the appropriate two-page layouts in *Article 2: Zoning Districts*.
 2. *Towers*:
 - a. *Front Yard Setback*: Telecommunication towers shall be set back from any right-of-way a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
 - b. *Side and Rear Yard Setback*: Telecommunication towers shall be set back from the side and rear property lines a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
 - c. Telecommunication towers shall not be located between the primary structure and a public street.
 - d. Telecommunication towers shall not be located within the boundaries of any residential zoning district, and shall be set back from the boundaries of any residential zoning district a minimum distance equal to one hundred ten percent (110%) of the tower height.
- C. Design:
 1. *Project Applicability*: Proposed or modified telecommunication towers and antennas shall meet the following design requirements:
 2. *Height*:
 - a. Telecommunication towers shall not exceed 199 feet in height.
 - b. All other utility structures and antennas shall meet the height standards in the appropriate two-page layouts in *Article 2: Zoning Districts* and in *Section 5.33: Height Standards*.
 3. *Appearance*: Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
 4. *Monopole Design*: Towers shall be of a monopole design, unless the Board of Zoning Appeals determines an alternative design would better blend in with the surrounding environment.
 5. *Collocation*: Any proposed telecommunication tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
 - a. A minimum of one (1) additional user if the telecommunications tower is between sixty (60) and 100 feet in height.
 - b. A minimum of two (2) additional users if the telecommunications tower is 100 feet or more in height.
 6. *Accessory Utility Structures*: All utility structures needed to support a telecommunications tower shall be architecturally designed to blend in with the surrounding environment.
 7. *Fence Enclosure*: Telecommunication facilities and all accessory utility structures shall be protected by a security fence that shall be at least six (6) feet tall.
 8. *Screening*: A live evergreen screen consisting of shrubs, planted three (3) feet on-center maximum or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five (5) feet.

9. *Lighting*: Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
 10. *Signs*: The use of any portion of a telecommunication facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall not be permitted.
- D. Construction Standards: All telecommunication facilities shall be subject to inspection by the Building Commissioner and Zoning Administrator during the construction process.
1. *Easements*: If an easement is required for location of a telecommunication facility on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
 2. *Footers*: Footing inspections shall be required by the Building Commissioner for all telecommunication facilities having footings.
 3. *Electrical Standards*: All telecommunication facilities containing electrical wiring shall be subject to the provisions of the Indiana Electric Code, as amended.
- E. Inspection of Towers: The following shall apply to the inspection of telecommunications facilities:
1. *Frequency*: Towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator, Building Commissioner, and/or a registered, professional engineer to determine compliance with the original construction standards.
 2. *Investigation*: The Zoning Administrator and the Building Commissioner may enter onto the property to investigate the matter and may order the appropriate action to bring the facility into compliance.
 3. *Violations*: Notices of Violation will be sent in accordance with *Article 10: Enforcement and Penalties* for any known violation on the telecommunication facility.
- F. Abandoned Towers: Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a Notice of Violation is issued, the City may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

Temporary Use and Structure Standards (TU)

5.88 TU-01: General Temporary Use and Structure Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The intent of Temporary Use and Structure Standards is to protect the public health, safety, and welfare of the residents of the zoning jurisdiction of the City by establishing standards for temporary uses and temporary structures. The following standards apply:

- A. Cross Reference: See *Sign Standards* for temporary sign standards.
- B. Permits: A Temporary Improvement Location Permit shall be obtained prior to establishing the temporary use or structure except as indicated otherwise in this section.
- C. Types:
 1. *Fund-raising Events*: Fund-raising events (e.g. pancake breakfast, fish fry, and car wash) shall be permitted and shall be exempt from obtaining a Temporary Improvement Location Permit if the duration of the event is less than twenty-four (24) hours over a two (2) day period.
 2. *Garage and Yard Sales*: Garage and yard sales shall be permitted and shall be exempt from obtaining a Temporary Improvement Location Permit and shall follow all guidelines established in *Chapter 126* of Richmond Code.
 3. *Portable Storage*: Portable Storage (e.g. PODS) units shall be permitted as described below:
 - a. Permit: Portable storage units shall be exempt from obtaining a Temporary Improvement Location Permit if the portable storage unit is not located on the lot for more than:
 - i. Residential District: Fourteen (14) cumulative days per calendar year.
 - ii. Parks or Institutional District: Thirty (30) cumulative days per calendar year.
 - iii. Commercial: Thirty (30) cumulative days per calendar year.
 - iv. Agriculture and Industrial: 120 cumulative days per calendar year.
 - b. Extension: An extension to the maximum duration shall only be considered and approved by the Zoning Administrator. This extension is fully discretionary. If an extension is granted, it shall require a new Temporary Improvement Location Permit.
 - c. Location: Portable storage units shall be located as follows:
 - i. Parks or Institutional District: Side yard or rear yard, whichever is least visible from public view.
 - ii. Commercial: Rear yard only and shall meet the Accessory Structure Standards.
 4. *Portable Storage Exemption*: A lot where a building permit has been issued may utilize portable storage units without permit and for the duration of construction (i.e. until occupancy permit has been issued).
 5. *Portable Storage Unit Restrictions*: A portable storage unit shall not exceed eight (8) feet six (6) inches in height, ten (10) feet in width, and twenty (20) feet in length.
- D. Termination: Temporary uses shall be terminated and structures removed at the end of the permitted event period.

Temporary Use and Structure Standards (TU)

5.89 TU-02: Roadside Sales of Produce Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Roadside Sales of Produce: The roadside sales of farm produce shall be permitted if the following conditions are met:
1. *Grown On-site*: Eighty percent (80%) of the produce offered for sale shall be grown on the same lot the where the roadside sales is located.
 2. *Sales Stand*: The sales stand shall be portable or seasonal construction, shall comply with the provisions of *Section 5.95: Vision Clearance Triangle Standards*, and shall be removed so as to observe the setback line for accessory structures when not in use.
 3. *Parking*: The roadside sales of produce shall be arranged so that parking does not block any right-of-way.

5.90 TU-03: Model Home Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Model Homes: Model homes, apartments, and condominiums that contain a sales office shall be permitted with the following requirements:
1. *Duration*: The duration of a Temporary Improvement Location Permit for a model home, apartment, or condominium shall be three (3) years and may be renewed annually after the initial three-year period.
 2. *Location*: Model homes, apartments, and condominiums shall be on the site of the development for which the sales are taking place.
 3. *Parking*: The model home, apartment, or condominium shall provide the required parking in *Parking Standards* for the applicable district.

5.91 TU-04: Farmer's market Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Farmer's market: Farmer's markets shall be permitted and exempt from obtaining a Temporary Improvement Location Permit provided the following standards are met:
1. *Duration*: The farmer's market shall occur on a regular basis, no more than twice per week, for a period not to exceed seven (7) months per calendar year.
 2. *Location*: The farmer's market shall consists of vendors transporting produce and products to the site of the farmer's market, setting up tables or booths, and removing all produce, products, tables, and booths at the end of the day.
 3. *Parking*: One (1) parking space shall be required for every vendor space in a farmer's market. The required parking spaces shall be within 600 feet of the farmer's market and may include on street parking spaces and public parking lots.

Temporary Use and Structure Standards (TU)

5.92 TU-05: Sale of Seasonal Items Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Sale of Seasonal Items: The sale of seasonal items such as Independence Day fireworks, Christmas trees, and Halloween pumpkins shall be permitted if the following standards are met:
1. *Duration*: The duration of a Temporary Improvement Location Permit for the sale of seasonal items shall be no more than forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the expiration of the Temporary Improvement Location Permit.
 2. *Location*:
 - a. The sale of seasonal items shall be on a lot that fronts a collector or arterial street.
 - b. The sale of seasonal items shall be at least fifty (50) feet from residential zoning districts.
 3. *Additional Requirements*: The sale of seasonal items shall comply with all requirements of applicable State laws.

5.93 TU-06: Food Truck Standards

This Temporary Use and Structure Standards section applies to the following zoning districts:



The following standards apply:

- A. Food Trucks:
1. *Duration*: Food trucks shall be permitted without an Improvement Location Permit for up to five (5) hours on any single day, on any single lot unless part of a festival or event approved by appropriate governing bodies.
 - a. Food trucks shall not operate more than four (4) days per month on a given residential property.
 2. *Location*: Food trucks shall be located off-street on private or public property with the permission of the property owner.
 3. *Additional Requirements*: Food trucks shall not utilize signs other than those painted or adhered to the truck.

5.94 TU-07: Temporary Construction Facility Standards

This Temporary use and Structure Standards section applies to the following zoning districts:



The following standards apply:

A: Temporary Construction Facility

1. *Duration*: A temporary construction facility shall be approved by the Director of Public Works and Engineering and the acting Zoning Administrator for a period not to exceed 18 months. A one-time extension up to 18 months may be granted by the Director of Public Works and Engineering and the acting Zoning Administrator.
 - a. A temporary construction facility shall be completely removed and the temporary Improvement Location Permit shall expire within thirty (30) days after the project has been deemed complete by either the Director of Public Works and Engineering or the Building Commissioner.
 - b. A temporary construction facility shall be completely removed and the temporary Improvement Location Permit shall expire within thirty (30) days after the project has been issued a Certificate of Occupancy.
2. *Location*: Temporary construction facilities shall be located off-street on private or public property with the permission of the property owner.
3. *Additional requirements*: Temporary construction facilities shall have adequate ingress and egress to and from the property, not to create any public health and safety risks, not encroach into any vision clearance triangles, and shall contain all materials within the applicable setbacks of the property per *Article 2: Two-page layout*.
 - a. Additional screening may be required as deemed necessary by the Director of Public Works and Engineering and the acting Zoning Administrator.

Trash Receptacle Standards (TR)

5.95 TR-01: Trash Receptacle Standards

This Trash Receptacle Standards section applies to the following zoning districts:



The intent of the Trash Receptacle Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by requiring outdoor trash receptacles to meet certain standards and to enhance the aesthetic environment of the City. The following standards apply:

- A. Project Applicability: Any new outdoor trash receptacle, dumpster, compactor, or similar container placed after the effective date of this Unified Development Ordinance shall be permitted if all of the following standards are met.
 1. *Exemptions*: Outdoor trash receptacles, dumpsters, compactors, or similar containers temporarily placed (e.g. construction projects) shall be exempt from the standards in this section.
- B. Design:
 1. *Screening*:
 - a. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be screened on all sides by a fence or wall that is constructed with wood, brick, or stone.
 - b. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be accessible by gates.
 - c. The screening of outdoor trash receptacles, dumpsters, compactors, or similar containers shall meet the location and setback requirements in *Fence and Wall Standards*.
 2. *Surface Materials*: Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be placed on a paved surface.
- C. Setbacks:
 1. *Front Yard*: Trash receptacles shall not be located in a front yard.
 2. *Side Yard*: Trash receptacles may project into a side yard setback for a primary structure by fifty percent (50%) of the minimum side yard setback.
 3. *Rear Yard*: Trash receptacles may project into a rear yard setback for a primary structure by fifty percent (50%) of the minimum rear yard setback.
- D. Maintenance: All trash receptacles and screening associated with trash receptacles shall be properly maintained and kept in good condition.

Vision Clearance Triangle Standards (VC)

5.96 VC-01: Vision Clearance Triangle Standards

This Vision Clearance Standards section applies to the following zoning districts:

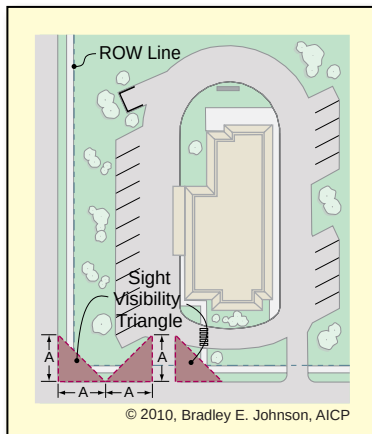
PR AG IA R1 R2 R3 UR M1 M2 MP UV IS NC LC GC OC CB HC EP IC I1 I2 HI

The intent of the Vision Clearance Triangle Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the City by eliminating visual obstructions at intersections. The following standards apply:

A. Vision Clearance Triangle: A vision clearance triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.

1. *Horizontal Area*:

- a. **Arterial Streets**: The vision clearance triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is an arterial street.
- b. **Other Streets**: The vision clearance triangle leg lengths shall be fifteen (15) feet as measured from the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is a collector or local street.



2. *Vertical Area*: No primary or accessory structures, landscaping, fences, walls, or signs shall be permitted to be placed or to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent roadway.
3. *Exemptions*: The following shall be exempt from the Vision Clearance Triangle Standards:
 - a. Public street signs,
 - b. Utility poles,
 - c. Utility warning marker (e.g. buried gas line),
 - d. Any driveway intersections with an interior local street within a subdivision, and
 - e. A mailbox and post at the intersection of a single-family dwelling's or two-family dwelling's driveway and a street; provided the post does not exceed exceed two (2) feet in circumference.

Wind Turbine System Standards (WT)

5.97 WT-01: Small Wind Turbine Systems

This Wind Turbine System Standards section applies to the following zoning districts:



The following standards apply to Small Wind Turbine Systems:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis small wind turbine system shall be permitted as per the standards in *Section 5.96: Small Wind Turbine Systems*.
2. *Vertical Axis Wind Turbine:* A vertical axis small wind turbine system shall be permitted as per the standards in *Section 5.96: Small Wind Turbine Systems*.
3. *Rated Power Limits:* A small wind turbine system is limited to a rated power level as indicated in *Article 2: Zoning Districts* in the permitted use or special exception use column.

B. Prerequisites:

1. *Energy Production Purpose:* Small wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (i.e. residence, small business, or farmstead). The small wind turbine system shall be sized to not produce more than 150% of the annual on-site electricity needs.
2. *Lot Size:* A minimum three-quarter ($\frac{3}{4}$) acre lot shall be required for a small wind turbine system to be installed.
3. *Manufacturer Installation Specifications:* Any permitted small wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the *City of Richmond Unified Development Ordinance*. When conflicts exist, the following standards apply:
 - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
 - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular small wind turbine system shall be considered not permitted.

C. Turbine System Limitations:

1. *Minimum Ratings:* A small wind turbine system shall be Underwriters Laboratories (UL) listed, have Conformité Européenne marking (CE Mark) for Europe-based manufacturers, be certified by the Canadian Standards Association (CSA) for Canada-based manufacturers, or otherwise approved by an equivalent region-based or county-based standards association recognized as equivalent to the Underwriters Laboratories (UL).
2. *Experimental Turbines:* Any small wind turbine system that does not meet the minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid:* Any small wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted:* A horizontal axis small wind turbine system designed for tower mounting may be mounted on a monopole, pole with guy wires, lattice tower, or lattice tower with guy wires.
2. *Roof Mounted:* A horizontal or vertical axis small wind turbine system designed for roof mounting may be mounted to the roof of a primary or accessory building.
3. *Ground Mounted:* A vertical axis small wind turbine system designed for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Tower Mounted:* The maximum tower height for a small wind turbine system shall be eighty (80) feet for lots under five (5) acres, and 110 feet for lots five (5) acres or greater.
2. *Roof Mounted:* The maximum height of all components of a roof mounted small wind turbine system shall be six (6) feet above the highest point of the roof for residential buildings and ten (10) feet above the highest point on the roof for agricultural, commercial, institutional, and industrial uses.
3. *Ground Mounted:* The maximum height of all components of a ground mounted small wind turbine system shall be forty (40) feet.

F. Maximum Number of Turbine Systems:

1. *Small Lot:* A lot with two (2) acres or less shall be restricted to one (1) horizontal axis small wind turbine system and one (1) vertical axis roof mounted small wind turbine system.
2. *Large Lots:* A lot with more than two (2) acres may have:
 - a. Up to two (2) tower mounted horizontal axis or ground mounted vertical axis small wind turbine systems, and
 - b. Up to three (3) roof mounted vertical axis small wind turbine systems.

G. Wind Load: A small wind turbine system shall be engineered to survive a 100 mph wind load or greater.

H. Rotor Diameter: The maximum rotor diameter shall be twenty (20) feet for a small wind turbine system with a maximum rated power of less than eleven kilowatts (11kW); and forty (40) feet for a small wind turbine system with a maximum rated power of eleven kilowatt (11kW) or greater.

I. Location Restrictions:

1. *Setback from Property Line:* A small wind turbine system, not including guy wires, shall be a minimum of twenty-five (25) feet from the property line or 110% of the height of the tower, whichever is greater.
2. *Setback from Buildings:* A small wind turbine system, not including guy wires, shall not be required to be setback from any on-site building.
3. *Setback from Utilities:* A small wind turbine system, not including guy wires, shall be a minimum of fifty (50) feet from any above-ground utility line or 120% of the height of the tower, whichever is greater.
4. *Setback for Guy Wires:* Guy wire anchors shall be at least fifteen (15) feet from all property lines.

J. Safety:

1. *Roof Mounted Systems:* The rotors (i.e. blades) of a horizontal axis turbine mounted on a roof shall not extend horizontally beyond the roof line of the building to which it is attached.
2. *Ground Clearance:* The rotors (i.e. blades) of a horizontal axis wind turbine mounted on a tower shall not extend vertically to within twenty (20) feet of the ground.
3. *Overspeed Protection:* A small wind turbine system shall have a fail-safe breaking system, auto-furling system, or similar system to prevent structural failure due to excessive revolutions per minute (rpm). Overspeed protection shall be a proven industry standard.

K. Nuisance Prevention:

1. *Noise:* A small wind turbine system shall not generate more than forty decibels (40db) at any point 100 feet from the small wind turbine system.
2. *Illumination:* A small wind turbine system shall not be illuminated in any way unless required by FAA regulations.

L. Abandoned Systems: A small wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The small wind turbine system shall be removed within six (6) months after being abandoned.

M. Appurtenances: A small wind turbine system shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for meteorological measuring equipment.

5.98 WT-02: Large Wind Turbine Systems

This Wind Turbine System Standards section applies to the following zoning districts:



The following standards apply to Large Wind Turbine Systems:

A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis large wind turbine system shall be permitted as per the standards in *Section 5.97: Large Wind Turbine Systems*.
2. *Vertical Axis Wind Turbine:* A vertical axis large wind turbine system shall be permitted as per the standards in *Section 5.97: Large Wind Turbine Systems*.
3. *Rated Power Limits:* A large wind turbine system shall have a minimum rated power of fifty kilowatts (50kW) and shall have a maximum rated power level as indicated in *Article 2: Zoning Districts* in the permitted use or special exception use column.

B. Prerequisites:

1. *Energy Production Purpose:* Large wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (e.g. a school, industry, or office building). The large wind turbine system shall be sized to not produce more than 200% of the annual on-site electricity needs.
2. *Lot Size:* A minimum two (2) acre lot shall be required for a large wind turbine system to be installed.
3. *Manufacturer Installation Specifications:* Any permitted large wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the *City of Richmond Unified Development Ordinance*. When conflicts exist, the following standards apply:
 - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
 - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular large wind turbine system shall be considered not permitted.

C. Turbine System Limitations:

1. *Minimum Ratings:* A large wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices and safety.
2. *Experimental Turbines:* A large wind turbine system that does not meet the applicable minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid:* A large wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

D. Supporting Structure:

1. *Tower Mounted Systems:* A horizontal axis large wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Roof Mounted:* A large wind turbine system shall not be permitted to be mounted on a roof.
3. *Ground Mounted Systems:* A vertical axis large wind turbine system designed for ground mounting shall be mounted on the ground.

E. Height Limitations:

1. *Tower Mounted:* The maximum tower height for a large wind turbine system shall be 120 feet for lots under five (5) acres, and 140 feet for lots five (5) acres or greater.
2. *Roof Mounted:* Large wind turbine systems are not permitted to be mounted on a roof.
3. *Ground Mounted:* The maximum height of all components of a ground mounted large wind turbine system shall be sixty (60) feet.

F. Maximum Number of Turbine Systems:

1. *Small Lot:* A lot with fifteen (15) acres or less shall be restricted to one (1) horizontal axis or vertical axis large wind turbine system.
2. *Large Lots:* A lot with more than fifteen (15) acres may have up to two (2) horizontal axis or vertical axis large wind turbine systems.

Wind Turbine System Standards (WT)

- G. Wind Load: A large wind turbine system shall be engineered to survive a 110 mph wind load or greater.
- H. Rotor Diameter: The maximum rotor diameter shall be 200 feet for a large wind turbine system.
- I. Location Restrictions:
1. *Setback from Property Line*: A large wind turbine system shall be a minimum of 100 feet or 200% of the hub height from the property line, whichever is greater.
 2. *Setback from On-site Buildings*: A large wind turbine system shall be required to be setback 100 feet from any on-site primary building. There is no required setback from accessory structures.
 3. *Setback from Off-site Land Uses*: A large wind turbine system shall be a minimum of 1,000 feet from a platted residential subdivision, multiple-family residential development, institutional use (e.g. school or church), land zoned single-family residential, land zoned multiple-residential, or land zoned institutional. These standards only apply to off-site properties and should not be construed as restricting any of the above listed types of development (e.g. school or multiple-family development) from choosing to have an on-site large wind turbine system.
 4. *Setback from Utilities*: A large wind turbine system shall be a minimum of 200 feet or 200% of the hub height from above ground transmission lines, utility lines, or substations, whichever is greater.
- J. Safety:
1. *Ground Clearance*: The rotors (i.e. blades) of a horizontal axis large wind turbine system mounted on a tower shall not extend vertically to within thirty (30) feet of the ground.
 2. *Anti-icing Technology*: A large wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
 3. *Controls and Brakes*: A large wind turbine system shall be equipped with a redundant braking system that includes both aerodynamic overspeed controls (i.e. variable pitch, tip, and other similar systems) and mechanical brakes.
- K. Nuisance Prevention:
1. *Noise*: A large wind turbine system shall not generate more than forty decibels (40db) at 1,000 feet from the large wind turbine system.
 2. *Illumination*: A large wind turbine system shall not be illuminated in any way unless required by or Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a large wind turbine system, then it shall be shielded to prevent light below the horizontal plain.
 3. *Shadow Flicker*: The flickering effect caused by an Federal Aviation Administration (FAA) required signal light and the turning of the rotor shall be mitigated to the extent possible with the best known technology or practice.
 4. *Color*: A large wind turbine system shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
 5. *Signs*: No large wind turbine system shall be used to display a commercial message.
 6. *Signal Interference*: The owner shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the large wind turbine system.
- L. Abandoned Systems: A large wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The large wind turbine system shall be removed within nine (9) months after being abandoned.
- M. Appurtenances: A large wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.

Article

6

Subdivision Types

*City of Richmond
Unified Development
Ordinance*

Standard Subdivision (ST)

6.01 Standard Subdivision Intent and Prerequisites

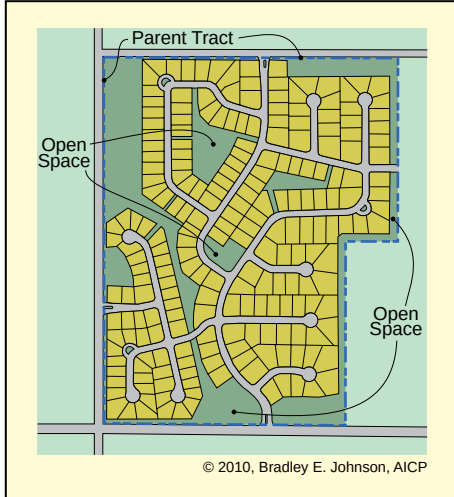
Intent
The Standard Subdivision type is intended to provide a development option with the following features: Land Use 100% residential Applicability - Residential subdivisions of all sizes that require new streets Pedestrian Network - Safe and efficient pedestrian circulation within the subdivision - Safe and efficient pedestrian accessibility to perimeter streets Vehicular Network - Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network - Large radius corners and curves Site Feature Preservation - Strive to save existing quality tree stands Incentives - Limited intensity and density bonus for anti-monotony compliance

Prerequisites
Base Zoning - AG, R1, R2, R3, UR, M1, or MH Minimum Parent Tract - No minimum Maximum Parent Tract - No maximum

Standard Subdivision Intensity and Density Bonus for Anti-monotony Compliance (7.10 Residential Incentive Standards)								
		Zoning District						
		AG	R1	R2	R3	UR	M1	MH
Lot Standards	Min. Lot Area	no change	18,000 sq ft	10,000 sq ft	4,800 sq ft	no change	5,600 sq ft	no change
	Min. Average Lot Area	no change	20,000 sq ft	11,000 sq ft	5,000 sq ft	no change	6,000 sq ft	no change
	Min. Lot Width	no change	90 ft	75 ft	46 ft	no change	46 ft	no change
Setback Standards	Min. Front Setback	no change	30 ft	30 ft	20 ft	no change	25 ft	no change
	Min. Side Setback	no change	9 ft	8 ft	5 ft	no change	10 ft	no change
	Min. Rear Setback	no change	28 ft	25 ft	25 ft	no change	26 ft	no change
Other Standards	Max. Lot Coverage	no change	38%	42%	65%	no change	55%	no change
	Min. Dwelling Unit Size	no change	1,200 sq ft	1,000 sq ft	1,000 sq ft	no change	1,000 sq ft	no change
	Maximum Density	no change	1.7 du/acre	3.5 du/acre	6 du/acre	no change	6 du/acre	no change

Standard Subdivision (ST)

6.02 Standard Subdivision Standards

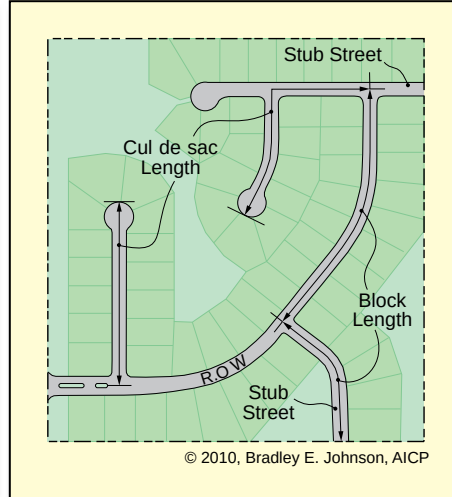


Minimum Required Open Space

- 15%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters
- 0 feet if abutting another ST, CS, or ZL subdivision



Minimum Block Length

- 140 feet

Maximum Block Length

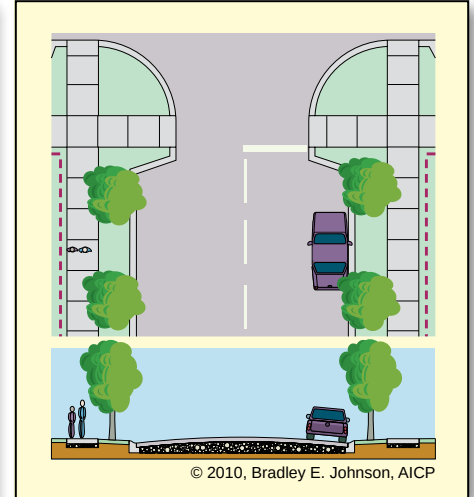
- 1,000 feet

Minimum Cul-de-sac Length

- 140 feet

Maximum Cul-de-sac Length

- 600 feet



Minimum ROW on Local Streets

- 50 feet

Minimum Street Width

- 30 feet

Curb

- Rolled or vertical curb required

On-street Parking

- Required on at least one side

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 5 feet sidewalks along both sides of internal collector streets and internal local streets
- 6 feet sidepaths or sidewalks along both sides of internal arterial streets
- 6 feet sidepaths or sidewalks along perimeter streets

Additional Design Standards that Apply	
Dedication of Public Improvement	Prerequisites
• DD-01 7-4	• PQ-01 7-21
Development Name	Storm Water
• DN-01 7-5	• SM-01 7-22
Easement	Streets and Access
• EA-01 7-6	• SA-01 7-24
Entryway Feature	• SA-02 7-30
• EF-01 7-8	• SA-04 7-32
Erosion Control	• SA-05 7-32
• EC-01 7-9	• SA-07 7-34
Flood Hazard	Street Lighting
• FH-01 7-10	• SL-01 7-35
Incentive	• SL-04 7-36
• IC-01 7-11	Surety
Lot Establishment	• SY-01 7-37
• LE-01 7-12	Utility
Monuments and Markers	• UT-01 7-39
• MM-01 7-15	
Open Space	
• OP-01 7-16	
Owners' Association	
• OA-01 7-17	
Pedestrian Network	
• PN-01 7-19	
Perimeter Landscaping	
• PL-01 7-20	

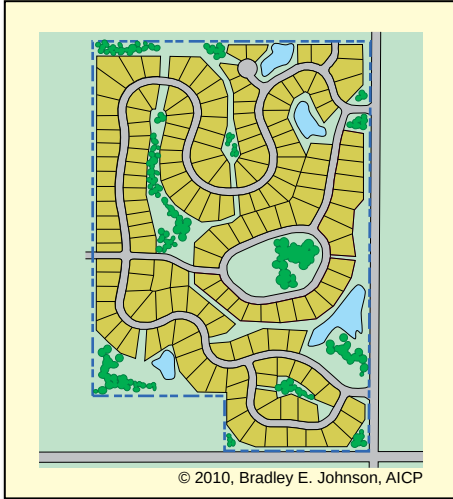
Coved Subdivision (CV)

6.03 Coved Subdivision Intent and Prerequisites

Intent	Prerequisites
The Coved Subdivision type is intended to provide a development option with the following features: Land Use • 100% residential Applicability • Residential subdivisions containing at least fifty (50) lots and requiring new streets Pedestrian Network • Safe and efficient pedestrian circulation within the subdivision • Safe and efficient pedestrian accessibility to perimeter streets Vehicular Network • Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network • Internal streets characterized by sweeping curves • Minimal use of cul-de-sacs Site Feature Preservation • Strive to save quality existing tree stands	Base Zoning • R2 and R3 Minimum Parent Tract • 5 acres (217,800 square feet) Maximum Parent Tract • No maximum

Coved Subdivision (CV)

6.04 Coved Subdivision Standards

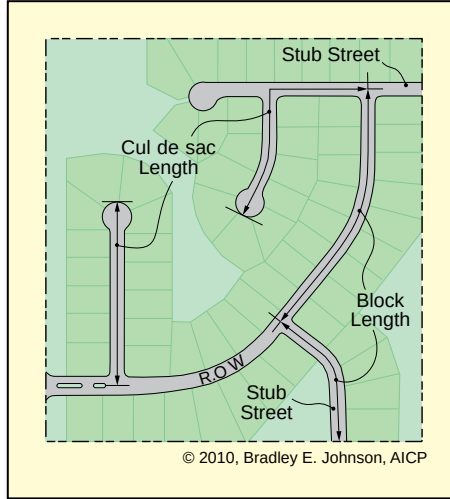


Minimum Required Open Space

- 25%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters



Minimum Block Length

- 140 feet

Maximum Block Length

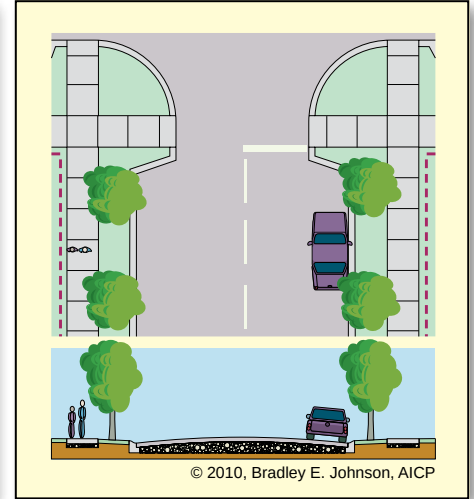
- 1,000 feet

Minimum Cul-de-sac Length

- 140 feet

Maximum Cul-de-sac Length

- 600 feet



Minimum ROW on Local Streets

- 60 feet

Minimum Street Width

- 32 feet

Curb

- Rolled or vertical curb required

On-street Parking

- Required on at least one side

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 5 feet sidewalk required along both sides of all internal local streets and internal collector streets
- 6 feet sidepaths or sidewalks along both sides of internal arterial streets
- 6 feet sidewalks required along perimeter streets

Additional Design Standards that Apply

Dedication of Public Improvement		Storm Water	
• DD-01.....	7-4	• SM-01.....	7-22
Development Name		Streets and Access	
• DN-01.....	7-5	• SA-01.....	7-24
Easement		• SA-02.....	7-30
• EA-01.....	7-6	• SA-05.....	7-32
Entryway Feature		• SA-07.....	7-34
• EF-01.....	7-8	Street Lighting	
Erosion Control		• SL-01.....	7-35
• EC-01.....	7-9	• SL-04.....	7-36
Flood Hazard		Surety	
• FH-01.....	7-10	• SY-01.....	7-37
Lot Establishment		Utility	
• LE-01.....	7-12	• UT-01.....	7-39
Monuments and Markers			
• MM-01.....	7-15		
Open Space			
• OP-01.....	7-16		
Owners' Association			
• OA-01.....	7-17		
Pedestrian Network			
• PN-01.....	7-19		
Perimeter Landscaping			
• PL-01.....	7-20		
Prerequisites			
• PQ-01.....	7-21		

Conservation Subdivision (CS)

6.05 Conservation Subdivision Intent and Prerequisites

Intent

The Conservation Subdivision type is intended to provide a development option with the following features:

Land Use

- 100% residential

Applicability

- Residential subdivisions at least forty (40) lots and requiring new streets

Pedestrian Network

- Pedestrian circulation within the subdivision that is sensitive to the subdivision's natural amenities
- Safe pedestrian accessibility to perimeter streets

Vehicular Network

- Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network
- Moderate use of cul-de-sacs
- Narrow streets without curb
- On-street parking is discouraged

Site Feature Preservation

- Preserve existing quality tree stands
- Preserve other existing natural amenities

Incentives

- Narrow local streets without curb
- Street lighting not required
- Sidewalks only required on one side of internal streets
- Intensity bonus for conserving land as open space

Prerequisites

Base Zoning

- AG

Minimum Parent Tract

- 5 acres (217,800 square feet)

Maximum Parent Tract

- No maximum

Special Qualifications

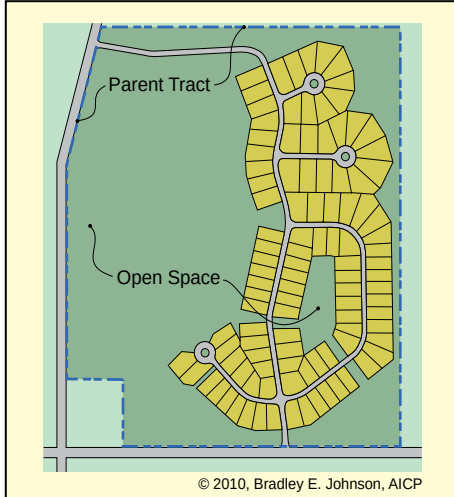
- The parent tract shall have a quality natural amenity covering at least 20% of the parent tract
- Subdivision shall facilitate clustered development that ensures the preservation of on-site natural amenities and significant common open space

Conservation Subdivision Intensity Bonus for Conserving at least 40% of Parent Tract as Open Space

		Zoning District
		AG
Lot Standards	Min. Lot Area	26,000 sq ft
	Min. Average Lot Area	30,000 sq ft
	Min. Lot Width	150 ft.
Setback Standards	Min. Front Setback	70 ft
	Min. Side Setback	25 ft
	Min. Rear Setback	35 ft
Other Standards	Max. Lot Coverage	35%
	Min. Dwelling Unit Size	1,200
	Maximum Density	no change

Conservation Subdivision (CS)

6.06 Conservation Subdivision Standards

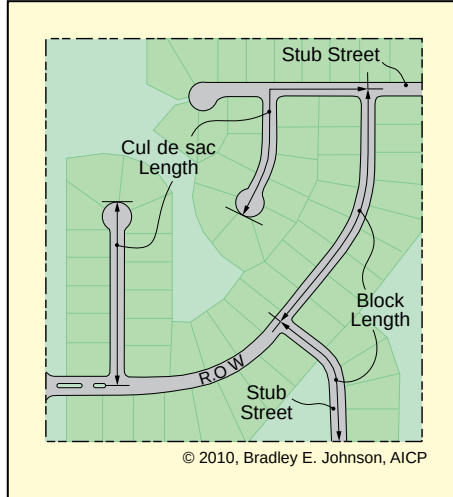


Minimum Required Open Space

- 40%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters



Minimum Block Length

- 100 feet

Maximum Block Length

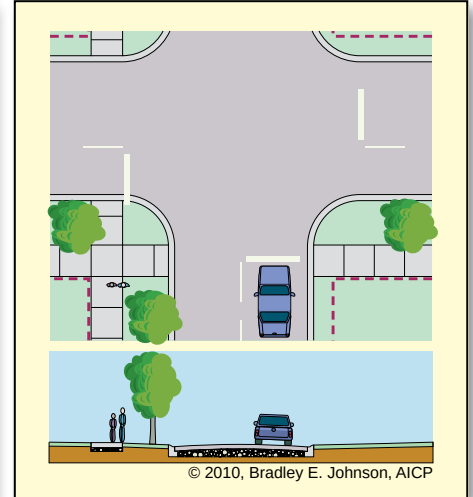
- 1,760 feet ($\frac{1}{3}$ mile)

Minimum Cul-de-sac Length

- 100 feet

Maximum Cul-de-sac Length

- 1,000 feet



Minimum ROW on Local Streets

- 60 feet

Minimum Street Width

- 22 feet

Curb

- Not required

On-street Parking

- Not required

Minimum Tree Plot Width

- 5 feet, if sidewalk is installed along street

Minimum Sidewalk/Sidepath Width

- Unimproved path in conservation areas
- 4 feet sidewalk along one side of internal local streets and internal collector streets
- 4 feet sidewalk along both sides of internal arterial streets
- 6 feet sidepath or sidewalk along perimeter streets

Additional Design Standards that Apply

Dedication of Public Improvement		Storm Water	
• DD-01.....	7-4	• SM-01.....	7-22
Development Name		Streets and Access	
• DN-01.....	7-5	• SA-01.....	7-24
Easement		• SA-02.....	7-30
• EA-01.....	7-6	• SA-05.....	7-32
Entryway Feature		• SA-07.....	7-34
• EF-01.....	7-8	Street Lighting	
Erosion Control		• SL-04.....	7-36
• EC-01.....	7-9	Surety	
Flood Hazard		• SY-01.....	7-37
• FH-01.....	7-10	Utility	
Lot Establishment		• UT-01.....	7-39
• LE-01.....	7-12		
Monuments and Markers			
• MM-01.....	7-15		
Open Space			
• OP-01.....	7-16		
Owners' Association			
• OA-01.....	7-17		
Pedestrian Network			
• PN-01.....	7-19		
Perimeter Landscaping			
• PL-01.....	7-20		
Prerequisites			
• PQ-01.....	7-21		

Traditional Subdivision (TD)

6.07 Traditional Subdivision Intent and Prerequisites

Intent

The Traditional Subdivision type is intended to provide a development option with the following features:

Land Use

- Mixed-use, with majority being residential

Applicability

- Subdivisions containing fifty (50) or more lots and new streets and alleys

Pedestrian Network

- Safe, efficient, and highly accessible pedestrian circulation within the subdivision
- Safe, efficient, and easy access to perimeter streets

Vehicular Network

- Creation of grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods and non-residential activity centers
- Frequent use of alleys and garage access via alleys
- Short blocks
- Small radius corners

Site Feature Preservation

- Strive to save existing quality tree stands

Incentives

- Increased intensity and density for traditional subdivision design

Prerequisites

Base Zoning

- Minimum of 80% R3, UR or M1

Minimum Parent Tract

- 40 acres

Maximum Parent Tract

- 200 acres

Special Qualifications

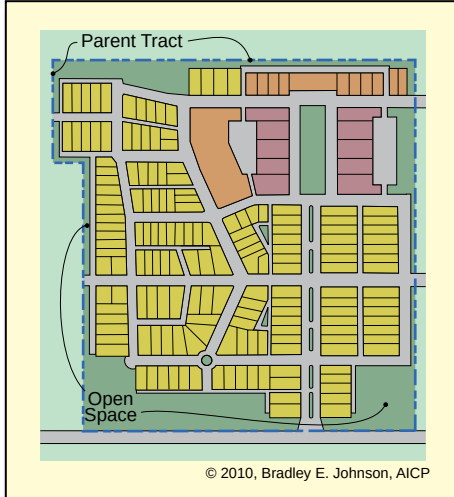
- Subdivision shall be designed around pedestrian-scale streetscape featuring narrow street profiles, alleys, on-street parking, building forward orientation, short blocks, and decorative street lighting

Traditional Subdivision Intensity and Density Bonus for Traditional Design Compliance

		Zoning District		
		R3	UR	M1
Lot Standards	Min. Lot Area	4,600 sq ft	4,600 sq ft	5,500 sq ft
	Min. Average Lot Area	no change	no change	no change
	Min. Lot Width	44 ft	no change	45 ft
Setback Standards	Min. Front Setback	20 ft	15 ft	22 ft
	Min. Side Setback	6 ft	no change	10 ft
	Min. Rear Setback	28 ft	22 ft	28 ft
Other Standards	Max. Lot Coverage	no change	67%	55%
	Min. Dwelling Unit Size	no change	no change	no change
	Min. Average Dwelling Unit Size	no change	no change	no change
	Maximum Density	6.2 du/acre	6.2 du/acre	5.5 du/acre

Traditional Subdivision (TD)

6.08 Traditional Subdivision Standards

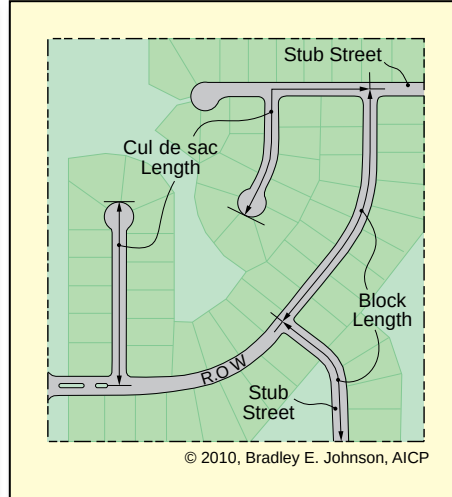


Minimum Required Open Space

- 15%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters
- 0 feet if abutting another TD or a TN subdivision



Minimum Block Length

- 200 feet

Maximum Block Length

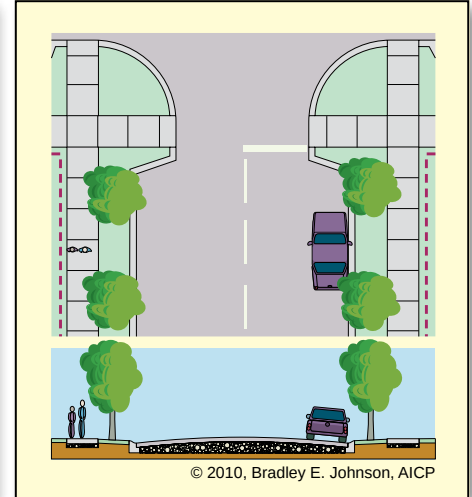
- 660 feet

Average Block Length

- Between 300 and 500 feet

Cul-de-sac Length

- Cul-de-sacs not permitted



Minimum ROW on Local Streets

- 56 feet if on-street is on one side
- 62 feet if on-street parking is on both sides

Minimum Street Width

- 30 feet

Curb

- Vertical curb required

On-street Parking

- Required on at least one side

Minimum Tree Plot Width

- 5 feet in residential areas
- 0 feet in non-residential areas

Minimum Sidewalk/Sidepath Width

- 5 feet sidewalk along both sides of internal residential streets (local, collector, and arterial)
- 5 feet sidewalk along internal non-residential streets (local, collector and arterial)
- 5 sidepath or sidewalk along perimeter streets

Additional Design Standards that Apply	
Dedication of Public Improvement	Perimeter Landscaping
• DD-01 7-4	• PL-01 7-20
Development Name	Prerequisites
• DN-01 7-5	• PQ-01 7-21
Easement	Storm Water
• EA-01 7-6	• SM-01 7-22
Entryway Feature	Streets and Access
• EF-01 7-8	• SA-01 7-24
Erosion Control	• SA-02 7-30
• EC-01 7-9	• SA-03 7-31
Flood Hazard	• SA-05 7-32
• FH-01 7-10	• SA-07 7-34
Incentive	Street Lighting
• IC-01 7-11	• SL-02 7-35
Lot Establishment	• SL-03 7-36
• LE-01 7-12	• SL-04 7-36
Mixed-Use	Surety
• MX-01 7-14	• SY-01 7-37
Monuments and Markers	Utility
• MM-01 7-15	• UT-01 7-39
Open Space	
• OP-01 7-16	
Owners' Association	
• OA-01 7-17	
Pedestrian Network	
• PN-01 7-19	

Townhouse Subdivision (TN)

6.09 Townhouse Subdivision Intent and Prerequisites

Intent

The Townhouse Subdivision type is intended to provide a development option with the following features:

Land Use

- 100% residential, in the form of townhouses

Applicability

- Residential subdivisions involving townhouses including all sizes that may or may not require new streets

Pedestrian Network

- Safe, efficient, and highly accessible pedestrian circulation within the subdivision
- Safe, efficient, and easy access to perimeter streets

Vehicular Network

- Creation of grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods and non-residential activity centers
- Frequent use of alleys and garage access via alleys
- Short blocks
- Small radius corners

Site Feature Preservation

- Strive to save existing quality tree stands

Incentives

- Increased intensity and density for townhouse subdivision design

Prerequisites

Base Zoning

- M1 or M2

Minimum Parent Tract

- no minimum

Maximum Parent Tract

- no maximum

Special Qualifications

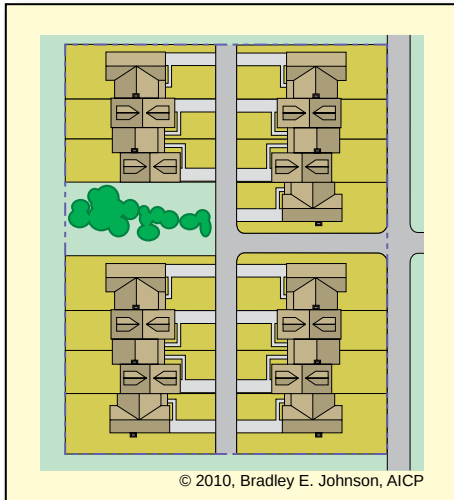
- Subdivision shall be designed around pedestrian-scale streetscape featuring narrow street profiles, on-street parking, building forward orientation, short blocks, and decorative street lighting

Townhouse Subdivision Intensity and Density Bonus for Townhome Design Compliance

		Zoning District	
		M1	M2
Lot Standards	Min. Lot Area	2,300 sq ft	2,200 sq ft
	Min. Average Lot Area	2,700 sq ft	2,600 sq ft
	Min. Lot Width	20 ft	20 ft
	Min. Average Lot Width	26 ft	26 ft
Setback Standards	Min. Front Setback	20 ft	20 ft
	Min. Side Setback	0 ft	0 ft
	Min. Rear Setback	30 ft	40 ft
	Min. Building Separation*	30 ft	35 ft
Other Standards	Max. Lot Coverage	50%	70%
	Min. Dwelling Unit Size	1,000 sq ft	900 sq ft
	Min. Average Dwelling Unit Size	1,200 sq ft	1,200 sq ft
	Maximum Density	6 du/acre	12 du/acre

* Separation from another block of townhouses, not each individual unit.

6.10 Townhouse Subdivision Standards

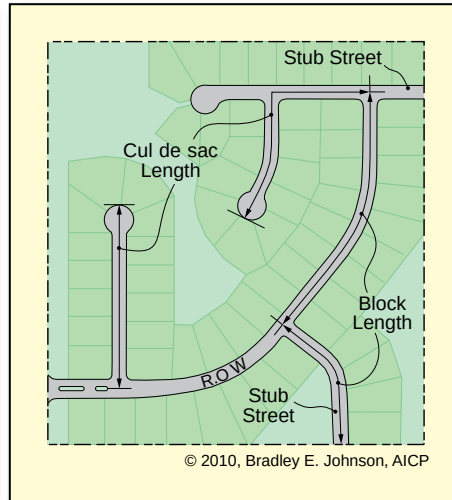


Minimum Required Open Space

- 20%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets
- 10 feet along all other perimeters
- 0 feet if abutting another TN or a TD subdivision



Minimum Block Length

- 200 feet

Maximum Block Length

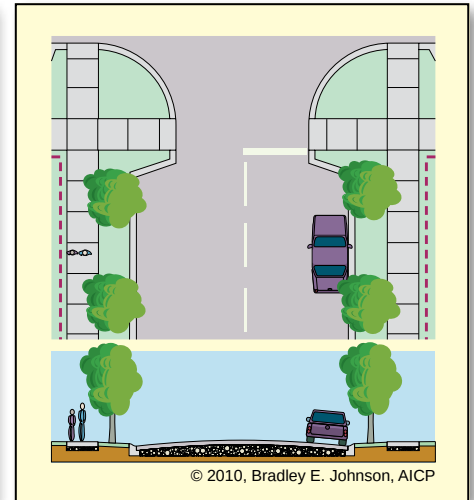
- 660 feet

Average Block Length

- Between 300 and 500 feet

Cul-de-sac Length

- Cul-de-sacs not permitted



Minimum ROW on Local Streets

- 56 feet if on-street is on one side
- 62 feet if on-street parking is on both sides

Minimum Street Width

- 30 feet

Curb

- Vertical curb required

On-street Parking

- Required on at least one side

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 4 feet sidewalk along both sides of internal local streets and internal collector streets
- 6 feet sidepath or sidewalk along both sides of internal arterial streets
- 6 feet sidepath or sidewalk along perimeter streets

Additional Design Standards that Apply	
Dedication of Public Improvement	Prerequisites
• DD-01 7-4	• PQ-01 7-21
Development Name	Storm Water
• DN-01 7-5	• SM-01 7-22
Easement	Streets and Access
• EA-01 7-6	• SA-01 7-24
Entryway Feature	• SA-02 7-30
• EF-01 7-8	• SA-03 7-31
Erosion Control	• SA-05 7-32
• EC-01 7-9	• SA-07 7-34
Flood Hazard	Street Lighting
• FH-01 7-10	• SL-03 7-36
Incentive	• SL-04 7-36
• IC-01 7-11	Surety
Lot Establishment	• SY-01 7-37
• LE-01 7-12	Utility
Monuments and Markers	• UT-01 7-39
• MM-01 7-15	
Open Space	
• OP-01 7-16	
Owners' Association	
• OA-01 7-17	
Pedestrian Network	
• PN-01 7-19	
Perimeter Landscaping	
• PL-01 7-20	

Zero Lot Line Subdivision (ZL)

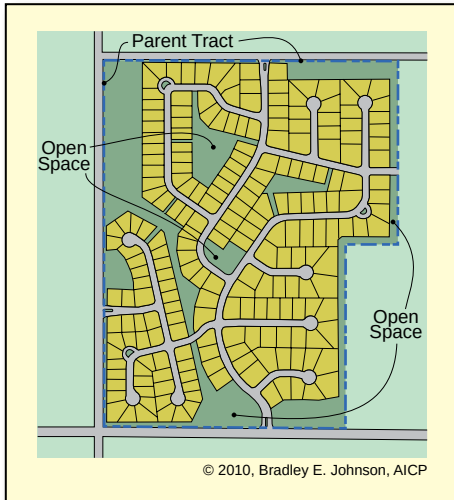
6.11 Zero Lot Line Subdivision Intent and Prerequisites

Intent		Prerequisites	
The Zero Lot Line Subdivision type is intended to provide a development option with the following features: Land Use • 100% residential Applicability • Residential subdivisions involving zero lot line development including all sizes that may or may not require new streets Pedestrian Network • Safe and efficient pedestrian circulation within the subdivision • Safe and efficient pedestrian accessibility to perimeter streets Vehicular Network • Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network • Large radius corners and curves Site Feature Preservation • Strive to save existing quality tree stands Incentives • Limited intensity and density bonus for anti-monotony compliance		Base Zoning • R1, R2, R3, UR or M1 Minimum Parent Tract • No minimum Maximum Parent Tract • No maximum	

Zero Lot Line Subdivision Intensity and Density Bonus for Anti-monotony Compliance (7.10 Residential Incentive Standards)						
		Zoning Districts				
		R1	R2	R3	UR	M1
Lot Standards	Min. Lot Area	18,000 sq ft	10,000 sq ft	4,800 sq ft	5,000 sq ft	5,600 sq ft
	Min. Average Lot Area	20,000 sq ft	11,000 sq ft	5,000 sq ft	5,000 sq ft	6,000 sq ft
	Min. Lot Width	90 ft	75 ft	46 ft	40 ft	46 ft
Setback Standards	Min. Front Setback	30 ft	30 ft	25 ft	15 ft	25 ft
	Min. Side Setback	0 ft	0 ft	0 ft	0 ft	0 ft
	Min. Aggregate Side Setback	9 ft	8 ft	5 ft	5 ft	10 ft
	Min. Rear Setback	28 ft	25 ft	25 ft	25 ft	26 ft
	Min. Building Separation	10 ft	10 ft	10 ft	10 ft	10 ft
Other Standards	Max. Lot Coverage	38%	42%	65%	65%	55%
	Min. Dwelling Unit Size	1,200 sq ft	1,000 sq ft	1,000 sq ft	1,000	1,000 sq ft
	Maximum Density	1.7 du/acre	3.5 du/acre	6 du/acre	6 du/acre	6 du/acre

Zero Lot Line Subdivision (ZL)

6.12 Zero Lot Line Subdivision Standards

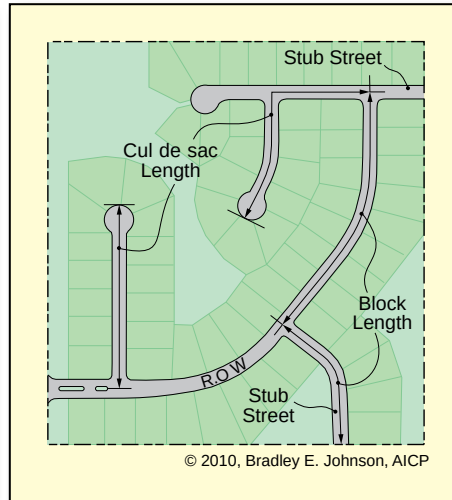


Minimum Required Open Space

- 15%

Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters
- 0 feet if abutting another ZL, CS, or ST subdivision



Minimum Block Length

- 140 feet

Maximum Block Length

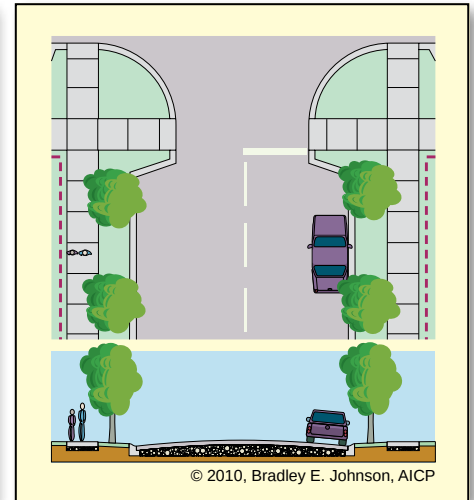
- 1,000 feet

Minimum Cul-de-sac Length

- 140 feet

Maximum Cul-de-sac Length

- 600 feet



Minimum ROW on Local Streets

- 56 feet

Minimum Street Width

- 32 feet

Curb

- Rolled or vertical curb required

On-street Parking

- Required on at least one side

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 5 feet sidewalks along both sides of internal collector streets and internal local streets
- 6 feet sidepaths or sidewalks along both sides of internal arterial streets
- 6 feet sidepaths or sidewalks along perimeter streets

Additional Design Standards that Apply

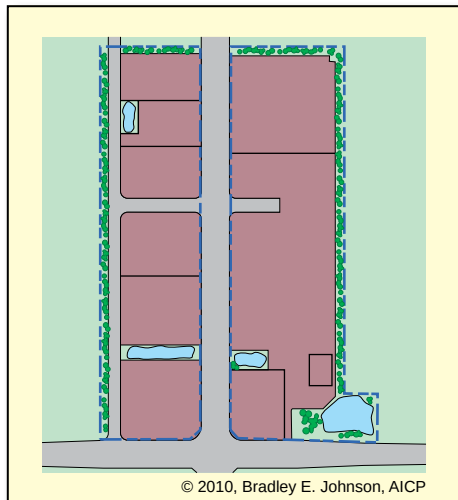
Dedication of Public Improvement		Perimeter Landscaping	
• DD-01.....	7-4	• PL-01	7-20
Development Name		Prerequisites	
• DN-01.....	7-5	• PQ-01	7-21
Easement		Storm Water	
• EA-01.....	7-6	• SM-01	7-22
Entryway Feature		Streets and Access	
• EF-01.....	7-8	• SA-01.....	7-24
Erosion Control		• SA-02.....	7-30
• EC-01.....	7-9	• SA-04.....	7-32
Flood Hazard		• SA-05.....	7-32
• FH-01.....	7-10	• SA-07.....	7-34
Incentive		Street Lighting	
• IC-01.....	7-11	• SL-01.....	7-35
Lot Establishment		• SL-04.....	7-36
• LE-01.....	7-12	Surety	
Monuments and Markers		• SY-01.....	7-37
• MM-01.....	7-15	Utility	
Open Space		• UT-01.....	7-39
• OP-01.....	7-16		
Owners' Association			
• OA-01.....	7-17		
Pedestrian Network			
• PN-01.....	7-19		

Strip Commercial Subdivision (SC)

6.13 Strip Commercial Subdivision Intent and Prerequisites

Intent	Prerequisites
The Strip Commercial Subdivision type is intended to provide a development option with the following features: Land Use • At least 90% non-residential Applicability • Commercial strip subdivisions of all sizes that may or may not require new streets Pedestrian Network • Safe movement to primary structures from streets • Safe movement between primary structures • Safe accessibility to perimeter streets Vehicular Network • Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network • Adequate accessibility for deliveries • Use of frontage streets when necessary • Minimal curb cuts Site Feature Preservation • Strive to save quality existing tree stands	Base Zoning • NC, LC, GC or HC Minimum Parent Tract • 2 acres (87,120 square feet) Maximum Parent Tract • No maximum

6.14 Strip Commercial Standards

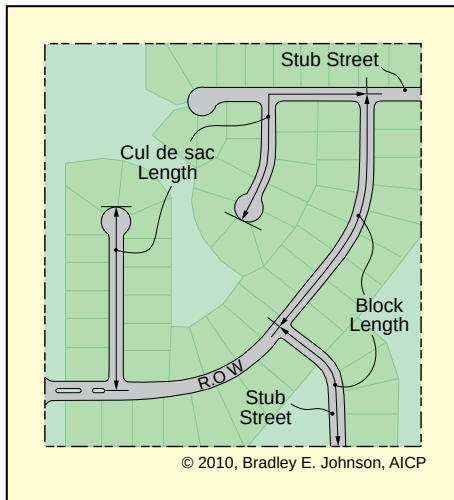


Minimum Required Open Space

- 10%

Minimum Perimeter Landscaping

- 15 feet along perimeter streets
- 10 feet along all other perimeters
- 0 feet if abutting a LC, GC, or HC District



Minimum Block Length

- 140 feet

Maximum Block Length

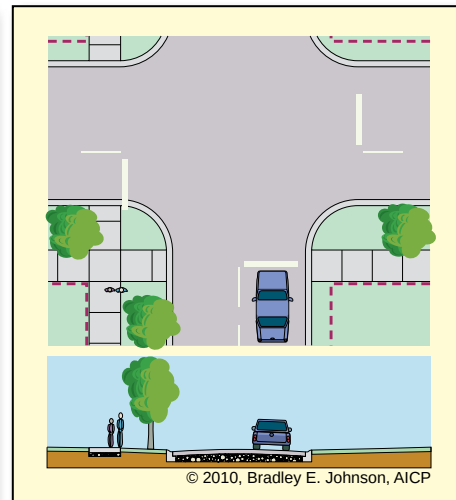
- 1,000 feet

Minimum Cul-de-sac Length

- No minimum

Maximum Cul-de-sac Length

- 600 feet



Minimum ROW on Local Streets

- 60 feet

Minimum Street Width

- 24 feet

Curb

- Rolled or vertical curb required

On-street Parking

- Not permitted

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 4 feet sidewalk along at least one side of internal local streets and internal collector streets
- 6 feet sidepath or sidewalk along both sides of internal arterial streets
- 6 feet sidepath or sidewalk along perimeter streets

Additional Design Standards that Apply

Dedication of Public Improvement	Prerequisites
• DD-01 7-4	• PQ-01 7-21
Development Name	Storm Water
• DN-01 7-5	• SM-01 7-22
Easement	Streets and Access
• EA-01 7-6	• SA-01 7-24
Entryway Feature	• SA-02 7-30
• EF-01 7-8	• SA-06 7-33
Erosion Control	• SA-07 7-34
• EC-01 7-9	Street Lighting
Flood Hazard	• SL-03 7-36
• FH-01 7-10	• SL-04 7-36
Lot Establishment	Surety
• LE-02 7-13	• SY-01 7-37
Monuments and Markers	Utility
• MM-01 7-15	• UT-01 7-39
Open Space	
• OP-01 7-16	
Owners' Association	
• OA-01 7-17	
Pedestrian Network	
• PN-01 7-19	
Perimeter Landscaping	
• PL-01 7-20	

Commercial District Subdivision (CD)

6.15 Commercial District Subdivision Intent and Prerequisites

Intent	Prerequisites
The Commercial District Subdivision type is intended to provide a development option with the following features: Land Use • At least 90% non-residential Applicability • Commercial subdivisions regardless of the number of lots and regardless if new infrastructure improvements are required Pedestrian Network • Safe movement to primary structures from streets • Safe movement between primary structures • Safe accessibility to perimeter streets Vehicular Network • Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network • Adequate accessibility for deliveries • Use of frontage roads when necessary • Minimal curb cuts Site Feature Preservation • Strive to save quality existing tree stands	Base Zoning • LC or GC Minimum Parent Tract • 2 acres (87,120 square feet) Maximum Parent Tract • No maximum

6.16 Commercial District Subdivision Standards

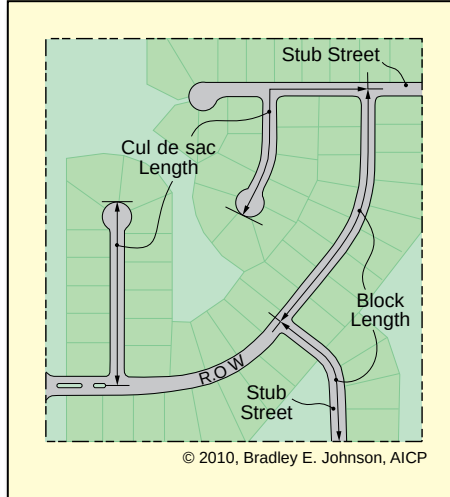


Minimum Required Open Space

- 10%

Minimum Perimeter Landscaping

- 15 feet along all perimeter streets
- 10 feet along all other perimeters
- 0 feet if abutting a LC, GC, or HC District



Minimum Block Length

- 140 feet

Maximum Block Length

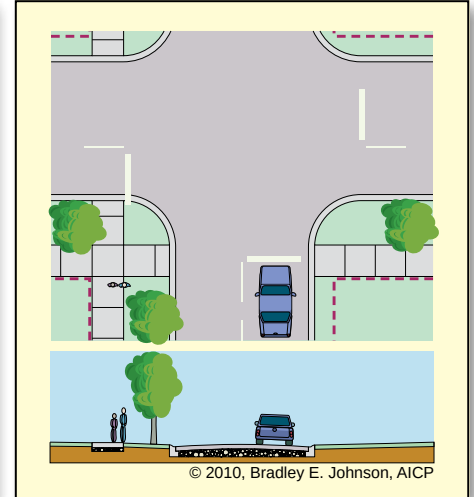
- 1,000 feet

Minimum Cul-de-sac Length

- 140 feet

Maximum Cul-de-sac Length

- 600 feet



Minimum ROW on Local Streets

- 60 feet

Minimum Street Width

- 24 feet

Curb

- Rolled or vertical curb required

On-street Parking

- Not permitted

Minimum Tree Plot Width

- 5 feet

Minimum Sidewalk/Sidepath Width

- 4 feet sidewalk along at least one side of internal local streets and internal collector streets
- 6 feet sidepath or sidewalk along both sides of internal arterial streets
- 6 feet sidepath or sidewalk along perimeter streets

Additional Design Standards that Apply	
Dedication of Public Improvement	Prerequisites
• DD-01 7-4	• PQ-01 7-21
Development Name	Storm Water
• DN-01 7-5	• SM-01 7-22
Easement	Streets and Access
• EA-01 7-6	• SA-01 7-24
Entryway Feature	• SA-02 7-30
• EF-01 7-8	• SA-06 7-33
Erosion Control	• SA-07 7-34
• EC-01 7-9	Street Lighting
Flood Hazard	• SL-03 7-36
• FH-01 7-10	• SL-04 7-36
Lot Establishment	Surety
• LE-02 7-13	• SY-01 7-37
Monuments and Markers	Utility
• MM-01 7-15	• UT-01 7-39
Open Space	
• OP-01 7-16	
Owners' Association	
• OA-01 7-17	
Pedestrian Network	
• PN-01 7-19	
Perimeter Landscaping	
• PL-01 7-20	

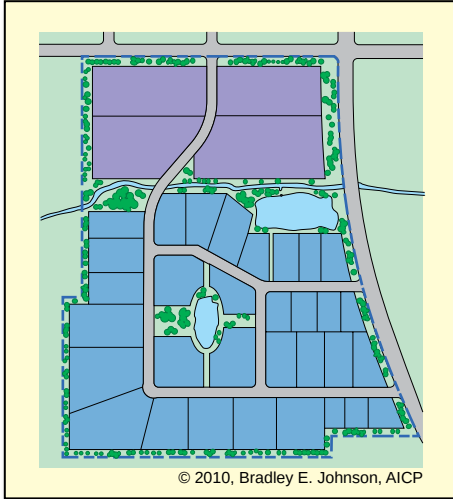
Industrial Park Subdivision (IP)

6.17 Industrial Park Subdivision Intent and Prerequisites

Intent	Prerequisites
The Industrial Park Subdivision type is intended to provide a development option with the following features: Land Use • 100% nonresidential • At least 60% industrial uses Applicability • Industrial subdivisions of all sizes that may or may not require new streets Pedestrian Network • Safe movement to primary structures from streets • Safe movement between primary structures • Safe accessibility to perimeter streets Vehicular Network • Connectivity to adjacent lots • Use of frontage streets when necessary • Safe and efficient integration of vehicular and truck traffic • Minimal curb cuts Site Feature Preservation • Strive to save quality existing tree stands	Base Zoning • I1 or I2 Minimum Parent Tract • No minimum Maximum Parent Tract • No maximum

Industrial Park Subdivision (IP)

6.18 Industrial Park Subdivision Standards

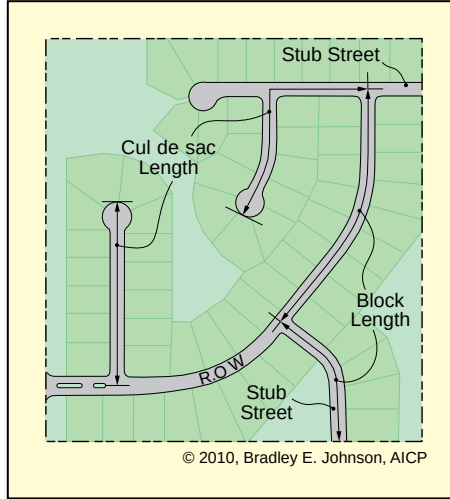


Minimum Required Open Space

- 10%

Minimum Perimeter Landscaping

- 40 feet along perimeter streets that shall be common area
- 20 feet along all other perimeters
- 0 feet if abutting a I1, I2, or HI District



Minimum Block Length

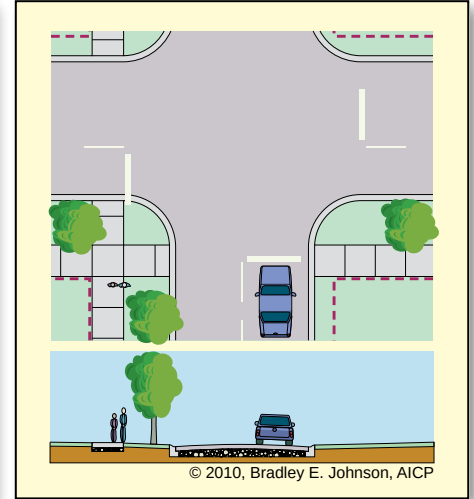
- No minimum

Maximum Block Length

- No maximum

Cul-de-sac Length

- Cul-de-sacs not permitted



Minimum ROW on Local Streets

- 60 feet

Minimum Street Width

- 24 feet

Curb

- Not applicable

On-street Parking

- Not applicable

Minimum Tree Plot Width

- Not applicable

Minimum Sidewalk/Sidepath Width

- Not applicable

Additional Design Standards that Apply

Dedication of Public Improvement		Prerequisites	
• DD-01.....	7-4	• PQ-01.....	7-21
Development Name		Storm Water	
• DN-01.....	7-5	• SM-01.....	7-22
Easement		Streets and Access	
• EA-01.....	7-6	• SA-01.....	7-24
Entryway Feature		• SA-02.....	7-30
• EF-01.....	7-8	• SA-06.....	7-33
Erosion Control		• SA-07.....	7-34
• EC-01.....	7-9	Street Lighting	
Flood Hazard		• SL-03.....	7-36
• FH-01.....	7-10	• SL-04.....	7-36
Lot Establishment		Surety	
• LE-02.....	7-13	• SY-01.....	7-37
Monuments and Markers		Utility	
• MM-01.....	7-15	• UT-01.....	7-39
Open Space			
• OP-01.....	7-16		
Owners' Association			
• OA-01.....	7-17		
Pedestrian Network			
• PN-01.....	7-19		
Perimeter Landscaping			
• PL-01.....	7-20		

Article

7

Design Standards

*City of Richmond
Unified Development
Ordinance*

7.01 Using This Section

The following pages contain the design standards for site and infrastructure improvements associated with subdivisions, Planned Developments, and development plan approval. These requirements shall also apply to planned developments associated with subdivision approval. Each section represents the regulations for a specific category. There are two (2) ways to determine which design standards apply to a specific type of petition. They are:

- A. Using Two-page Layouts: Refer to the two-page layouts in *Article 6: Subdivision Types* for a specific subdivision type. Applicable design standards for that specific subdivision type are identified by four-digit codes in the "Additional Design Standards that Apply." Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.
- B. Using Icons: Refer to the project icons used at the top of each design standards section in *Article 7: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons that stand for subdivision or project type. These project icons note that the design standards written in that section applies to that type of application.

7.02 Purpose of Design Standards

- A. Intent: It is the purpose of *Article 7: Design Standards* to establish and define design standards that shall be required by the City for any subdivision of land, development plan approval, and Planned Development.

Icon Key

7.03 Icon Key

-  - Standard Subdivision
-  - Coved Subdivision
-  - Conservation Subdivision
-  - Traditional Subdivision
-  - Townhouse Subdivision
-  - Zero Lot Line Subdivision
-  - Strip Commercial Subdivision
-  - Commercial District Subdivision
-  - Industrial Park Subdivision
-  - Development Plan
-  - Planned Development

Dedication of Public Improvement Standards (DD)

7.04 DD-01: Dedication of Public Improvement Standards

This Dedication of Public Improvement Standards section applies to the following types of development:



- A. **Project Applicability:** All rights-of-way on an approved secondary plat (subdivisions), approved final plan (planned developments), or on an approved development plan shall be considered dedicated upon approval by the Plan Commission.
 1. *Streets and Sidewalks:* The intent of the City is to take ownership of streets and sidewalks located within the rights-of-way that have been constructed to meet or exceed the City of Richmond's Construction Standards. The City, however, may choose not to take ownership of specialty access improvements, including but not limited to alleys, driveways, driving aisles, unusual on-street parking, or eyebrows.
 2. *Other Facilities:* Other infrastructure or facilities may, at the election of the Board of Public Works, be dedicated to the City. These facilities may include parks, open space, drainage facilities, utilities, street lighting, or other facilities in which the City may have interest.
- B. **Maintenance Surety:** A maintenance bond may be required by the City at the time of dedication. See *Section 7.32: Surety Standards*.

Development Name Standards (DN)

7.05 DN-01: Development Name Standards

This Development Name Standards section applies to the following types of development:



- A. Proposed Development Name: The applicant shall propose a unique name for the development.
 1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development within the zoning jurisdiction of the City.
 2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, or Glen) shall not constitute a unique name (for example, if Preston Place exists, the name Preston Woods shall not be permitted).
 3. *Large Developments*: Unique subareas within a large development or separate developments within close proximity may be authorized to use the same root name by the Plan Commission.
- B. Approval Authority: While the development name proposed by the applicant shall be considered, the Plan Commission has authority to approve or deny the proposed name.
- C. Renaming Authority:
 1. *Existing Development Names*: Existing development names and development names that have been approved by the Plan Commission shall not be changed without Plan Commission approval.
 2. *Proposed Development Names*: The Plan Commission shall have authority to require a new unique name for a development if the name proposed by the applicant is unacceptable. If an acceptable and unique development name is not proposed by the applicant, the Plan Commission shall rename the development prior to final approval.

7.06 EA-01: Easement Standards

This Easement Standards section applies to the following types of development:



A. Cross-Reference:

1. *Private Street Easements:* For details concerning private street easements, see *Section 7.22: Private Street and Access Standards.*
2. *Temporary Turnaround Easements:* For details concerning temporary turnaround easements, see *Section 7.21(C)(5): Temporary Turnarounds.*
3. *Utility Easements:* For details concerning utility easements, see *Section 7.33: Utility Standards.*
4. *Drainage Easements:* For details concerning drainage easements, see *Section 7.20: Storm Water Standards.*

B. Cross-access Easements:

1. *Description:* A cross-access easement applies to shared driveways, shared access, and parking lots.
2. *Instrument Specifications:* When required by the Unified Development Ordinance, each property owner of record shall execute a cross-access easement instrument in favor of the adjoining property owner. The cross-access easement instrument shall be signed by the owner or an authorized representative of the owner of all associated properties. The cross-access easement instrument shall include the following language:
 - a. Identify the development with which the cross-access easement (CAE) is associated.
 - b. The cross-access easement (CAE) shall grant the general public the right to utilize the easement for purpose of accessing adjoining parking lots.
 - c. The cross-access easement (CAE) shall prohibit any person from parking vehicles within the easement, unless the cross-access easement (CAE) is for a parking lot.
 - d. The cross-access easement (CAE) shall prohibit any person, including the property owner, from placing any obstruction within the easement.
 - e. The cross-access easement (CAE) shall be binding on all heirs, successors, and assigns to the property on which the cross-access easement is located.
 - f. The cross-access easement (CAE) shall be enforceable by the owners of each associated property, the City, and any other specially affected persons identified in the cross-access easement.
 - g. The cross-access easement (CAE) shall provide for modification or termination in a manner specified in the Unified Development Ordinance.
 - h. The cross-access easement (CAE) shall be cross-referenced to the most recently recorded deeds of the associated properties.
 - i. The cross-access easement (CAE) shall include a metes and bounds description of the easement.
3. *Cross-access Easement Certificate:*
 - a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate cross-access easement instrument in favor of printing the following "Cross-access Easement Certificate on the recordable instrument: "Areas on these plans designated as a 'Cross-access Easement' or abbreviated as "CAE" are established in favor of the adjoining property owner, and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the City may enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."
 - b. The dedication and acceptance of any cross-access easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
 - c. If the Declaration of Covenants is included on the recordable instrument, the cross-access easement certificate clearly be shall separate from the Declaration of Covenants.

C. General Easements:

1. *Instrument Specifications:* When an easement is required by the Unified Development Ordinance or an easement is required per a commitment or condition of approval, but the standards for the easement type are not specified, the property owner of record shall execute the easement instrument in favor of the appropriate parties (e.g. the general public, City, specific abutting property owner). The easement instrument shall be signed by the property owner of record granting the easement and an authorized representative of the appropriate party accepting the easement. The easement instrument shall include the following language:
 - a. Identify the project or development with which the easement is associated.
 - b. Specify those activities the appropriate parties are authorized to perform in the easement.
 - c. Specify those activities the property owner of record is prohibited from performing in the easement.
 - d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
 - e. Be enforceable by the property owner of record, any appropriate parties, and the City.
 - f. Provide for modification in the manner stipulated in the Unified Development Ordinance.
 - g. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
 - h. Include a metes and bounds description of the easement.
 - i. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate:*
 - a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the recordable instrument.
 - b. The dedication and acceptance of any easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
 - c. If the Declaration of Covenants is included on the recordable instrument, the easement certificate clearly be shall separate from the Declaration of Covenants.

Entryway Feature Standards (EF)

7.07 EF-01: Entryway Feature Standards

This Entryway Feature Standards section applies to the following types of development:



A. Applicability:

1. *Residential*: Residential developments with at least five (5) lots or units may establish an entryway feature.
2. *Non-residential*: Non-residential developments may establish an entryway feature.

B. Location: Entryway features shall be located at vehicular entrances to a development, but shall not be located within the right-of-way.

C. Quantity and Size: The quantity and size of entryway features shall depend on the number of entrances and classification of the street where the entrance is located.

1. *Residential*:

- a. Residential developments with at least five (5) lots or units, but less than twenty (20) lots or units shall be permitted one (1) entryway feature. The identification portion (e.g. the subdivision name) of the entryway feature shall not exceed twenty (20) square feet in area.
- b. Residential developments with twenty (20) or more lots or units shall be permitted one (1) entryway feature. The identification portion (e.g. the subdivision name) of the entryway feature shall not exceed forty (40) square feet in area.
- c. Residential developments with 100 or more lots or units shall be permitted one (1) entryway feature for the primary entrance, and one (1) entryway feature for one (1) secondary entrance. The identification portion (e.g. the subdivision name) of the primary entrance's entryway feature shall not exceed forty (40) square feet; the identification portion (e.g. the subdivision name) of the secondary entrance's entryway feature shall not exceed twenty (20) square feet.

2. *Non-residential*:

- a. Non-residential developments with four (4) or less lots or that do not have private streets shall be permitted one (1) entryway feature. The identification portion (e.g. the development name) of the entryway feature shall not exceed twenty (20) square feet in area.
- b. Non-residential developments with more than four (4) lots and private streets shall be permitted one (1) entryway feature. The identification portion (e.g. the development name) of the entryway feature shall not exceed forty (40) square feet in area.

D. Landscaping: The identification portion (e.g. the development name) of the entryway feature shall be significantly subordinate to the landscaping.

Erosion Control Standards (EC)

7.08 EC-01: Erosion Control Standards

This Erosion Control Standards section applies to the following types of development:



- A. Cross Reference: All proposed subdivisions, planned developments, and development plans shall be in compliance with *Chapter 57, Erosion Control Ordinance of the City of Richmond Code of Ordinances*.

Flood Hazard Standards (FH)

7.09 FH-01: Flood Hazard Standards

This Flood Hazard Standards section applies to the following types of development:



A. Base Flood Elevation:

1. *Within Special Flood Hazard Areas:* The base flood elevation (BFE) shall be identified on all secondary plats containing lands within a Special Flood Hazard Area (SFHA) and submitting for approval.
2. *Larger Developments:* Base flood elevation data shall be provided for proposed subdivisions, planned developments, and development plans encompassing either five (5) or more acres or fifty (50) or more lots.

B. Design:

1. *Minimize Flood Damage:* All proposed subdivisions, planned developments, and development plans shall be designed to minimize flood damage, including having public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
2. *Drainage:* All proposed subdivisions, planned developments, and development plans shall have adequate drainage provided to reduce exposure to flood hazards.

- C. Evacuation Plan: All owners of manufactured home parks or subdivisions located within a Special Flood Hazard Area (SFHA) identified as an "A Zone" on the Flood Insurance Rate Maps shall develop an evacuation plan for those lots located in the Special Flood Hazard Area (SFHA) and have the evacuation plan filed with and approved by the appropriate community emergency management authorities.

Incentive Standards (IC)

7.10 IC-01: Residential Incentive Standards

This Incentive Standards section applies to the following types of development:



- A. **Applicability:** Residential developments that elect to follow the anti-monotony standards or extra open space standards shall be eligible for density incentives as described below.
- B. **Anti-monotony Standards:**
 1. *Architectural Features:* At least eighty percent (80%) of all dwelling units in the development shall:
 - a. Utilize brick masonry or stone on seventy-five percent (75%) of the front facade and fifty percent (50%) on each side and rear facade.
 - b. Utilize side-loading or rear-loading garages on at least sixty percent (60%) of all dwelling units. When front-loading garages are used, the garage shall not project in front of the main living area of the dwelling unit by more than six (6) feet.
 2. *Rear Facades:* All perimeter lots shall have the same exterior window treatments (such as shutters) that are used on the front facade applied to any facade facing the perimeter street right-of-way; and at least one of the following features:
 - a. An offset or bump-out, at least four (4) feet from the plane of the rear facade, across at least forty percent (40%) of the rear facade,
 - b. An all-brick chimney that is offset from the plane of the rear facade by at least two (2) feet, or
 - c. A sunroom that is at least eleven (11) feet by eleven (11) feet.
 3. *Windows:* All dwelling units shall have at least one (1) window per floor on each side elevation and two (2) windows per floor on the front and rear elevation.
 4. *Proposed Standards:* An applicant may seek to not follow the requirements above, and instead submit detailed architectural design standards that are mandatory for all dwelling units within the development. These architectural design standards shall achieve the same or a greater degree of anti-monotony as those listed above. The submitted architectural design standards shall be approved by the Plan Commission as part of a primary plat for a subdivision, detailed development plan for a planned development, or development plan approval. The developer shall include at least three (3) sample dwelling unit designs to be built within the development showing color drawings of each elevation. These designs shall highlight how the proposed architectural design standards will result in quality architecture and anti-monotony for the development.

Lot Establishment Standards (LE)

7.11 LE-01: Residential Lot Establishment Standards

This Lot Establishment Standards section applies to the following types of development:



- A. **Project Applicability:** The shape, location, and orientation of lots within a subdivision, planned development, or other development shall be appropriate for the uses proposed and be consistent with the intent of the subdivision as indicated in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments. Lot sizes shall also be consistent with those indicated for the appropriate zoning district in *Article 2: Zoning Districts*.
- B. **Lot Design:** Lots shall meet the following conditions.
 1. *Interior Street Frontage:* Residential lots shall be laid out to front interior streets, which may include frontage streets. Residential lots shall not front perimeter streets.
 2. *Side Lot Lines:* Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street the lot fronts.
 3. *Corner Lots:* Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and a perimeter street.
 4. *Through Lots:* Through lots are discouraged, and shall only be permitted if the lot does not establish access to the both frontages.
 5. *Special Lots:* Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the lot that abuts the water feature as a “no-disturb” zone.
 6. *Property Line Corners:* At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.

Lot Establishment Standards (LE)

7.12 LE-02: Non-residential Lot Establishment Standards

This Lot Establishment Standards section applies to the following types of development:



- A. **Project Applicability:** The shape, location, and orientation of lots within a subdivision, planned development, or other development shall be appropriate for the uses proposed and be consistent with the intent of the subdivision as indicated in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments. Lot sizes shall also be consistent with those indicated for the appropriate zoning district in *Article 2: Zoning Districts*.
- B. **Lot Design:** Lots shall meet the following conditions.
 1. **Interior Street Frontage:** Non-residential lots shall be laid out to front interior streets, which may include frontage streets. Individual lots shall only be laid out to have access onto perimeter streets if expressly permitted by the City Engineer.
 2. **Side Lot Lines:** Non-residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street the lot fronts, and side lot lines shall extend in a straight line from the street for at least twenty percent (20%) of the property's depth.
 3. **Corner Lots:** Non-residential corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum may also be increased by twenty-five percent (25%).
 4. **Special Lots:** Non-residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
 5. **Cohesive Design:** Non-residential developments (i.e. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. Cross-access easements to allow access between parking lots shall be included where appropriate. See *Section 7.06: Easement Standards* for details on Cross-access Easements.
 6. **Sensitivity to Context:** Non-residential developments shall be laid out to be sensitive to neighboring developments (if built) or neighboring zoning districts if undeveloped.
 7. **Property Line Corners:** At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.

Mixed-use Development Standards (MX)

7.13 MX-01: Mixed-use Development Standards

This Mixed-Used Development Standards section applies to the following types of development:



- A. **Project Applicability:** Any development that incorporates a mix of uses, either as a Traditional Subdivision (TD), a development plan, or a planned development shall meet the standards in this section. A mix of uses may be proposed within the same building and/or on the same parent tract.
- B. **Traditional Subdivision:**
 - 1. *Rezoning to Most Appropriate Zoning District:* Upon approval of the primary plat approval, the Plan Commission shall initiate the rezoning of each unique district within the development (e.g. single-family, townhouses, apartments, commercial center, or park) to the most appropriate zoning district for each subarea of the development to fulfill the applicants intention and forward a recommendation for zoning map amendment to the Common Council. The applicant may make a recommendation for those zoning districts, but the Plan Commission shall make the final determination. The applicant shall bear the cost of a single zoning map amendment even if the development will be rezoned into more than one (1) new classification.
- C. **Development Plan:**
 - 1. *Minimizing On-site Conflicts:* Mixed-uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
- D. **Planned Development:**
 - 1. *Minimizing On-site Conflicts:* Mixed-uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
 - 2. *Buffering Adjacent Properties:* Any land use within the development that borders a differing land use outside the development shall be reviewed to determine if a bufferyard is necessary. If a bufferyard is required, the planned development shall install the bufferyard to specifications in *Section 5.49: Bufferyard Planting Standards*.

Monument and Marker Standards (MM)

7.14 MM-01: Monument and Marker Standards

This Monument and Marker Standards section applies to the following types of development:



- A. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18.
- B. Monument Location: Survey monuments shall include Subdivision Boundary, Interior Property Corners, and Street Monuments and shall conform to *Section 7.14(A): Installation of Monuments and Markers*.
- C. External Boundaries of Subdivisions: The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty (30) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or iron pipes at least thirty (30) inches long and one (1) inch in diameter. These monuments shall be placed not more than 400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points along the meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.
- D. Internal Boundaries of Subdivisions: All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by iron rods at least five-eighths ($\frac{5}{8}$) inch in diameter and at least thirty (30) inches long or iron pipes at least one (1) inch in diameter and at least thirty (30) inches long. These monuments shall be placed at all block corners, at each end of all curves, at a point where a curve changes its radius, and at all angle points in any line.
- E. Street Monuments: Street Monuments shall be located on the centerline at each angle point, at each point of beginning and ending of a curve, or at the intersection with all streets and alleys.
- F. Lots Adjacent to Waterways: The lines of lots that extend to rivers or streams shall be monumented in the field by iron rods at least thirty (30) inches long and five-eighths ($\frac{5}{8}$) inch in diameter, or iron pipes at least one (1) inch in diameter and at least thirty (30) inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
- G. Placement: All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.
- H. Approval by Surveyor: All monuments shall be properly set in the ground and approved by a Registered Land Surveyor. Monuments that are not set prior to secondary approval being granted shall be included in the performance bond for the subdivision.

Open Space Standards (OP)

7.15 OP-01: Open Space Standards

This Open Space Standards section applies to the following types of development:



- A. Applicability: The minimum open space required for each type of subdivision shall be as indicated on the two-page layouts *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments.
- B. Ownership: Open space areas shall retain private ownership whether that be a single land owner or an owners' association.
- C. Qualifying Areas: The following features count toward the minimum open space requirements:
 1. *Conservation Areas*: Any required preservation/conservation area.
 2. *Man-made Water Features*: Any man-made water feature, including a retention facility, if it supports aquatic life and provides native habitat that meets the following conditions:
 - a. A surface area at normal pool elevation of at least 32,670 square feet ($\frac{3}{4}$ acre); and
 - b. A buffer area around the perimeter of the water feature that is at least fifty (50) feet in width that is open space. The buffer area shall be planted and maintained as wildlife habitat.
 3. *Man-made Dry Detention Facilities*: Any man-made storm water dry detention facility that meets the following conditions:
 - a. At least 10,890 square feet ($\frac{1}{4}$ acre) of flat bottom area.
 - b. Depth of the detention facility shall not exceed four (4) feet from top of bank.
 - c. Slopes within the detention facility shall not exceed a 4:1 ratio.
 - d. A buffer area around the perimeter of the facility that is at least twenty-five (25) feet from the top of bank that is open space. The buffer area (and facility) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.
 4. *Regulated Floodplain*: The regulated floodplain of any stream, regulated drain, or river.
 5. *Required Perimeter Landscaping*: Fifty percent (50%) of the perimeter landscaping areas required in the applicable *Section 7.18: Perimeter Landscaping Standards*.
 6. *Other*: Other common areas set aside to meet open space requirements.

Owners' Association Standards (OA)

7.16 OA-01: Owners' Association Standards

This Owners' Association Standards section applies to the following types of development:



- A. **Project Applicability:** Any subdivision or development with common area, private streets, shared parking, amenity centers, shared or private utilities, community retention pond, and the like shall meet the Owners' Association Standards.
- B. **Establishment of Owners' Association:**
 1. *Perpetuity:* An owners' association shall be created in perpetuity to make decisions about and to maintain all common property and/or common facilities.
 2. *Organization:* An owners' association shall be a legally incorporated entity or shall be created by other legal mechanism which provides shared ownership or shared responsibility of common property and/or common facilities. A board of directors or other means for representation in decision-making shall be established.
 3. *Recording of Legal Mechanism:* The legal mechanism binding all property owners or vested parties shall be recorded in the Office of the Wayne County Recorder, and shall be cross referenced to each applicable lot or property.
 4. *Declaration of Covenants:* The owners' association shall be responsible for the administration of any covenants utilized to further restrict improvements and uses in the development. The "Declaration of Covenants" shall be recorded in the Office of the Wayne County Recorder following secondary plat approval (subdivisions) or Final Development Plan approval (planned developments or development plans) and prior to selling a lot or unit.
 5. *Commitments or Conditions of Approval:* Any covenant language that resulted as a commitment or condition of approval shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owners' association.
 6. *Association Fee:* An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owners' association to maintain common property and/or common facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.
- C. **Contractual Obligations:** Prior to the transition from the developer being responsible for common property and/or common facilities to the owner's association being responsible for common property and/or common facilities, the developer shall not enter into any contractual obligation on behalf of the owners' association that exceeds one (1) year. Once the owners' association is responsible, the renewal of such a contract shall be at the discretion of the owners' association.
- D. **Required Language:** The following content shall be reflected in the legal mechanism establishing the owners' association:
 1. *Retention Pond and Drainage Systems:* When a retention pond and/or other drainage systems are required or installed, the City shall not, now or in the future, be obligated to accept them as public infrastructure or to maintain those facilities. The owners' association, or lot owner of the lot in which the retention pond or other drainage system is located, shall bear the cost of such maintenance. In the event the owners' association fails to maintain the retention pond and/or other drainage facilities, the City may make the improvements and assess each property for the project cost plus administration costs.
 2. *Private Streets:* When private streets are installed, the City shall not, now or in the future, be obligated to accept private streets as public property. The City shall bear no financial responsibility for maintenance or replacement costs associated with private streets. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain private streets, the City may make the improvements and assess each property for the project cost plus administration costs.
 3. *Sidewalks:* When sidewalks are installed outside of a right-of-way, the City shall not, now or in the future, be obligated to accept the sidewalks as public property. The City shall bear no financial responsibility for maintenance or replacement costs. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain the sidewalks, the City may make the improvements and assess each property for the project cost plus administration costs.
 4. *Landscaping:* When landscaping installed in common areas or easements, the owners' association shall be responsible for maintaining the plant material in healthy condition, removal of dead or diseased vegetation, and/or replacement of landscaping, as necessary.

5. *Right-of-way*: Once rights-of-way are platted, the City obtains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work to be performed by the City and/or all public utilities, or other properly authorized users, regardless if the owners association is assigned financial, maintenance, or replacement responsibility. However, City action shall not result in an unnecessary or unfair financial burden to the owners' association.
- E. Enforcement: Failure of the owners' association to maintain an effective legal mechanism or failure of the owners' association to fulfill its responsibilities within that legal mechanism shall be deemed a violation of the Unified Development Ordinances and may be subject to *Article 10: Enforcement and Penalties*.

Pedestrian Network Standards (PN)

7.17 PN-01: Pedestrian Network Standards

This Pedestrian Network Standards section applies to the following types of development:



- A. **Applicability:** Developments shall integrate an interior and exterior pedestrian network comprised of concrete sidewalks and/or asphalt sidepaths for pedestrian transportation and recreation. This network shall consist of sidewalks along street frontages and sidepaths between developments and public destinations (e.g. schools, parks, hospitals), nearby trails, other developments, and undeveloped properties.
 1. **Required:** Details about when and where sidewalks are required shall be as indicated on the two-page layout for each subdivision type in *Article 6: Subdivision Types*, as indicated in *Article 4: Planned Development District* for planned developments, or as indicated in *Section 5.68: Public Improvement Standards* for development plans. If not indicated, the Zoning Administrator shall determine the appropriate sidewalk/sidepath requirements.
 - a. **Location:** To the extent possible, sidewalks/sidepaths shall be located one (1) foot inside the right-of-way to be dedicated to the City. If utility poles, trees, or other features complicate installation, then the sidewalk/sidepath may extend into common areas or private property if a pedestrian easement is created and executed.
 - b. Sidewalks shall be spaced away from the curb to create a tree plot and to provide pedestrian separation from vehicles. The minimum tree plot width shall be as indicated on the two-page layout for each subdivision type in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments.
 2. **Width:** The minimum sidewalk/sidepath width shall be as indicated on the two-page layout for each subdivision type in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments. If not indicated, the Zoning Administrator shall determine the appropriate sidewalk/sidepath width.
- B. **Non-petition Clause:** When sidewalks and/or sidepaths are not required, or the development gets relief from installing sidewalks and/or sidepaths, the City shall not, now or in the future, be obligated to install them. Every lot within the subject subdivision shall have a non-petition clause recorded as a deed restriction, applicable in perpetuity, stating that the property owner waives the right to petition the City for a sidewalk and/or sidepath to be installed at the City's expense. This waiver does not restrict private funding to be used for such improvements to be made.
- C. **Cross Reference:** Sidewalks and sidepath improvements shall be constructed to meet or exceed the City of Richmond's Construction Standards.

Perimeter Landscaping Standards (PL)

7.18 PL-01: Perimeter Landscaping Standards

This Perimeter Landscaping Standards section applies to the following types of development:



- A. Applicability: Perimeter landscaping shall be installed as indicated in the minimum perimeter landscaping standards on the two-page layout for each subdivision type in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments. If not indicated, the Zoning Administrator shall determine the appropriate perimeter landscaping requirements for the development.
- B. Ownership: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or an owners' association.
- C. Landscaping Design:
 1. *Size*: Perimeter landscape areas shall extend the entire length of the frontage.
 2. *Plantings*: Trees and shrubs shall be provided at a combined rate of ten (10) per 100 lineal feet of perimeter planting. Plantings should be fifty percent (50%) evergreen, and grouping of the plantings is encouraged to imitate natural vegetation.
 3. *Fencing or Mounding*: Fencing and/or mounding may be integrated with the required plantings if the following conditions are met:
 - a. Perimeter fences shall be high quality; constructed of masonry, stone, wood, or metal; and be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height.
 - b. Mounds may be combined with plantings and fencing. If used, mounds shall be a minimum of three (3) feet in height with a side slope not to exceed a three to one (3:1) ratio. Continuous mounds shall not be permitted (i.e. levee-like mounds).
- D. Qualifying as Required Open Space: Fifty percent (50%) of the perimeter landscaping areas may count towards open space required in *Section 7.15: Open Space Standards*.

Prerequisite Standards (PQ)

7.19 PQ-01: Prerequisite Standards

This Prerequisite Standards section applies to the following types of development:



- A. **Applicability:** If any the of the prerequisite do not appear for a particular type of subdivision (in *Article 6: Subdivision Types*) or for a planned development (in *Article 4: Planned Development District*), then that prerequisite does not exist for that particular subdivision type or planned development.
1. **Base Zoning:** The base zoning of the parent tract for a subdivision shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types* prior to consideration of the subdivision by the Plan Commission. If a parent tract is in multiple zoning districts, each of those zoning districts must be listed. Likewise, the base zoning of a property proposed for a planned development shall be as indicated in *Article 4: Planned Development District* for planned developments prior to consideration of the planned development by the Plan Commission.
 2. **Minimum Parent Tract:** The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments.
 3. **Maximum Parent Tract:** The maximum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments.
 4. **Special Qualifications:** All special qualifications indicated on the two-page layout for each type of subdivision in *Article 6: Subdivision Types* or as indicated in *Article 4: Planned Development District* for planned developments shall be met prior to consideration of the subdivision or planned development by the Plan Commission.
- B. **Adverse Land Disqualification:** Land which the Plan Commission or Plat Committee finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless clearly adequate methods are formulated by the developer and approved by the Plan Commission or Plat Committee, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

7.20 SM-01: Storm Water Standards

This Storm Water Standards section applies to the following types of development



- A. Applicability: Subdivisions, planned developments, and development plans shall provide for the collection and management of all storm and surface water drainage.
- B. Cross Reference:
 1. *City's Zoning Jurisdiction*: Developments within the zoning jurisdiction of the City shall meet or exceed the City of Richmond's Stormwater Management Ordinance (See *Chapter 59.1 of City Code, Control of Post Construction Stormwater Runoff*).
 2. *County*: Developments outside of the City's corporate limits and developments accessing a legal drain (regulated drain) shall meet or exceed the standards of Wayne County per the Wayne County Surveyor's Office.
 3. *Construction*: Drainage facilities shall be constructed to meet or exceed the City of Richmond's Construction Standards.
- C. Existing Drainage Facilities:
 1. *Protection*: If any stream or surface drainage course is located in the area to be developed, an easement shall be established along the stream or surface drainage course that extends twenty (20) feet per side or as required by the Wayne County Surveyor. The applicant may propose re-routing the surface drainage course, but shall obtain approval from the MS4 Coordinator, City Engineer, Wayne County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entities have jurisdiction.
 2. *Obstruction*: The applicant shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream, or watercourse without having obtained prior approval from the MS4 Coordinator, City Engineer, Wayne County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.
 3. *Restoration*: The applicant shall restore any stream, watercourse, swale, tile, floodplain, or floodway that is disturbed during development and return these areas/facilities to their original or equal condition.
- D. Proposed Drainage Facilities: Drainage facilities shall meet the following conditions.
 1. *Location*: Drainage facilities shall be located in common areas or on private property if the necessary drainage easements (or utility and drainage easements) are created and executed.
 2. *Design*:
 - a. Drainage facilities shall be durable, easily maintained, retard sedimentation, and retard erosion.
 - b. Drainage facilities shall not endanger the public health and safety, or cause significant damage to property.
 - c. Drainage facilities shall have sufficient capacity to accept the current water runoff from areas upstream and accept the water runoff from the site after it is developed.
 - d. Design of drainage facilities shall give consideration to water runoff from future developments in undeveloped areas upstream if that water runoff cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to retention-detention systems; over-sizing with fifteen-year law cost recovery; and granting easements for future construction. The type of future development shall be consistent with the uses indicated in the *City of Richmond Comprehensive Plan* or the use permitted by current zoning, whichever use is most intense.
 - e. Drainage facilities shall be designed such that there will be no increase in the peak discharge runoff rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept the present water runoff from developed and undeveloped areas upstream; the present water runoff of downstream areas, and the water runoff from the site after it is developed.
 - f. Drainage facilities shall be designed such that the low point of entry for structures is two (2) feet above the base flood elevation (BFE) and free from a 100 year flood.

3. *Inspection:* Drainage facilities shall be inspected during construction by a professional engineer or registered land surveyor at the expense of the applicant and certified that the standards within the Unified Development Ordinance are met. Inspection reports and a signed certification shall be submitted to the Department of Public Works and Engineering.
- E. As-built Drawings: As-built drawings of each phase of all drainage facilities associated with a development shall be submitted to the Department of Public Works and Engineering within six (6) months of the completion of construction.

7.21 SA-01: General Street and Access Standards

This Street and Access Standards section applies to the following types of development:



- A. **General:** All developments shall provide adequate access to the existing street network and allocate adequate areas for new streets that is consistent with the *City of Richmond Comprehensive Plan*.
- B. **Cross Reference:** All street improvements, private or public, shall be designed, constructed, and installed to meet or exceed the City of Richmond's Construction Standards. This includes cul-de-sacs, passing blisters, acceleration lanes, and deceleration lanes.
- C. **Design Principles:** Streets shall create conditions favorable to health, safety, convenience, and the harmonious development of the community; shall give consideration to connectivity to adjacent parcels; shall provide access to the City's existing street network. All public streets and associated rights-of-way and all private streets and associated easements shall meet the following design criteria.

1. *Street Design Standards:*

- a. **Minimum Right-of-Way:** The minimum right-of-way width for streets shall be as follows.

Street Type	Minimum Right-of-Way Width
Local/Minor Street	The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> .
Collector Street	60 feet
Arterial Street	90 feet
Cul-de-sac Bulb	100 feet

- b. **Minimum Street Width:** The minimum street width for streets shall be as follows.

Street Type	Minimum Street Width
Local/Minor Street	The minimum street width shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . Street width shall be determined by measuring from edge of pavement to edge of pavement.
Collector Street	40 feet
Arterial Street	48 feet
Cul-de-sac Bulb	80 feet

- c. **Minimum Block Length:** The minimum block length for streets shall be as follows.

Street Type	Minimum Block Length
Local/Minor Street	The minimum block length shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated, a minimum block length does not apply.
Collector Street	Not applicable
Arterial Street	Not applicable

- d. **Maximum Block Length:** The maximum block length for streets shall be as follows.

Street Type	Maximum Block Length
Local/Minor Street	The maximum block length shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated, a maximum block length does not apply.
Collector Street	Not applicable
Arterial Street	Not applicable

- e. Average Block Length: The average block length for streets shall be as follows.

Street Type	Average Block Length
Local/Minor Street	The average block length shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated, an average block length does not apply..
Collector Street	Not applicable
Arterial Street	Not applicable

- f. Minimum Cul-de-sac Length: The minimum cul-de-sac length shall be as follows.

Street Type	Minimum Cul-de-sac Length
Local/Minor Street	The minimum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated, cul-de-sacs shall not be permitted in that type of development.
Collector Street	Not applicable
Arterial Street	Not applicable

- g. Maximum Cul-de-sac Length: The maximum cul-de-sac length shall be as follows.

Street Type	Maximum Cul-de-sac Length
Local/Minor Street	The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated, cul-de-sacs shall not be permitted in that type of development.
Collector Street	Not applicable.
Arterial Street	Not applicable.

- h. Curb Requirement: The curb requirement for streets shall be as follows.

Street Type	Curb Requirement
Local/Minor Street	Curb requirements shall be as indicated on the two-page layout for each type of subdivision in <i>Article 6: Subdivision Types</i> . If curb requirements are not indicated, the Department of Public Works and Engineering may determine which type of curb is required, if any.
Collector Street	Not applicable
Arterial Street	Not applicable

- i. On-street Parking: The on-street parking requirements and limitations shall be as follows.

Street Type	On-street Parking
Local/Minor Street	On-street parking requirements and limitations shall be as indicated on the two-page layouts for each type of subdivision in <i>Article 6: Subdivision Types</i> . If not indicated on-street parking requirements and limitations do not apply.
Collector Street	Not applicable
Arterial Street	Not applicable

- j. Tree Plot Width: The tree plot widths for streets shall be as follows.

Street Type	Tree Plot Widths
Local/Minor Street	Tree plots shall be provided to meet or exceed the minimum tree plot width as indicated on the two-page layouts for each type of subdivision in <i>Article 6: Subdivision Types</i> . If tree plots width are not indicated, tree plots are not required.
Collector Street	Not applicable
Arterial Street	Not applicable

- k. Grade: The minimum and maximum grade for streets shall be as follows.

Street Type	Grade
Local/Minor Street	0.5% minimum grade and 8% maximum grade
Collector Street	0.5% minimum grade and 6% maximum grade
Arterial Street	0.5% minimum grade and 4% maximum grade

- l. Cross Slope: The minimum and maximum cross slope for streets shall be as follows.

Street Type	Cross Slope
Local/Minor Street	0.5% minimum grade and 2% maximum grade
Collector Street	0.5% minimum grade and 2% maximum grade
Arterial Street	0.5% minimum grade and 2% maximum grade

- m. Minimum Curve Radius: The minimum curve radius for streets shall be as follows.

Street Type	Minimum Curve Radius
Local/Minor Street	150 feet
Collector Street	200 feet
Arterial Street	500 feet

- n. Minimum Length of Vertical Curve: The minimum length of vertical curve for streets shall be as follows.

Street Type	Minimum Length of Vertical Curve
Local/Minor Street	100 feet, but not less than 40 feet for each algebraic difference in grade percent
Collector Street	300 feet, but not less than 50 feet for each algebraic difference in grade percent
Arterial Street	300 feet, but not less than 50 feet for each algebraic difference in grade percent

- o. Minimum Length of Tangents Between Reverse Curves: The minimum length of tangents between reverse curves for streets shall be as follows.

Street Type	Minimum Length of Tangents Between Reverse Curves
Local/Minor Street	100 feet
Collector Street	100 feet
Arterial Street	300 feet

- p. Minimum Turn Radius at Pavement Edge: The minimum turn radius at the pavement edge for streets shall be as follows.

Street Type	Turn Radius at Pavement Edge
Local/Minor Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet
Cul-de-sac Bulb	40 feet

2. *Prohibited Street Designs:*

- Permanent dead end streets shall not be permitted. Cul-de-sacs and stub streets are not considered dead end streets.
- Eyebrow streets shall not be permitted.

3. *Connectivity:* All developments shall provide stub streets to connect to adjacent properties that meet the following criteria:

- Where the development abuts land that has established stub streets, built or platted, or planned by an approved primary plan, the applicant shall design the street system to connect to those stub streets.
- Where the development abuts undeveloped land, stub streets may be proposed by the applicant. Generally, each side of the development that does not border a public street shall have at least one (1) stub street. In large developments, additional stub streets may be necessary to provide adequate connectivity adjacent properties, but in conservation developments, stub streets may not be necessary. Ultimately, the final number and location of stub streets shall be determined by the Zoning Administrator and the City Engineer.
- Regard shall be given to the *City of Richmond Comprehensive Plan*.

4. *Stub Streets*: Stub streets shall be constructed when other streets are built within the development.
5. *Temporary Turnarounds*: A temporary turnaround shall be established for each stub street, and a temporary turnaround easement shall provide for the turnaround.
 - a. *Temporary Turnaround Easements*: When a temporary turnaround is required, the applicant shall execute a temporary turnaround easement instrument in favor of the general public through the Common Council or print the following information, a temporary turnaround easement (TTE) certificate, on the plan or plat that is to be recorded.
 - i. Identify the development with which the temporary turnaround easement (TTE) is associated.
 - ii. The temporary turnaround easement (TTE) shall grant the general public the right to access the easement for purpose of maneuvering vehicles.
 - iii. The temporary turnaround easement (TTE) shall grant the City the right to alter, repair, maintain, or remove the improvements.
 - iv. The temporary turnaround easement (TTE) shall prohibit any person from parking vehicles within the easement.
 - v. The temporary turnaround easement (TTE) shall prohibit any person, including the property owner, from placing any obstruction within the easement.
 - vi. The temporary turnaround easement (TTE) shall be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located.
 - vii. The temporary turnaround easement (TTE) shall be enforceable by the Common Council, the City Engineer, the Plan Commission, the Zoning Administrator, the City Attorney.
 - viii. The temporary turnaround easement (TTE) shall automatically terminate upon the City's acceptance of a connecting street. Otherwise, the temporary turnaround easement (TTE) shall only be modified or terminated in a manner specified in the Unified Development Ordinance.
 - b. When a temporary turnaround easement instrument is used, it shall cross-reference the most recently recorded deed to the property on which the temporary turnaround easement is to be established; include a metes and bounds description of the temporary turnaround easement; and be signed by the property owner of record granting the temporary turnaround easement and by authorized representatives of the Common Council accepting the easement.
 - c. When the temporary turnaround easement certificate on the plan or plat to be recorded is used, the dedication and acceptance of the easement shall be accomplished by a Certificate of Dedication being signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by the appropriate representative of the Common Council. These documents shall be recorded with the plan or plat, and shall not be part of any declaration of covenants for the development.
6. *Gated Entrances*: Developments may have gated entrances, but shall have apparatus installed such that emergency vehicles (i.e. fire, police and ambulance) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the City to easily turn into the development.
7. *Boulevard Entrances*: Developments may have a boulevard entrance, but the boulevard entrance shall extend at least fifty (50) feet from the perimeter street's right-of-way. The width of the center planting strip shall be at least ten (10) feet.
8. *Bridges*: Bridges of primary benefit to the applicant as determined by the Plan Commission or Plat Committee, shall be constructed at the full expense of the applicant without reimbursement from the City of Richmond or Wayne County
9. *Intersections*:
 - a. All intersections of two (2) streets shall be as close to right angles to each other as possible as measured at the street center lines for a distance of 100 feet. Under no circumstance shall deviations from right angles be greater than fifteen degrees (15°).
 - b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
 - c. Where ever possible, new local streets shall be aligned with existing local streets. Local street intersections with centerline offsets of less than 125 feet shall not be permitted.

- d. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with centerline offsets of less than 125 shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect collector streets and arterial streets, their alignment shall be contiguous. Intersection of arterial streets shall be at least 800 feet apart.
 - e. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - f. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - g. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
 - h. The cross-slopes on all intersections shall be two percent (2%).
10. *Railroads and Limited Access Highways:* Railroad right-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
- a. In residential districts a buffer strip at least twenty-five (25) feet in depth addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."
 - b. In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
 - c. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- D. Inspections: The applicant shall permit and cooperate in the inspection of any part of the construction at any time by the City Engineer or the County Engineer. The Richmond Sanitary District, City Engineer, or the County Engineer, as appropriate, shall be notified by the applicant forty-eight (48) hours in advance of the starting date of work on any public improvement within or related to a subdivision. All material delivered to the job shall be subject to inspection at the source and/or site, and may be rejected at either location. Final approval of the work rests with the Richmond Sanitary District, City Engineer, or the County Engineer, as appropriate. Inspections of materials and work when performed by the applicant's representatives or employees shall be at the expense of the applicant.
- E. Naming and Addressing Principles: All streets, public and private, shall meet the following street name criteria.
- 1. *Proposed Street Name:* The applicant shall propose a unique name for each street within the development at the time of initial application. The proposed street names shall meet the following criteria.
 - a. Extensions: Streets which are extensions, continuations, or in alignment with any existing street, platted right-of-way, or recorded access easement, shall bear the name of the existing street.
 - b. Root Name: The root street name (e.g. Maple) shall not duplicate or be phonetically similar to any existing street name.
 - c. Suffix Name: Deviations in suffix names (e.g. Street, Court, or Avenue) shall not constitute a unique name (for example, if Maple Street existed, the name Maple Court would not be permissible).
 - d. Large Developments: Streets within a large development or separate developments within close proximity may be authorized to use the same root name by the Plan Commission.
 - 2. *Proposed Address Numbers:* Street address numbers for all lots that are consistent with the City's existing address scheme shall be proposed by the applicant.
 - 3. *Approval Authority:* While street names and address numbers proposed by the applicant shall be considered, the Plan Commission has authority to approve or deny any proposed street name or address number.

4. *Renaming Authority:*
 - a. *Existing Street Names and Address Numbers:* Existing street names and address numbers that have been approved by the Plan Commission shall not be changed without Plan Commission approval.
 - b. *Proposed Street Names and Address Numbers:* The Plan Commission shall have authority to require a new unique name for any street if the name proposed by the applicant is unacceptable. If an acceptable and unique street name is not proposed by the applicant, the Plan Commission shall rename the street prior to final approval. Likewise, if an unacceptable address number is proposed for a lot, the Plan Commission shall have the authority to assign a new address number to any lot prior to final approval.
- F. *Additional Rights-of-way Required:* When developments abut or include existing streets that do not meet the minimum right-of-way widths established in the *City of Richmond Comprehensive Plan*, the applicant shall dedicate additional width along either one (1) or both sides of such streets sufficient to meet the requirements of the *City of Richmond Comprehensive Plan*. If the applicant only controls property on one (1) side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the width required in the *City of Richmond Comprehensive Plan*.
 1. *Off-site Street Improvements:* When a development requires off-site street improvements, such as a passing blister, acceleration lane, or deceleration lane, and inadequate right-of-way exists to install the off-site street improvement, the applicant shall make a good faith effort to acquire property sufficient for the installation of the off-site improvement. If the owner of the property on which the off-site improvement is to be installed refuses to sell the property to the applicant, the applicant shall provide the Zoning Administrator with copies of all surveys; appraisals; written offers made by the applicant; and correspondence from the property owner.
 2. *Eminent Domain:* When the installation of off-site street improvements is required, it is because those off-site street improvements are vital to the health, safety, and welfare of the motoring public. As a result, the City may begin eminent domain proceedings in accordance with *IC 32-24: Eminent Domain* for the acquisition of public right-of-way sufficient for the installation of the off-site street improvement upon receipt of the aforementioned documentation illustrating the applicants failure to acquire the needed property. Upon completion of the eminent domain proceedings, the applicant shall reimburse the City in an amount equal to the cost of the land, cost for any condemnation on that land, and the cost to relocated any features.
 3. *Installation of Improvements:* The applicant shall then install the off-site street improvement to meet or exceed the City of Richmond's Construction Standards.

Street and Access Standards (SA)

7.22 SA-02: Private Street and Access Standards

This Street and Access Standards section applies to the following types of development:



- A. **Project Applicability:** Private streets shall be permitted, but shall meet or exceed the standards for public streets established within the Unified Development Ordinance and the construction standards for public streets within the City of Richmond's Construction Standards.
- B. **Required Language:** When a private street easement appears on a plat, the following language shall be printed on the plat, "The developer of this real estate covenants and warrants on behalf of itself and all future owners of lots within this subdivision/development that because the streets are private, all maintenance, repairs, and replacement, now and forever, shall be undertaken at the expense of the lot owners (or unit owners) in accordance with the terms and conditions set forth in the owners' association by-law and articles. No governmental entity has any duty or responsibility to maintain, repair, or replace any private street."
- C. **Location:** Private streets shall be located within private street easements, rather than rights-of-way. All private street easements shall meet or exceed all the standards for rights-of-way established within the Unified Development Ordinance, the *City of Richmond Comprehensive Plan*, and the City of Richmond's Construction Standards.
 1. **Private Street Easement Instrument Specifications:** The applicant shall execute a private street easement instrument in favor of the future lot owners or unit owners to which the private street provides access. The following language shall be included on the private street easement instrument.
 - a. Identify the development with which the private street easement is associated.
 - b. Grant future lot or unit owners the right to access the easement for purposes of accessing their lot or unit.
 - c. Specify the financial responsibilities of the future lot or unit owners with respect to the alteration, repair, maintenance, and removal of the improvements.
 - d. Prohibit future lot or unit owners or any other person from placing any obstruction within the easement.
 - e. Require that the private street be built to the City of Richmond's Construction Standards.
 - f. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
 - g. Be enforceable by the future lot or unit owners, the City, and any other specially affected persons entitled to enforce the easement.
 - h. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
 - i. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
 - j. Include a metes and bounds description of the easement.
 - k. Be signed by a each property owner granting the easement and by an authorized representative of future lot or unit owners accepting the easement.
 2. **Private Street Easement Certificate:**
 - a. When a plan (e.g. secondary plat or development plan) is being recorded, the applicant may forego a separate easement instrument in favor of printing the following private street easement certificate on the recordable instrument: "Areas show on this plan that are designated as a "Private Street Easement" (PSE) shall be established in favor of the adjoining property owners that are hereby granted the right to enter the easement for purposes of accessing their lot. The easement prohibits the property owners or any other person from placing any obstruction within the easement. The easements are binding on all heirs, successors, and assigns to the property on which they are located. The adjoining property owners or the City may enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance."
 - b. The dedication and acceptance of Private Street Easements (PSE) shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by an authorized representative of the future lot owners or unit owners.
 - c. If a Declaration of Covenants is included on the recordable instrument, the Private Street Easement Certificate shall be clearly separate from the Declaration of Covenants.

7.23 SA-03: Traditional and Townhouse Subdivision Street and Access (Alley) Standards

This Street and Access Standards section applies to the following types of development:



- A. General: Alleys shall be integrated into the overall design or traditional residential and townhouse neighborhoods because they provide essential access to the compact form of development.
 - 1. *Single-family Residential*: Alleys shall be required to provide access to at least seventy-five percent (75%) of all lots intended for single-family dwelling units to accommodate rear-loading garages.
 - 2. *Multiple-family Residential and Commercial*: Alleys shall be required to provide access to at least fifty percent (50%) of multiple-family and commercial lots within a development.
- B. Design Principles:
 - 1. *Associated Right-of-way or Easement*: Alleys shall be located in a right-of-way or easement that is at least sixteen (16) feet in width.
 - 2. *Pavement Width*: Alleys shall have pavement that is at least twelve (12) feet in width.
 - 3. *Curb*: Alleys shall not be required to have curb except when the alley is within a right-of-way or private street easement where the associated street is required to have curb. In cases where an alley and curbed street intersect, the minimum curb radius shall be eight (8) feet.
 - 4. *Intersections*: Alley intersections with streets shall not exceed twenty degrees (20°) from perpendicular to said streets.
- C. Construction Standards: Alleys, public or private, shall be constructed to meet or exceed the City of Richmond's Construction Standards.

Street and Access Standards (SA)

7.24 SA-04: Other Residential Street and Access (Alley) Standards

This Street and Access Standards section applies to the following types of development:



- A. **General:** In order to better allow diversity in standard and zero lot line subdivision developments, alleys may be used to provide access to up to fifteen percent (15%) of all lots intended for single-family dwelling units to accommodate side-loading garages, rear-loading garages, or detached garages.
- B. **Design Principles:**
 - 1. *Associated Right-of-way or Easement:* Alleys shall be located in a right-of-way or easement that is at least sixteen (16) feet in width.
 - 2. *Pavement Width:* Alleys shall have pavement that is at least twelve (12) feet in width.
 - 3. *Curb:* Alleys shall not be required to have curb except when the alley is within a right-of-way or private street easement where the associated street is required to have curb. In cases where an alley and curbed street intersect, the minimum curb radius shall be eight (8) feet.
 - 4. *Intersections:* Alley intersections with streets shall not exceed twenty degrees (20°) from perpendicular to said streets.
- C. **Construction Standards:** Alleys, public or private, shall be constructed to meet or exceed the City of Richmond's Construction Standards.

7.25 SA-05: Residential Street and Access Standards

This Street and Access Standards section applies to the following types of development:



- A. **Quantity:** Vehicular access into/out of the development shall be provided as follows:
 - 1. *Small Developments:* Subdivisions, developments, and planned developments with less than fifty (50) lots or with that will result in less than 100 units, shall have one (1) street into and out of the development. Every effort should be made for that access to be to/from an arterial street or a collector street.
 - 2. *Mid-size Developments:* Subdivisions, developments, and planned developments with fifty (50) lots or more, or with 100 or more units, but less than 200 lots/units shall provide at least one street into and out of the development. That access shall be to/from an arterial street or a collector street. Mid-sized developments may also have a secondary access street into/out of the development if it is off of a different street than the first primary access, or at least 1,200 feet from the primary access street, if located off the same street.
- B. **Specialty Access:**
 - 1. *Frontage Streets:* Any development that includes a single-family detached dwelling unit fronting an arterial street, shall provide a frontage street unless the single-family detached dwelling unit is the only property within 400 feet that obtains access from the same arterial street. The Zoning Administrator and City Engineer shall have discretion in requiring frontage streets in other circumstance to ensure a safe and efficient future transportation network. Frontage streets shall meet the following conditions.
 - a. **Design:**
 - i. Frontage streets shall generally run parallel to the arterial street to which it accesses and shall be separated a minimum of thirty (30) feet (edge of pavement to edge of pavement) from the arterial street to which they are parallel.
 - ii. Frontage streets shall accommodate two-way traffic.
 - iii. Right-of-way or private street easement for a frontage street shall be at least forty (40) feet in width.
 - iv. Pavement width for a frontage street shall be twenty-four (24) feet when parking is not permitted, or twenty-eight feet (28) when parking is permitted on one side.
 - v. Sidewalks shall be required on each side of a frontage street that has residential lots which derive their access from the frontage street.

Street and Access Standards (SA)

- b. **Points of Ingress/Egress:** A frontage street that is less than 300 feet in length or serves five (5) or less properties shall have one (1) ingress/egress. All other frontage streets shall be permitted up to two (2) ingress/egress points onto street.
- c. **Separation:** Each ingress/egress shall be at least 150 feet from any intersection and any other ingress/egress on the same or opposite side of the street. Ingress/egress points that align across the street do not require separation.

7.26 SA-06: Non-residential Access Standards

This Access Streets Standards section applies to the following types of development:



- A. **Quantity:** An applicant shall propose the minimal quantity of ingress/egress points to provide safe, efficient, and adequate access for the various types of vehicular traffic that will access the development. The Zoning Administrator shall make the final determination
- B. **Specialty Access:**
 - 1. **Access Streets and Rear Access Streets:** Any non-residential development that fronts an arterial street and has two (2) or more lots or a multiple tenant building shall provide an access street/rear access street as the primary access. Commonly, an access street is perpendicular to the arterial street and accesses lots that front the arterial street. An access street may also lead or turn into a rear access street, which is generally parallel to the arterial street. A rear access street is generally located behind the first tier of commercial lots, but in front of the second tier of commercial lots (often the anchor lots), but provides access to both. The Zoning Administrator and City Engineer shall have discretion in requiring rear access streets in other circumstances to ensure a safe and efficient future transportation network. Access streets and rear access streets shall meet the following conditions.
 - a. **Design:**
 - i. Access streets shall generally run perpendicular to the arterial street.
 - ii. Rear access streets shall generally run parallel to the arterial street and be at least one 150 feet from the arterial street (measured from the edge of pavement to the edge of pavement). Frontage streets shall not be permitted.
 - iii. Access streets and rear access streets shall accommodate two-way traffic.
 - iv. Right-of-way or private street easement for an access street or a rear access street shall be at least forty (40) feet in width.
 - v. Pavement width for an access street or rear access street shall be a minimum of twenty-four (24) feet.
 - vi. Parking shall not be permitted on rear access streets.
 - vii. Sidewalks shall be on one side of access streets and rear access streets and be integrated into the overall pedestrian network of the development.
 - b. **Points of Ingress/Egress:** An access street or rear access streets serving developments less than fifteen (15) acres shall be permitted two ingress/egress points onto a street. Developments with fifteen (15) acres or more shall have a maximum of three (3) ingress/egress points onto a street.
 - c. **Separation:** Each ingress/egress point shall be at least one 150 feet from any intersection and any other ingress/egress on the same or opposite side of the street. Ingress/egress points that align across the street do not require separation.

Street and Access Standards (SA)

7.27 SA-07: Street and Access (Signs) Standards

This Street and Access (Signs) Standards section applies to the following types of development:



- A. **General:** All streets, public or private, shall have signs necessary to provide a safe environment for drivers and pedestrians and provide information for located streets, addresses, or development amenities and shall be paid for and installed by the developer.
- B. **Cross Reference:** The City's policies and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) shall be used to determine the type, size, height, and location of each of these signs. Each sign's location and height shall be communicated to the petitioner at the time they are received by the petitioner.
- C. **Public Safety Signs:** The applicant shall coordinate with the City Engineer before purchasing and installing any public safety related street sign. The City Engineer shall make the final determination regarding the final location and height of each sign. All public safety related street signs shall be installed prior to any street being open to the public.
- D. **Street Name Signs:** The applicant shall coordinate with the City Engineer before purchasing and installing any street name sign. One (1) street name sign shall be required for each intersection within the development and on all perimeter intersections. The City Engineer shall make the final determination regarding the final location and height of each sign. All street name signs shall be installed prior to any street being open to the public.
- E. **Wayfinding System Signs:** The applicant may propose a wayfinding system of signs.
 1. **Purpose:** Wayfinding system signs shall be used to direct vehicular and pedestrian traffic to specific destinations.
 2. **Appearance:** Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
 3. **Location:**
 - a. Wayfinding system signs shall not be located within the vision clearance triangle as regulated by *Section 5.95: Vision Clearance Triangle*.
 - b. Wayfinding system signs may be located within rights-of-way with written authorization from the City Street Superintendent. However, the City Street Department shall not be responsible for the maintenance or replacement of any wayfinding system signs.
 4. **Review and Approval:** Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exists and the appearance of signs.

Street Lighting Standards (SL)

7.28 SL-01: Residential Street Lighting Standards

This Street Lighting Standards section applies to the following types of development:



- A. **Project Applicability:** Street lights shall be installed in subdivisions, developments, and planned developments at all intersections, development entrances, and along internal streets.
- B. **Ownership:** The developer shall work with RP&L to choose a light standard provided by RP&L. The developer shall pay for any upgraded street lights over the cost of the base model.
- C. **Street Light System Design:** The proposed street light system shall meet the following conditions:
 1. **Glare:** Street lights shall be shielded to prevent glare on residential properties and.
 2. **Continuity:** Street lights shall be consistent in size, type, and scale throughout the entire development.
 - a. If a street light exists along the street on which the entrance to the development is located, the applicant shall install the same or similar street light at the entrance.
 3. **At Intersections:** The applicant shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development.
 4. **Between Intersections:** Unless street lights have been provided at mid-block or every fifteen (15) lots, a dusk-to-dawn light that operates on a photo cell shall be installed on each residential lot. This lighting shall be provided by the builder and maintained by the owner in perpetuity.
 5. **Height:** Street lights located at the entrance, intersections or mid-block shall not exceed twenty (20) feet in height.

7.29 SL-02: Traditional and Townhouse Residential Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. **Project Applicability:** Street lights shall be installed in subdivisions, developments, and planned developments at all intersections, development entrances, and along internal streets.
- B. **Ownership:** The developer shall work with RP&L to choose a light standard provided by RP&L. The developer shall pay for any upgraded street lights over the cost of the base model in addition to any costs required by RP&L for parts inventory.
- C. **Street Light System Design:** The proposed street light system shall meet the following conditions:
 1. **Continuity:** Street lights shall be consistent style throughout the entire development.
 - a. If a street light exists along the street on which the entrance to the development is located, the applicant shall install the same or similar street light at the entrance.
 2. **At Intersections:** The applicant shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development.
 - a. A pedestrian scale, vintage-style street light that does not exceed twelve (12) feet in height shall be used in residential areas.
 - b. A vintage-style street light that does not exceed eighteen (18) feet in height shall be used in nonresidential areas.
 3. **Between Intersections:** A pedestrian scale, vintage-style street light that does not exceed twelve (12) feet in height shall be required between intersections at intervals that provide uniform lighting of the street.

Street Lighting Standards (SL)

7.30 SL-03: Non-residential Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. Project Applicability: Street lights shall be installed in subdivisions, developments, and planned developments at all intersections, development entrances, and along internal streets.
- B. Ownership: The developer shall work with RP&L to choose a light standard provided by RP&L. The developer shall pay for any upgraded street lights over the cost of the base model.
- C. Street Light System Design: The proposed street light system shall meet the following conditions:
 1. *Glare*: Street lights shall be shielded to prevent glare on residential properties and.
 2. *Continuity*: Street lights shall be consistent in size, type, and scale throughout the entire development.
 - a. If a street light exists along the street on which the entrance to the development is located, the applicant shall install the same or similar street light at the entrance.
 3. *At Intersections*: The applicant shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development.
 4. *Height*: Street lights located at the entrance or intersections shall not exceed twenty-five (25) feet in height.

7.31 SL-04: General Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. Non-petition Clause: When street lights are not required, or the development gets relief from installing streetlights, the City or RP&L shall not, now or in the future, be obligated to install them. Every lot within the subject subdivision shall have a non-petition clause recorded as a deed restriction, applicable in perpetuity, stating that the property owner waives the right to petition the City or RP&L for street lighting to be installed at the City's or RP&L's expense. This waiver does not restrict private funding to be used for such improvements.

7.32 SY-01: Surety Standards

This Surety Standards section applies to the following types of development:



- A. Cross Reference: The procedure for each type of approval that may require a surety can be found in *Article 9: Processes*.
- B. Performance Surety: All applicants shall provide a Performance Surety for any public improvement that has not been completed, but is intended to or will be dedicated to the City of Richmond, Wayne County, or a municipal utility. All such facilities, any off-site improvements committed to by the applicant, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
 1. Acceptable Surety: A bond or irrevocable letter of credit may be used as a Performance Surety. However, the City reserves the right to refuse any alternative from a bond offered by the applicant.
 2. Timing: The Performance Surety shall be offered and accepted prior to construction commencing and final approval of the development by the Plan Commission (e.g. final plat for subdivision).
 3. Requirements: The surety shall:
 - a. Amount: Be in an amount equal to 110% of the cost to complete the yet to be completed portions of the public improvements. A cost estimate shall be provided by the applicant's engineer and/or general contractor. However, the cost estimate shall not be binding. All estimates shall be based on the requirements of the Unified Development Ordinance, City of Richmond's Construction Standards, and subject to the City Engineer's review.
 - b. Appropriate Agency: Run to and be in favor of the City of Richmond Board of Public Works and Safety, Wayne County Commissioners (i.e. when improvements are in the extraterritorial jurisdiction of the City), or other agency to which the improvements are intended to be dedicated.
 - c. Timeframe: Specify the timeframe for completion of the improvements. Under no circumstances shall the initial timeframe exceed two (2) years.
 - d. Form: Be on a form approved by the Plan Commission.
 4. Determining Completion of Improvement: A Performance Surety shall not be released until all of the following have been accomplished:
 - a. The applicant shall submit in writing a request for release of the performance surety, provide a description of the public improvement completed, and provide an engineer's certification that the improvements were completed to all applicable requirements.
 - b. Final construction has been determined to be completed, inspected and approved by the City Engineer, Zoning Administrator, and any other applicable city or county agency. Any applicable inspecting agency shall certify that it has been inspected and meets all applicable standards.
 - c. At the election of the City Engineer or Zoning Administrator or any other applicable city or county agency, core borings, video inspection of drainage pipes, or other technical inspections may be conducted at the applicant's expense.
 - d. Plat properly recorded and all as built drawings for the project are received.
 5. Release of Performance Surety: When a public improvement has been determined to be complete and a maintenance surety has been presented by the applicant and accepted by the appropriate agency, then the public agency to which the surety ran to and was in favor of shall release the performance surety. A release of surety is often completed concurrently to the dedication of the public improvement, but shall not be construed a dedication of the public improvement. See *Section 7.04: Dedication of Public Improvement Standards* for the standards applicable to dedication.
 6. Expiration of Timeframe or Default: When a public improvement has been determined to not be constructed to the applicable standards by the Plan Commission, or if the two (2) year timeframe expires, the Plan Commission shall either:
 - a. Require Correction: Require the applicant to install, construct, reconstruct, or resolve the issue within a prescribed timeframe; or
 - b. Extension: Give the applicant additional time to complete the improvement; or
 - c. Default: Declare the Performance Surety in Default and utilize the funds from the surety to complete the public improvement.

- C. **Maintenance Surety:** When a public improvement is completed and prior to dedication, a Maintenance Surety shall be provided to assure that premature dilapidation, repair, or maintenance costs due to improper design, engineering, materials, or other defects are not the responsibility of a public agency.
1. **Acceptable Surety:** A bond or irrevocable letter of credit may be used as a Maintenance Surety. However, the City reserves the right to refuse any alternative from a bond offered by the applicant.
 2. **Timing:** The Maintenance Surety shall be offered and accepted prior to dedication of the public improvement.
 3. **Requirements:** The surety shall:
 - a. **Amount:** Be in an amount equal to twenty-five (25%) of the total cost of the public improvement. The actual cost of construction shall be provided by the applicant's engineer and/or general contractor and reviewed by the City Engineer. However, the actual cost report shall not be binding when the Plan Commission or Department of Public Works and Engineering establishes the official construction cost to be used to determine the surety amount.
 - b. **Appropriate Agency:** Run to and be in favor of the City of Richmond Board of Public Works and Safety, Wayne County Commissioners (i.e. when improvements are in the extraterritorial jurisdiction of the City), or other agency to which the public improvement was dedicated.
 - c. **Timeframe:** Be provided for a period of three (3) years from the date of dedication before qualifying for release. In the event the Maintenance Surety is not requested by the applicant to be released prior to the end of three (3) years, it shall be automatically renewed for an additional six (6) months. In the event the public improvement was determined to be prematurely dilapidated, in need of repair, or is not properly functioning; upon completion of the repair, a new Maintenance Surety for that portion of the public improvement shall be provided for a period of two (2) years.
 - d. **Form:** Be on a form approved by the Plan Commission.
 4. **Determining Completion of Improvement:** A Maintenance Surety shall not be released until all of the following have been accomplished:
 - a. The applicant shall submit in writing a request for release of the Maintenance Surety, provide a description of the condition of the public improvement, and provide an engineer's certification that the public improvement have not prematurely dilapidated, are not in need of repair, and are properly functioning.
 - b. The City Engineer, Zoning Administrator, and any other applicable city or county agency has inspected the public improvement and has certified that it meets all applicable standards.
 - c. At the election of the City Engineer or Zoning Administrator or any other applicable city or county agency, core borings, video inspection of drainage pipes, or other technical inspections may be conducted at the applicant's expense.
 5. **Release of Maintenance Surety:** When a public improvement has been determined to be in proper condition at the expiration of the Maintenance Surety timeframe, the public agency to which the surety ran to and was in favor of shall release the Maintenance Surety. The appropriate agency shall issue a certificate or write a letter to the applicant indicating full release of obligation and surety.
 6. **Expiration of Timeframe or Default:** When a public improvement has been determined to have prematurely dilapidated, be in need of repair, or to not be properly functioning by the Plan Commission, the Plan Commission or Department of Public Works and Engineering shall either:
 - a. **Require Correction:** Require the applicant to install, construct, reconstruct, or resolve the issue within a prescribed timeframe; or
 - b. **Default:** Declare the Maintenance Surety in Default and utilize the funds from the surety to fix the public improvement.

Utility Standards (UT)

7.33 UT-01: Utility Standards

This Utility Standards section applies to the following types of development:



A. Project Applicability:

1. *Sanitary Sewer:* Sanitary sewer utility infrastructure shall be provided in subdivisions, sites subject to development plan approval, and planned developments, and a connection from the new sanitary sewer infrastructure to an existing sanitary sewer system shall be required. Service and connections to the City of Richmond municipal sanitary sewer systems shall comply with Chapter 50.
2. *Water:* Water utility infrastructure, including potable water and fire protection, shall be provided in subdivisions, sites subject to development plan approval, and planned developments, and a connection from the new water utility infrastructure to an existing public water system shall be required, with the following exception:
 - a. A private well may be permitted within the City's extra-territorial jurisdiction if:
 - i. The nearest accessible water line is 300 feet or more from the edge of the new development, and
 - ii. The cost of connecting to the water system is three times the cost to install all components of a private well, and
 - iii. The private well's design and location is approved by the City Engineer and the Wayne County Health Department.
 - b. A private well for potable water shall not be permitted inside the Richmond City Limits.

- B. Location: Sanitary sewer utility infrastructure and water utility infrastructure shall be located in a right-of-way or within an area designated as a utility easement (or a utility and drainage easement). The location of proposed utilities and any utility easements shall be approved by the City Engineer and the appropriate utility department prior to the final approval of any plan and prior to any installation.

C. Construction:

1. *Utility Company Standards:* All water utility improvements and water utility infrastructure intended to be dedicated to and accepted by the Indiana American Water Company shall be designed and installed to meet or exceed the Indiana American Water Company's Construction Standards and each component (e.g. hydrants or valves) shall approved by the City Engineer.
 2. *City Standards:* All sewer utility improvements and sewer utility infrastructure intended to be dedicated to and accepted by the City shall be designed and installed to meet or exceed the City of Richmond's Construction Standards and each component (e.g. lift station) shall approved by the City Engineer and Richmond Sanitary District.
 3. *State Approval:* The Indiana Department of Environmental Management shall approve plans for the water utility infrastructure after Primary Plat approval, but prior to any installation or Secondary Plat approval.
 4. *Coordination:* The applicant shall be responsible for coordinating the installation of the utilities. Conflicts with prior constructed utilities and damage to them shall be repaired before allowing any work to continue.
- D. Up-sizing: Up-sizing sanitary sewer utility infrastructure and/or water utility infrastructure shall be considered by the City and the applicant depending on future development of adjacent parcels. Agreements concerning up-sizing utility infrastructure shall be in accordance with appropriate Indiana Statutes and executed prior to the start of installation of the utility infrastructure.
- E. Electric Service: Electric utility infrastructure shall be installed underground in subdivisions, sites subject to development plan approval, and planned developments. No overhead wires or utility poles shall be permitted. Meters, transformers, and junction boxes are permitted above grade, but shall be discretely located. The installation of the electric utility shall be per Richmond Power and Light's construction standards.
- F. Cable Television and Telephone Utilities: Cable television and telephone utilities shall be installed underground in subdivisions, sites subject to development plan approval, and planned developments. No overhead wires or utility poles shall be permitted. Junction boxes are permitted above grade, but shall be discretely located. The installation of the cable television and telephone utilities shall be per each vendor's construction standards.

Article

8

Nonconformances

*City of Richmond
Unified Development
Ordinance*

Nonconforming Structures, Uses and Lots

8.01 Intent

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 8: Nonconformances* specifies the provisions that apply to these legal nonconforming (informally referred to as “grandfathered”) lots, structures, and uses.

8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

Each structure, use, and lot is either "conforming" or "nonconforming." Conforming is used to describe a structure, use, or lot as being in full compliance with the current Unified Development Ordinance. Nonconforming is used to describe a structure, use, or lot that is in violation of one or more standards in the current Unified Development Ordinance. Nonconforming structures, uses, or lots are either "illegal nonconforming" or "legal nonconforming." The following sections are used to determine the nonconforming status of a structure, use, or lot:

A. Illegal Nonconforming:

1. *Structure:* A structure constructed in violation of the zoning ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
2. *Use:* A use that was in violation of the zoning ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use.
3. *Lot:* A lot established in violation of the zoning or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

B. Legal Nonconforming

1. *Structure:* A structure that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming structure. Generally, a structure is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
2. *Use:* The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Generally, a use is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.
3. *Lot:* A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal structure, use, or lot is subject to the enforcement procedures and penalties of the Unified Development Ordinance as amended. The enforcement and penalties of the zoning ordinance in place at the time the violation occurred shall no longer be in effect.

Nonconforming Structures

8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots.

- A. **Legal Nonconforming Building Provisions:** The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:
 1. *Building Expansion:* A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
 2. *Building Exterior Alteration:* The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
 3. *Building Interior Alteration:* Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
 4. *Building Relocating:* A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
- B. **Legal Nonconforming Structure Provisions:** The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:
 1. *Structure Alteration:* A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the maximum height standard currently permitted and is otherwise in compliance with Unified Development Ordinance.
 2. *Structure Relocating:* A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
 3. *Conversion for Longevity:* Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.
- C. **Loss of Legal Nonconforming Structure Status:** The following provisions apply to all types of structures:
 1. *Condemned Structures:* If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired within three (3) months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial three (3) month period and reasonable attempts are being made by the owner to remedy the condemnation.
 2. *Removal of Permanent Structures:* If a permanent structure is fully or significantly removed or razed (i.e. eighty percent (80%) or more of the structure), the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.
 3. *Removal of Temporary Structures:* If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.
 4. *Flood:* If a structure is severely damaged from a flood, resulting in a loss of either fifty percent (50%) of its market value or fifty percent (50%) of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild the structure that previously existed.

Nonconforming Structures

5. *Acts of Nature*: A structure severely damaged from an act of Nature, excluding flooding, shall be allowed to rebuild where it stood and as it previously existed. If the property owner desires to build something other than what previously existed shall be required to meet the current Unified Development Ordinance.
 6. *Fire*: A structure severely damaged by accident shall be allowed to rebuild where it stood and as it previously existed. If the property owner desires to build something other than what previously existed shall be required to meet the current Unified Development Ordinance.
- D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

Nonconforming Lots

8.05 Legal Nonconforming Lots

The following provisions apply to legal nonconforming lots:

- A. Legal Nonconforming Lot Provisions: A legal nonconforming lot shall be permitted to be developed as long as the desired structure(s) and use(s) meets the current Unified Development Ordinance. If the application of the current Unified Development Ordinance renders the lot undevelopable (e.g. the current setbacks do not permit a developable building envelope), the owner shall request the City apply for reasonable variances from the Board of Zoning Appeals.
- B. Loss of Legal Nonconforming Lot Status:
 1. *Combining Lots Results in Conformity:* If a legal nonconforming lot is combined with an adjacent lot resulting in conformity with the current Unified Development Ordinance, it shall lose its legal nonconforming status. Therefore, future division of the combined lot shall conform to the current Unified Development Ordinance.
 2. *Lots in Combination:* If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner uses both lots in combination for a duration of more than five (5) years, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) or more lots in combination would constitute a single conforming lot.
 3. *Permanent Structure Across Property Lines:* If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner constructs a permanent structure across the property line, thus permanently using two (2) lots in combination, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) lots in combination would constitute a single conforming lot.

8.06 Legal Nonconforming Uses

The following provisions apply to legal nonconforming uses:

A. Cross Reference:

1. *Agricultural*: With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with *IC 36-7-4-616: Zoning ordinance; agricultural nonconforming use*.

B. Legal Nonconforming Use Provisions: The provisions for legal nonconforming uses are as follows:

1. *Utilizing Existing, Enlarged, New, or Relocated Buildings*: A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New, or Relocated Structures*: A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land*: Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance, provided the utilization of land meets the current Unified Development Ordinance.
4. *Increase in Nonconformity*: No legal nonconforming use shall be permitted to increase its nonconformity. The size of operation, number of employees, increase to vehicular traffic and similar increases in size does not increase nonconformity of a use. For example, a five (5) acre legal nonconforming junkyard that expands its operations onto five (5) more acres of land it previously owned, does not qualify as an increase in nonconformity, its still a junkyard. However, if the same junkyard adds a compactor facility which previously did not exist, that would qualify as an increase in nonconformity.

C. Loss of Legal Nonconforming Use Status:

1. *Abandonment of Use*: If a legal nonconforming use is abandoned or is discontinued for twelve (12) or more months, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
2. *Change of Use*: When a legal nonconforming use is changed, altered, or evolves to be in compliance or more in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost or partially lost. The current use cannot revert back to the original legal nonconforming use or increments thereof.

Article

9

Processes

City of Richmond Unified Development Ordinance

Introduction to Processes

9.01 Improvement Location Permit Processes Applicable to a Parcel

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves constructing, installing, adding onto, altering, or relocating a building or structure for a permanent duration shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Common Council for final action. Approval or denial is the full discretion of the Common Council. See *Section 9.20: Zoning Map Amendment* for details about this process.

9.02 Development Plan Approval Processes Applicable to a Parcel

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure: A project that involves constructing, installing, adding onto, altering, or relocating a structure (e.g. building) for a permanent duration shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Common Council for final action. Approval or denial is the full discretion of the Common Council. See *Section 9.20: Zoning Map Amendment* for details about this process.

Introduction to Processes

9.03 Processes Applicable to Developments

This process section applies to the following zoning districts:



- A. **Planned Development:** An elective approval process for developments that involve mixed-use, for significantly unique development designs, and for land that has significantly unique geologic features. This process allows the developer to write a unique ordinance that partially replaces the Unified Development Ordinance to allow greater design flexibility. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and Common Council, and approval or denial is the full discretion of the Plan Commission and Common Council. See *Section 9.09: Planned Development* for details about this process.
- B. **Subdivision of Land:** An Application for Primary Plat resulting in a parcel of land to be divided to create buildable lots shall be required to be reviewed and approved by the Plan Commission. This process also applies to any two (2) or more buildable lots being combined into a single buildable lot. Divisions of land recorded at the Office of the Wayne County Recorder without being approved by the Plan Commission shall not result in buildable lots. See *Section 9.14: Subdivision of Land* for details.

9.04 Processes for Relief from Regulations

This process section applies to the following zoning districts:



- A. **Administrative Appeal:** An Application for Appeal for a decision, interpretation, order determination, or action of the Zoning Administrator to be overturned or corrected shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order determination or action. See *Section 9.07: Administrative Appeal* for details about this process.
- B. **Variance from Development Standards:** An Application for a Variance may be filed so that an petition for an applicable development standard may be partially or fully waived by the Board of Zoning Appeals, or a use that is not permitted may be permitted. The Board of Zoning Appeals may grant a Variance of Development Standard or a Variance of Use upon making specific findings of fact, with or with conditions or commitments. See *Section 9.18: Variance* for details about this process.

Improvement Location Permit

9.05 Improvement Location Permit

- A. **Applicability:** An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use. The following are examples of projects necessitating an Improvement Location Permit process:
- Constructing a dwelling unit
 - Constructing a detached garage
 - Constructing or modifying off-street parking
 - Room addition on a house
 - Installing a new driveway
 - Installation of a dwelling unit, manufactured
 - Installing a swimming pool
 - Construction a pool house
 - Constructing a carport
 - Constructing a deck or patio over 400 square feet
 - Installing a permanent free standing or wall mounted sign
 - Modifying a structure's height
 - Constructing a recreation pond
 - Adding impervious surface
 - Installation of a accessory structure over 200 square feet in area
- B. **Exemption from Improvement Location Permit:** This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all applicable regulations in the Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*. The following projects are exempt from having to obtain an Improvement Location Permit.
1. *Agriculture:* An agriculture related accessory structure is exempt from obtaining an Improvement Location Permit.
 2. *Small Structures:* An accessory structure that is not on a permanent foundation and is less than 200 square feet in area is exempt from obtaining an Improvement Location Permit.
 3. *Softscaping and Hardscaping:* Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
 4. *Deck or Patio:* A deck or patio installed individually or cumulatively that is less than 400 square feet in area over the entire lot is exempt from obtaining an Improvement Location Permit.
 5. *Sign Content Change:* Sign content may be changed without having to receive an Improvement Location Permit.
 6. *Flag Pole:* Flag poles may be installed without obtaining an Improvement Location Permit.
 7. *Play Set:* Play sets may be installed without obtaining an Improvement Location Permit.
 8. *Type 1 Home Based Business:* Type 1 home businesses may commence without obtaining an Improvement Location Permit.
 9. *Property Maintenance:* Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit, but shall follow all building regulations found in *Chapter 150 in the City of Richmond Code of Ordinances*.
 10. *Adding or Changing Light Fixtures:* Light fixtures may be added or changed without obtaining an Improvement Location Permit.
 11. *Fences:* Fences may be installed or changed without obtaining an Improvement Location Permit.

Improvement Location Permit

C. Cross Reference:

1. *Building Permit:* An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Official. See the *Title XV: Chapter 150: Building Code of City of Richmond Code of Ordinances* for information regarding Building Permits and Certificates of Occupancy.
2. *Site Improvement Permit:* An Improvement Location Permit does not authorize compliance with the City's Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance. The review for compliance with the Stormwater Management Ordinance is conducted by the MS4 Coordinator. See *Title V: Chapter 54 Stormwater Management of the City of Richmond Code of Ordinances* for information regarding the Site Improvement Permit.
3. *Other Permits:* An Improvement Location Permit does not authorize compliance with any County, State or federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.

D. Filing Requirements:

1. *Application:* Application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
 - i. A scaled drawing of the parcel with dimensions.
 - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
 - iii. The location of existing structures (e.g. home, garage, sidewalk, or driveway).
 - iv. The location of the proposed structure.
 - v. A calculation of the existing lot coverage, expressed in a percentage.
 - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
 - vii. An affidavit stating the proposed project is not located within a floodplain or easement.
 - b. Projects involving non-inhabitable structures mounted on a permanent foundation.
 - i. All requirements of *Section 9.05(D)(2)(a)*.
 - ii. A scale drawing of the parcel with dimensions.
 - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
 - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
 - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.

- c. Projects involving inhabitable buildings.
 - i. All requirements of *Section 9.05(D)(2)(b)*.
 - ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
 - iii. Elevation above sea level at the location of the project prior to alteration of land.
 - iv. When reasonable evidence exists that the proposed structure is within thirty (30) feet of a floodplain or wetland the Planning Director may require a certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
 - v. Denotation of adjacent zoning districts if different than the subject parcel.
 - vi. Location of existing or proposed drainage tile.
 - vii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
 - viii. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
 - ix. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
 - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
3. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
- a. Signed Approval: A signed approval indicating the improvement meets all standards in *Title V: Chapter 56 Erosion and Sediment Control of the City of Richmond Code of Ordinances*.

Improvement Location Permit

E. Permit Procedure:

1. *Substantially Complete Application:* An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance:* After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the City Engineer, Building Commissioner, Park Superintendent, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
 - a. *Request Additional Information:* During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
 - b. *Exercise Discretion:* Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
 - c. *Interpret the Unified Development Ordinance:* Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.
3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit:* If the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit.
5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from the Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision:* At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.
7. *Allowance for Revision After a Decision:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, or variance of use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

Improvement Location Permit

F. Duration:

1. *Procedural Expiration:* An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within thirty (30) days from notification.
2. *Commencement:* After an Improvement Location Permit is issued, the project shall commence within six (6) months of the issuance date or shall become null and void.
3. *Expiration:* After an Improvement Location Permit is issued, the project shall be completed within thirty-six (36) months of the issuance date or shall become null and void.
4. *Extensions:* Upon request by the applicant, an Improvement Location Permit may be extended one (1) time for up to twelve (12) months. The Zoning Administrator may grant the requested extension. Both the request for the extension and the Zoning Administrator's decision concerning the extension shall be made part of the Improvement Location Permit file.

G. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

1. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
2. *Requested Prior to Initiation:* Requested prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use.

or if:

3. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
4. *Component is Not Completed:* Requested prior to the applicable component of the project has been completed, and
5. *Not Correcting a Violation:* The modification is not an attempt to correct a violation.

H. If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of the Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.

Temporary Improvement Location Permit

9.06 Temporary Improvement Location Permit

- A. Applicability: A Temporary Improvement Location Permit shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Improvement Location Permit process:
- Temporary sign
 - Tent sale
 - Construction trailer
 - Model home
- B. Filing Requirements:
1. *Application*: Application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per all applicable requirements described below.
 2. *Establishment of a Temporary Use of Land or Structure*: The following application and supporting information, when applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
 - g. A drawing of the parcel with dimensions.
 - h. The location of existing structures (e.g. building, parking lot, sidewalk, or driveway).
 - i. The location of the proposed temporary structure
 - j. The applicable setbacks shown on the parcel drawing.
 - k. Description of the proposed temporary land use.
 - l. Description of the desired duration of the temporary structure and/or land use.
 - m. An affidavit stating the proposed temporary structure does not impede drainage, sight visibility, vehicular circulation, pedestrian circulation, or emergency exit.
 3. *Deadline*: Applications for a Temporary Improvement Location Permit may be filed any time.
 4. *Fees*: The applicable fee shall be paid at the time the application for a Temporary Improvement Location Permit is filed.
- C. Permit Procedure:
1. *Substantially Complete Application*: An application for a Temporary Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
 2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the City Engineer, Building Commissioner, Park Superintendent, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
 - a. *Request Additional Information*: During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
 - b. *Exercise Discretion*: Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
 - c. *Interpret the Unified Development Ordinance*: Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.

Temporary Improvement Location Permit

3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
 4. *Issuing a Temporary Improvement Location Permit:* If the proposed project complies with the Unified Development Ordinance and, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Temporary Improvement Location Permit.
 5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing a Temporary Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from the Unified Development Ordinance.
 6. *Allowance for Revision Prior to a Decision:* Not applicable.
 7. *Allowance for Revision After a Decision to Deny:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
 8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal or variance from development standards. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- D. Duration:
1. *Procedural Expiration:* An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within 30 days from notification.
 2. *Commencement:* After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
 3. *Permit Expiration:* A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described in *Temporary Use and Structure Standards in Article 5*. The permitted dates shall be displayed on the Temporary Improvement Location Permit.
 4. *Extensions:* Not applicable.
- E. Modification After Issuance of a Temporary Improvement Location Permit: Not applicable.

Administrative Appeal

9.07 Administrative Appeal

- A. Applicability: An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. Filing Requirements:
 1. *Petition*: Petition for Administrative Appeal shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per the requirements described below.
 2. *Information to be Submitted*: The following information shall be provided on the petition form.
 - a. Petitioner's name, mailing address, phone number, and/or email address.
 - b. Petitioner's standing (i.e. legal right to initiate a petition).
 - c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
 - d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
 - e. Date submitted and signed.
 - f. Signature of the applicant.
 - g. Any other information requested on the application form.
 3. *Deadline*: A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
 4. *Suspension of Work*: Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
 5. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.
- C. Appeal Procedure:
 1. *Substantially Complete Petition*: A petition for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
 2. *Assignment*: Once a petition for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
 3. *Public and Interested Party Notice*: The petitioner shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of public notice to the Zoning Administrator at least three (3) business days before the meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
 4. *Transfer of Information*:
 - a. The Zoning Administrator shall provide the petitioner for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
 - b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
 - c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
 5. *Review*: The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.

Administrative Appeal

6. *Decision:* Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal:* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Wayne County.

Development Plan

9.08 Development Plan

This process applies to the following zoning districts:



A. Prerequisite.

1. *Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:*
 - a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure, and
 - b. Permanent Alteration to the Land.
2. *Subdivisions:* For residential subdivisions, Development Plan Approval shall be reviewed concurrently with the secondary plat.

B. Exemptions from Development Plan:

1. *Single-family detached residential:* Any lot being developed for a single-family detached residence or its accessory structures shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
2. *Agriculture Sites and Buildings:* Any lot being solely used for agricultural purposes shall be exempt from Development Plan Approval. Only the Temporary Improvement Location Permit process shall apply.
3. *Temporary Use of Land or Structure:* Any temporary use of land or structure shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
4. *Establish a New Land Use or Change an Existing Land Use:* Establishing a new land use or changing an existing land use shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.

C. Filing Requirements:

1. *Application:* Application for Development Plan Approval shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
2. *Interested Parties:* A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
3. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
 - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
 - i. A drawing of the parcel with dimensions.
 - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
 - iii. The location of existing structures (e.g. home, garage, sidewalk, or driveway).
 - iv. The location of the proposed structure.
 - v. A calculation of the existing lot coverage, expressed in a percentage.
 - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
 - vii. An affidavit stating the proposed project is not located within a floodplain or easement.

- b. Projects involving non-inhabitable structures mounted on a permanent foundation.
 - i. All requirements of *Section 9.08(C)(3)(a)*.
 - ii. A scale drawing of the parcel with dimensions.
 - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
 - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
 - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.
 - c. Projects involving inhabitable buildings.
 - i. All requirements of *Section 9.08(C)(3)(b)*.
 - ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
 - iii. Elevation above sea level at the location of the project prior to alteration of land.
 - iv. Certification by a licensed engineer or surveyor that the proposed project is not on or within 30 feet of a floodplain or wetland.
 - v. Denotation of adjacent zoning districts if different than the subject parcel.
 - vi. Location of existing or proposed drainage tile.
 - vii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
 - viii. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
 - ix. Denotation of any existing structure on adjacent parcels if within fifty feet (50) feet of the subject parcel's property line.
 - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
4. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
- a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or that results in more than 9,000 cubic feet of soil being disturbed (cumulative amount of soil added from one area and soil removed from another, not the net of soil added and removed).
 - i. A scale drawing of the parcel with dimensions.
 - ii. The location of existing structures (e.g. building, sidewalk, or driveway).
 - iii. Denotation of existing mature trees, greater than nine (9) inches in caliper.
 - iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within seventy-five (75) feet of the parcel's property lines.
 - v. Two-foot contour lines of the existing parcel.
 - vi. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
 - vii. Erosion control methodology, devices, locations, and maintenance strategy.
 - viii. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
 - ix. Design cross-section of recreational ponds.

5. *Deadline:* Thirteen (13) hard copies of the Application for Development Plan Approval; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Development Plan Approval and supporting information in .pdf (portable document format); and one (1) digital copy of any drawings or plans in .dwg format shall be submitted to the Plan Commission at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
6. *Fees:* Applicable fees shall be paid at the time the Application for Development Plan Approval is filed.

D. Review Procedure:

1. *Assignment:* Development Plans which are determined to be substantially complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda that occurs at least twenty-eight (28) days after the substantially complete application for Development Plan was submitted. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed Development Plan and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Development Plan and information from the Technical Review Committee and/or other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for Development Plan Approval. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Development Plan and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Development Plan.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Development Plan Approval.
 - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
 - c. The testimony of the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Any applicable provisions of the Unified Development Ordinance.
 - g. Any applicable requirements of the City of Richmond's Construction Standards.
 - h. Any other information as may be required by the Plan Commission to evaluate the application.

7. **Decision:** The Plan Commission shall make findings of fact and take final action or continue the Application for Development Plan Approval to a defined future meeting date.
 - a. **Findings of Fact:** The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance.
 - i. The development plan is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The development plan satisfies the development requirements of *Article 2: Zoning Districts*.
 - iii. The development plan satisfies the standards of *Article 5: Development Standards*.
 - iv. The development plan satisfies any other applicable provisions of the Unified Development Ordinance.
 - v. The development plan satisfies the construction requirements of the City of Richmond's Construction Standards.
 - vi. The development plan is consistent with the City of Richmond's *Climate Action Plan*.
 - b. **Final Action:** Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Application for Development Plan Approval.
 - c. The findings of fact and final action shall be signed by the President of the Plan Commission.
 - d. The Zoning Administrator shall provide the applicant a copy of the decision.
- E. **Duration:** An approved Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension for cause. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Development Plan record. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approval expires and a new Application for Development Plan Approval shall be submitted.
- F. **Modification:**
 1. **Minor Amendments:** Minor amendments to approved Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 2. **Major Amendments:** If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Development Plan Approval.

Planned Development; General

9.09 Planned Development; General

A. Purpose and Intent:

1. *General:* A Planned Development zoning district may be used to provide for:
 - a. A development with complex mixes of land uses, or mixes of land uses within buildings.
 - b. A development on:
 - i. A unique geological feature,
 - ii. A site with notable quality natural features, or
 - iii. A site with notable quantity of natural features.
 - c. A development with a notably unique or innovative design.
2. *Process Outline:* The three (3) steps of the Planned Development process are listed below and explained in detail in the following Sections.
 - a. The Planned Development District Ordinance and Establishment Plan.
 - b. The Planned Development Detailed Development Plan.
 - c. The Planned Development Final Development Plan.

Planned Development; Establishment Plan

9.10 Planned Development: District Ordinance and Establishment Plan

A. Purpose and Intent:

1. *Planned Development District Ordinance:* The purpose of the Planned Development District Ordinance is to:
 - a. Designate, or rezone, a parcel of land as a Planned Development zoning district.
 - b. Specify uses or a range of uses permitted in the Planned Development zoning district.
 - c. Specify development requirements in the Planned Development zoning district.
 - d. Specify the plan documentation and supporting documentation that may be required.
 - e. Specify any limitation applicable to the Planned Development zoning district.
 - f. Meet the requirements of *IC 36-7-4-1500 et seq.*
2. *Establishment Plan:* The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, perimeter bufferyards, etc.

B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.

C. Prerequisites:

1. *Ownership:* Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
2. *Pre-application Meeting:* Prior to submitting an Application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.

D. Filing Requirements:

1. *Application:* Application for a Planned Development shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information:* The Application for a Planned Development shall be accompanied by the following information.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. Survey and legal description of the proposed site of the Planned Development.
 - c. The Establishment Plan that conceptually delineates the basic physical elements of the Planned Developments including land use, circulation, and perimeter buffers.
 - d. A draft of the Planned Development District Ordinance that includes proposed development standards for all land uses within the Planned Development.
 - e. Any other information requested in writing by the Plan Commission or Zoning Administrator.
3. *Deadline:* Thirteen (13) hard copies of the Application for a Planned Development; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time the Application for a Planned Development is filed.

Planned Development; Establishment Plan

E. Formal Procedure:

1. *Assignment:* An Application for a Planned Development, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Planned Development and all supporting information. While the Establishment Plan is conceptual, the Zoning Administrator may forward the Establishment Plan and any other relevant information to the Technical Review Committee, Plan Commission legal counsel, Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Planned Development, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development and information from any other agencies that reviewed the Planned Development. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Planned Development. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. Application for a Planned Development.
 - b. Planned Development District Ordinance draft.
 - c. Establishment Plan.
 - d. The *City of Richmond Comprehensive Plan*.
 - e. Current conditions and the character of current structures and uses in the area.
 - f. The most desirable use for which the land in the area is adapted.
 - g. The conservation of property values throughout the jurisdiction.
 - h. Responsible development and growth.
 - i. The testimony of the applicant.
 - j. Relevant evidence presented by other persons.
 - k. The limitations, standards, and requirements of *Article 4: Planned Development District*.
 - l. Any applicable provisions of the Unified Development Ordinance.
 - m. The Zoning Administrator's report or any other documents provided by other departments or agencies.
 - n. Any other additional information as may be required by the Plan Commission to evaluate the application.
 - o. The City of Richmond's *Climate Action Plan*.

Planned Development; Establishment Plan

7. *Decision:* The Plan Commission shall take final action or continue the Application for a Planned Development to a defined future meeting date.
 - a. *Final Action:* The Plan Commission shall certify and forward the Application for a Planned Development to the Common Council with:
 - i. A favorable recommendation.
 - ii. A favorable recommendation and with recommendations for commitments and/or conditions.
 - iii. An unfavorable recommendation.
 - iv. No recommendation.
 - b. *Revisions:* If the certified version of the Planned Development District Ordinance or Establishment Plan was revised during the process of Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Development District Ordinance and the applicant shall make the revisions to the Establishment Plan so the Common Council receives the certified versions of the Planned Development District Ordinance and Establishment Plan.
8. *Commitments and Conditions:* In conjunction with its recommendation to the Common Council, the Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded in the Office of the Wayne County Recorder within thirty (30) days of the Common Council's approval of the Planned Development District Ordinance and Establishment Plan. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before proceeding with Step 2 and filing a Planned Development Detailed Development Plan.
- F. *Duration:* If Step 2, a Planned Development Detailed Development Plan, has not been filed within two (2) years of the date the Common Council approved the Planned Development District Ordinance and the Establishment Plan, the approval expires and a new Application for a Planned Development shall be submitted. The Zoning Administrator may grant one (1) six-month extension.
- G. *Modification:*
 1. *Planned Development District Ordinance:* An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.17: Unified Development Ordinance Text Amendment*.
 2. *Establishment Plan:* Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed Development Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Development. In such cases, a new Application for a Planned Development shall be required.
 3. *Commitments and Conditions:* Commitments and conditions associated with a Planned Development District Ordinance and Establishment Plan shall only be modified or terminated by a decision of the Common Council made at a public hearing.

Planned Development; Detailed Development Plan

9.11 Planned Development; Detailed Development Plan

- A. Purpose and Intent: The Planned Development Detailed Development Plan shall provide the Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Development District Ordinance. If the Planned Development involves the subdivision of land, this step also serves as the Primary Plat.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.
- C. Prerequisites:
 1. *Planned Development District Ordinance and Establishment Plan*: The Planned Development District Ordinance and Establishment Plan shall be approved by the Common Council prior to submitting a Planned Development Detailed Development Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Wayne County Recorder.
- D. Filing Requirements:
 1. *Application*: Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
 2. *Supporting Information*: The following information shall be submitted for the Planned Development; Detailed Development Plan review process.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Proposed name of the development.
 - v. Area map insert showing the general location of the site referenced to major streets.
 - vi. Boundary lines of the site including all dimensions of the site.
 - vii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - viii. Layout, number, dimension, and area of all lots.
 - ix. Location and dimensions of all existing and proposed structures, including paved areas, entryway features, and signs.
 - x. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - xi. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces provided; office-floorarea).
 - xii. Distance of all structures from front, rear, and side lot lines.
 - xiii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xiv. Proposed landscaping buffers or landscaped areas.
 - xv. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
 - c. Representative building elevations for facades of residential and non-residential primary structures shall be drawn to scale and include the following items:
 - i. Proposed name of the development.
 - ii. Graphic scale.
 - iii. Specification of the type and color of building materials to be used for wall, window, roof, and other architectural features.
 - iv. Placement, size, color, and illumination details for any proposed wall sign.
 - v. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of site.
 - iv. Proposed name of the development.
 - v. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
 - vi. Location of any proposed or existing driveways onto a street or alley and its width at the lot line.
 - vii. All improvements to the street system on-site and off-site.
 - viii. Measurement of curb radius and/or flares.
 - ix. Location of proposed and existing sidewalk or sidepath.
 - x. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- e. A Utility Plan shall be drawn to scale and shall include the following items:
 - i. Location of all existing and proposed utility easements.
 - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
 - iii. Location and illumination capacity of all lights.
 - iv. Names of legal ditches and streams in or adjacent to the site.
 - v. Contours sufficient to illustrate storm water runoff.
 - vi. Storm water drainage plan including estimated runoff.
 - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- f. Traffic Impact Study.
 - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed-use development which generates 100 or more peak hour trips in the peak direction).
 - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and City Engineer to determine an appropriate scope for the Traffic Impact Study.
- g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
 - i. The order of development of the major infrastructure elements of the project.
 - ii. Project phase boundaries, if any.
 - iii. The order and content of each phase.
 - iv. An estimate of the time frame for build-out of the project.
- h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed green space and landscaping on the site showing how the proposed landscaping meets or exceeds the standards detailed in the *Section 7.18: Perimeter Landscaping Standards* and *Landscape Standards* in Article 5.

Planned Development; Detailed Development Plan

- i. APO District Requirements: If the proposed development is in the APO District, the applicant shall submit the following:
 - i. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, or septic systems).
 - ii. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures.
 - iii. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes.
 - iv. Spill or release response measures and reporting.
 - v. Description of slopes near containment vessels and waste storage areas.
 - vi. The following information shall also be included on the required Site Plan or an additional plan: all paved and non-paved areas; floor drain locations and outlets; chemical/product storage locations; waste storage locations; liquid transfer areas; underground storage tanks and associated piping; above ground storage tanks and associated piping; slope and contours of finished grade at two-foot intervals; and proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.
3. *Deadline:* Thirteen (13) hard copies of the Application for a Planned Development; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time when the Planned Development Detailed Development Plan is filed.

E. Formal Procedure:

1. *Assignment:* A Planned Development Detailed Development Plan, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development Detailed Development Plan was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed Planned Development Detailed Development Plan and asked to review and comment. The Zoning Administrator may request a formal meeting of the Technical Review Committee and request the applicant's presence at that meeting. Following a thorough review, the Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Planned Development Detailed Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development Detailed Development Plan and information from the Technical Review Committee and/or other agencies that have reviewed the Planned Development Detailed Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to a Planned Development Detailed Development Plan. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.

Planned Development; Detailed Development Plan

4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The original Application for a Planned Development.
 - b. Approved Planned Development District Ordinance.
 - c. Approved Establishment Plan.
 - d. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development build-out, landscape plan, and, if applicable, traffic impact study and APO District requirements.
 - e. The testimony of the applicant.
 - f. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
 - g. Input from the public during the public hearing.
 - h. Any applicable requirements of the City of Richmond's Construction Standards.
 - i. The limitations, standards, and requirements of *Article 4: Planned Development District*.
 - j. Any applicable provisions of the Unified Development Ordinance.
 - k. The Zoning Administrator's report or any other documents provided by other departments or agencies.
 - l. Any other additional information as may be required by the Plan Commission to evaluate the application.
 - m. The City of Richmond's *Climate Action Plan*.
7. *Decision:* The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Development Plan to a defined future meeting date.
 - a. *Findings of Fact:* The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Planned Development District Ordinance, the Unified Development Ordinance, or City of Richmond's Construction Standards with which there is not compliance.
 - i. The Planned Development Detailed Development Plan is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The Planned Development Detailed Development Plan is consistent with *Article 4: Planned Development District*.
 - iii. The Planned Development Detailed Development Plan satisfies the development standards of the approved Planned Development District Ordinance.
 - iv. The Planned Development Detailed Development Plan satisfies the construction requirements of the City of Richmond's Construction Standards.
 - b. *Final Action:* Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Planned Development Detailed Development Plan. If conditions are required, the conditions shall be recorded in the Office of the Wayne County Recorder within thirty (30) days of the Plan Commission's approval of the Planned Development Detailed Development Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Development Plan.
 - c. The findings and final decision shall be signed by the President of the Plan Commission.
 - d. The Zoning Administrator shall provide the applicant a copy of the final decision.
- F. *Duration:* An approved Planned Development Detailed Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Planned Development record. If development of the project has not commenced by the end of the two (2) year period (or by the end of the six-month extension), the approval expires and an Application for a Planned Development (District Ordinance and Establishment Plan) shall be required.

G. Modification:

1. *Minor Amendments:* A minor amendment to an approved Planned Development Detailed Development Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
2. *Major Amendments:* If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Planned Development Detailed Development Plan.

Planned Development; Final Development Plan

9.12 Planned Development; Final Development Plan

- A. Purpose and Intent: The Planned Development Final Development Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Development involves the subdivision of land, this step also serves as the Secondary Plat Approval.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.
- C. Prerequisites:
 - 1. *Planned Development Detailed Development Plan*: The Planned Development Detailed Development Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Development Plan. If Planned Development Detailed Development Plan approval included conditions, those conditions shall be recorded in the Office of the Wayne County Recorder.
 - 2. *Infrastructure*: A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Development Plan that are intended to be dedicated to the City installed to meet the City of Richmond's Construction Standards, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.32: Surety Standards*.
- D. Filing Requirements:
 - 1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Development Final Development Plan Approval. The original Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan
 - 2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Planned Development Final Development Plan Approval
 - a. Accurate location of all monumentation, if applicable.
 - b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
 - c. If infrastructure improvements intended to be dedicated to the City are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
 - d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
 - 3. *Deadline*: Planned Development Final Development Plan Approval shall be requested within two (2) years of the approval of Planned Development Detailed Development Plan by the Plan Commission.
 - 4. *Fees*: Applicable fees shall be paid at the time the request for Planned Development Final Development Approval is filed.

Planned Development; Final Development Plan

E. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Planned Development Final Development Plan Approval and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Planned Development Final Development Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Planned Development Final Development Plan a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the request for Planned Development Final Development Plan approval was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review:* The Zoning Administrator shall provide the letter requesting Planned Development Final Development Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the City of Richmond's Construction Standards and establish adequate connection to the existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. If it has been determined that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
3. *Public Notice:* Notice and public hearing shall not be required for Planned Development Final Development Plan.
4. *Decision:* Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, approve with conditions, or deny Planned Development Final Development Plan.

- F. Duration: An approved Planned Development Final Development Plan and any conditions shall be recorded in the Office of the Wayne County Recorder within three (3) months of the date of approval or become null and void.

Special Exception

9.13 Special Exception

- A. Purpose and Intent: A special exception use is a use for which certain conditions must be met before it can be established at a specific location. The use shall be permitted by the Board of Zoning Appeals if certain conditions are met.
- B. Project Applicability: Only uses listed as "special exceptions" in the two-page layouts in *Article 2: Zoning Districts* shall be considered for approval by the Board of Zoning Appeals.
- C. Prerequisites: An Application for a Special Exception shall be filed by the owner, the owner's agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
- D. Filing Requirements:
 1. *Application*: An Application for a Special Exception shall be made on forms provided by the Zoning Administrator.
 2. *Supporting Information*: The following items shall accompany a completed Application for a Special Exception.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following information.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Legal description of the site.
 - v. Boundary lines of the site including all dimensions.
 - vi. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - vii. Location and dimensions of all existing and proposed structures, including paved areas and signs
 - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - ix. Distance of all structures from front, rear, and side lot lines.
 - x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xi. Proposed landscaping buffers or landscaped areas.
 - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Board of Zoning Appeals or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
 3. *Deadline*: An Application for a Special Exception shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
 4. *Fees*: Applicable fees shall be paid at the time the Application for a Special Exception is filed.

E. Formal Procedure:

1. *Assignment:* An Application for a Special Exception, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Special Exception was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Special Exception and/or information from other departments that have reviewed the Application for a Special Exception. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Special Exception. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to explain the proposed Special Exception and address and discuss comments and concerns posed by the Board of Zoning Appeals. Failure to appear may result in the dismissal of the Application for a Special Exception.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
 - a. The Application for a Special Exception.
 - b. Supporting information.
 - c. Presentation by the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Applicable provisions of the Unified Development Ordinance.
 - g. The Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - i. Topography and other natural site features.
 - ii. Zoning of the site and surrounding properties.
 - iii. Driveway locations, street access and vehicular and pedestrian traffic.
 - iv. Parking amount, location, design.
 - v. Landscaping, screening, buffering.
 - vi. Open space and other site amenities.
 - vii. Noise production and hours of operation.
 - viii. Design, placement, architecture, and material of the structure.
 - ix. Placement, design, intensity, height, and shielding of lights.
 - x. Traffic generation.
 - xi. General site layout as it relates to its surroundings.

7. **Decision:** The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Special Exception to a defined future meeting date.
 - a. **Findings of Fact:** The Board of Zoning Appeals shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The proposed special exception is consistent with the purpose of the zoning district and the *City of Richmond Comprehensive Plan*.
 - ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.
 - iii. The proposed special exception is in harmony with all adjacent land uses.
 - iv. The proposed special exception will not alter the character of the district; and
 - v. The proposed special exception will not substantially impact property value in an adverse manner.
 - vi. The proposed special exception is consistent with the City of Richmond's *Climate Action Plan*.
 - b. **Final Action:**
 - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Special Exception.
 - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Special Exception.
 - c. **Commitments and Conditions:**
 - i. **Commitments:** The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Wayne County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interested in the land.
 - ii. **Conditions:** The Board of Zoning Appeals may require certain conditions for approval.
- F. **Duration:** The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within two (2) years of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.
- G. **Modification:** If the Zoning Administrator determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new approval of the special exception use shall be required. The operator of the special exception use shall provide the Zoning Administrator with all the necessary information to render this determination.

Subdivision of Land; Primary Plat

9.14 Subdivision of Land; Primary Plat

- A. Purpose and Intent: A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land to determine compliance with the provisions of the Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.
- B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.
 1. *Applicable Districts*: The subdivision of land shall be permitted in all zoning districts.
 2. *Replats*: A replat shall consist of two processes. First, the plat or the portion of the plat shall be vacated in accordance with *IC 36-7-3-10* and *IC 36-7-3-11*. Then, the property shall be platted using the Primary Plat process in this section and the Secondary Plat process in *Section 9.15: Subdivision of Land; Secondary Plat*.
 3. *Exemptions*: Condominiums regulated by *IC 32-35* are exempt from this subdivision process outlined in the Unified Development Ordinance.
- C. Prerequisites:
 1. *Eligible Applicants*: An Application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
 2. *Pre-application Meeting*: Prior to submitting an Application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.
- D. Elective Concept Plan: The petitioner may elect to seek tentative review by the Plan Commission. The petitioner shall prepare a conceptual plan of the proposed development including:
 1. *Minimum Submittal Requirements*:
 - a. Lot Layout: Generally layout of lots,
 - b. Drainage: Generally how drainage will be handled,
 - c. Product: General description of the product intended to be built on the lots,
 - d. Design Features: General description of the development's features.
 2. *Plan Commission Meeting*:
 - a. Submittal Deadline: The required quantities of the application and supporting information shall be submitted at least twenty-eight (28) days prior to a Plan Commission or Plat Committee to be considered for that meeting. Depending on the review time necessary, a Primary Plat application may be placed on a later Plan Commission or Plat Committee agenda.
 - b. Notice: A Concept Plan shall not require notice or a public hearing.
 - c. Plan Commission Review: The Plan Commission shall hear a presentation of the material from the petitioner, answer questions, and hear comments in regard to the Concept Plan.
 - d. Plan Commission Action: The Plan Commission shall give final feedback to the petitioner which shall not constitute a legal action.
- E. Filing Requirements:
 1. *Application*: An Application for Primary Plat shall be made on forms provided by the Zoning Administrator.
 2. *Supporting Information*: The following supporting information shall accompany a completed Application for Primary Plat.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.

- b. A Site Plan, drawn to a scale, that includes the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Proposed address for each lot.
 - iv. Proposed name of the subdivision.
 - v. Area map insert showing the general location of the site referenced to major streets.
 - vi. Legal description of the site.
 - vii. Boundary lines of the site including all dimensions of the site.
 - viii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - ix. Layout, number, dimension, area, building setback lines on all lots.
 - x. Location and dimensions of any existing structures.
 - xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xiii. Proposed perimeter landscaping areas.
 - xiv. Proposed entryway feature signs.
 - xv. Stamp of Registered Professional Engineer or Registered Land Surveyor.
 - xvi. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
- c. Representative building elevations for each facade of primary structures including the following information may be requested by the Zoning Administrator.
 - i. Permitted building materials to be used for wall, window, roof, and other architectural features.
 - ii. Placement, size, color, and illumination details for any proposed wall sign.
 - iii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale and shall include the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Proposed name of the subdivision.
 - iv. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
 - v. All improvements to the street system on-site and off-site.
 - vi. Measurement of curb radius and/or flares.
 - vii. Location of proposed and existing sidewalk and sidepaths.
 - viii. Location and details of all proposed wayfinding signs and traffic signs.
 - ix. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

Subdivision of Land; Primary Plat

- e. A Utility Plan, drawn to scale, including the following items:
 - i. Location of all existing and proposed utility easements.
 - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
 - iii. Location and illumination capacity of all street lights.
 - iv. Names of legal ditches and streams in or adjacent to the site.
 - v. Contours sufficient to illustrate storm water runoff.
 - vi. Storm water drainage plan including estimated runoff.
 - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
 - f. Traffic Impact Study.
 - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space outside of the Midwest or any future city-owned industrial park; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed-use development which generates 100 or more peak hour trips in the peak direction).
 - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and City Engineer to determine an appropriate scope for the Traffic Impact Study.
 - g. Statement of Development Build-out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
 - i. The order of development of the major infrastructure elements of the project.
 - ii. Future section boundaries, if any.
 - iii. The order and content of each section.
 - iv. An estimate of the time frame for build-out of each section.
 - h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed perimeter landscaping and other landscaping that meet or exceeds the standards detailed in *Section 7.18: Perimeter Landscaping Standards* and *Landscape Standards in Article 5*.
 - i. Restrictive Covenants: The applicant shall provide a copy of the restrictive covenants that will apply to each lot within the subdivision. Required deed restrictions, non-petition clauses, non-remonstrance clauses, conditions of approval, and/or developer commitments shall be included in the restrictive covenant or in a separate legal document which will apply to each lot and be recorded. Any required restriction, clause, condition, or commitment shall be clearly written to not be amendable by the owner or owners' association and that the only means for removing or modifying the required restriction, clause, condition, or commitment is through a plat vacation or replat process.
 - j. Requested Waivers:
 - i. Lot Establishment: Requirements within *Lot Establishment Standards* may be waived to allow for more creative design, but accessibility shall not be compromised.
 - ii. Open Space: Requirements within *Section 7.15: Open Space Standards* may be reduced by as much as fifty percent (50%).
 - iii. Perimeter Landscaping: Requirements within *Section 7.18: Perimeter Landscaping Standards* may be reduced as much as fifty percent (50%).
 - iv. Street Lighting: Requirements within the applicable *Street Lighting Standards* in *Article 7* may be waived if outside the corporate limits and within the two (2) mile fringe.
3. **Deadline:** The required quantities of the application and supporting information shall be submitted at least twenty-eight (28) days prior to a Plan Commission or Plat Committee to be considered for that meeting. Depending on the review time necessary, a Primary Plat application may be placed on a later Plan Commission or Plat Committee agenda.
 4. **Fees:** Applicable fees shall be paid at the time the Application for Primary Plat is filed.

F. Formal Procedure:

1. *Assignment:* An Application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, may be on the first Plan Commission or Plat Committee agenda that occurs twenty-eight (28) days after the Application for Primary Plat is submitted in its entirety. The application for Primary Plat may be placed on a later Plan Commission or Plat Committee agenda if the review time necessitates more time. The Zoning Administrator shall notify the applicant by telephone or in writing of the meeting date. The Zoning Administrator shall then decide to:
 - a. Assign the Primary Plat to the Plat Committee for review; or
 - b. Assign the Primary Plat to the Plan Commission for review.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed subdivision of land and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the Technical Review Committee and/or other agencies that have reviewed the subdivision of land. A copy of such report shall be made available to the applicant and all remonstrators.

G. Plan Commission Review:

1. *Required Quantities of Application and Supporting Information:* Thirteen (13) hard copies of the Application for Primary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted.
2. *Public Notice:* The following public notice standards apply to an Application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
3. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Primary Plat.
4. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
5. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Primary Plat.
 - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
 - c. The testimony of the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department.
 - e. Input from the public during the public hearing.
 - f. Any applicable provisions of the Unified Development Ordinance.
 - g. Any applicable requirements of the City of Richmond's Construction Standards.
 - h. Any other information as may be required by the Plan Commission to evaluate the application.

6. *Decision:*

- a. The Plan Commission shall make findings of fact and take final action or continue the Application for Primary Plat to a defined future meeting date.
- b. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the *City of Richmond Comprehensive Plan*.
 - i. The subdivision of land is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The subdivision of land satisfies the development requirements of *Article 6: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
 - iv. The subdivision of land satisfies any other applicable provisions of the *City of Richmond Unified Development Ordinance*.
 - v. The subdivision of land satisfies the construction requirements of the City of Richmond's Construction Standards.
 - vi. The proposed subdivision of land is consistent with the City of Richmond's *Climate Action Plan*.
- c. Final Action
 - i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the Application for Primary Plat.
 - ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the Application for Primary Plat.
- d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Wayne County Recorder within ninety (90) days of the Plan Commission's final action.
- e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.
- f. The Zoning Administrator shall provide the applicant a copy of the decision.

H. Plat Committee Review:

1. *Required Quantities of Application and Supporting Information:* Thirteen (13) hard copies of the Application for Primary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted.
2. *Jurisdiction:* The Plat Committee may grant Primary Plat or Primary Plat Amendment approval to a subdivision of land that:
 - a. Does not involve opening more than 1,000 feet of a new public way;
 - b. Does not include a waivers application;
 - c. Complies in all other respects with the Subdivision Control Ordinance;
 - d. Complies in all other respects with the remainder of the Unified Development Ordinance; and
 - e. Does not result in more than three (3) lots.
3. *Attendance:* The applicant shall be present at the Plat Committee meeting to explain the proposed Primary Plat and address and discuss comments and concerns posed by the Plat Committee. Failure to appear may result in the dismissal of the Application for a Primary Plat.
4. *Public Hearing:* A public hearing before the Plat Committee is not required.

5. *Review:* At a regularly scheduled meeting, the Plat Committee shall review:
 - a. The written statement and supporting material submitted by the petitioner;
 - b. The Primary Plat;
 - c. Any commitments or conditions of approval attendant to prior approvals;
 - d. The testimony of the petitioner;
 - e. Relevant evidence presented by other persons;
 - f. The *City of Richmond Comprehensive Plan*;
 - g. The applicable standards of the Unified Development Ordinance;
 - h. The applicable engineering standards;
 - i. All information presented by the members of the Technical Review Committee or by City departments;
 - j. The Zoning Administrator report; and
 - k. Such other additional information as may be required by the Plat Committee to evaluate the petition.
6. *Decision:* The Plat Committee shall:
 - a. Approve the petition;
 - b. Approve the petition with conditions of approval and/or commitments;
 - c. Deny the petition;
 - d. Forward the petition to the Plan Commission for consideration; or
 - e. Continue the petition to a determined future meeting date.
7. *Findings of Fact:* The Plat Committee shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the *City of Richmond Comprehensive Plan*.
 - i. The subdivision of land is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The subdivision of land satisfies the development requirements of *Article 6: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
 - iv. The subdivision of land satisfies any other applicable provisions of the *City of Richmond Unified Development Ordinance*.
 - v. The subdivision of land satisfies the construction requirements of the City of Richmond's Construction Standards.
 - vi. The proposed subdivision of land is consistent with the City of Richmond's *Climate Action Plan*.
8. *Commitments:*
 - a. *Acceptance:* In conjunction with the approval of a Primary Plat, the Plat Committee may permit or require the petitioner to make written commitments concerning the use or development of the lot. The details of these commitments shall be clearly denoted, with the intent that the petitioner will prepare them in written form for signature.
 - b. *Form:* The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. Once in the proper form, the petitioner and the Chair of the Plat Committee shall sign the commitment instrument.
 - c. *Recording:* The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded commitment instrument to the Zoning Administrator before Secondary Plat approval is granted.
 - d. *Modification or Termination:* The Plat Committee shall not modify or terminate any commitment. A commitment under this section shall be modified or terminated only by a decision of the Plan Commission made at a public hearing and after proper notice.
 - e. *Enforcement:* Any commitment shall be enforced as if it were a development standard of the Unified Development Ordinance.

9. *Conditions of Approval:* In conjunction with the approval of a Primary Plat, the Plat Committee may impose reasonable conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of the Design Standards.
 - a. *Form:* The Zoning Administrator shall prepare the conditions of approval instrument in a form approved by the City Attorney. The Chair of the Plat Committee shall sign the conditions of approval instrument.
 - b. *Recording:* The petitioner shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded conditions of approval instrument to the Zoning Administrator within thirty (30) days of recording.
 - c. *Modification or Termination:* The Plat Committee shall not modify or terminate any condition of approval. A condition of approval imposed under this section shall be modified or terminated only by a decision of the Plan Commission made at a public hearing and after proper notice.
 - d. *Enforcement:* Any condition of approval shall be enforced as if it were a development standard of the Unified Development Ordinance.
10. *Revisions:* Following Plat Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plat Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Zoning Administrator.
11. *Public Notice and Right to Appeal:* Within ten (10) days after Primary Plat approval by the Plat Committee, the Zoning Administrator shall provide for due notice to interested parties of the Plat Committee's approval and of their right to appeal to the Plan Commission. The notice shall be given in the following manner:
 - a. *Published:* The Zoning Administrator shall be responsible for publishing a legal notice.
 - b. *Mailed:* The Zoning Administrator shall be responsible for mailing notice via First Class Mail.
12. *Notice of Appeal:* An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Zoning Administrator not more than ten (10) days after the Zoning Administrator has mailed a copy of the Plat Committee's action to the interested party.
- I. Duration: An approved Primary Plat shall be valid for two (2) years from the date the Plan Commission or Plat Committee granted approval. The Zoning Administrator may grant one (1) six-month extension.
- J. Modification:
 1. *Minor Amendments:* Minor amendment to an approved Primary Plat which does not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 2. *Major Amendments:* If the Zoning Administrator or City Engineer determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in the number of lots, or intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Primary Plat.
- K. Pre-Construction Meeting: The petitioner shall provide construction plans and have satisfied *Section 7.32: Surety Standards* at least two (2) weeks prior to the pre-construction meeting. The petitioner shall meet with the Zoning Administrator, sanitary department, utility providers, and City Engineering representatives in a meeting to address construction coordination and anything not addressed by the Plan Commission.
- L. Construction Plan Standards: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no less than (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the subdivision plat. The following shall be shown:
 1. *Street Elevations:* Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets shall also be shown.

2. *Steep Slopes:* The Plan Commission or Plat Committee may require, where steep slopes exist, that cross-sections of all proposed streets shall be shown at not more than 100 foot sections at seven (7) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, at each gutter line of the street, each property line, and points twenty-five (25) feet inside each property line.
 3. *Plans and Profiles:* Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, and storm-water drains, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
 4. *Facilities or Utilities:* Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Public Development Plan, at the point of connection to proposed facilities and utilities within the subdivision. The water elevation of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
 5. *Topography:* Topography at the same scale as the subdivision plat with a contour interval of one (1) foot for areas up to a five percent (5%) grade and two (2) feet for areas over five percent (5%) grade, referred to sea level datum. All datum provided shall be the latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
 6. *Specifications and References:* All specifications and references required by the City's Construction Standards and Specifications, including a site-grading plan for the entire subdivision.
 7. *Surveyor/Engineer Contact Information:* Title, name, address and signature of professional engineer and/or surveyor, and date, including revision dates.
 8. *Certification:* Certification by the land surveyor and/or professional engineer who prepared the construction plans that all requirements of this Ordinance have been duly considered and said requirements have been fulfilled or so noted by a written notice of deviation as to the nature of the deviation along with a clear and rational explanation as to why said deviation should be granted and certification by a land surveyor and/or engineer that he will make periodic inspections of the construction of all improvements which will become a part of the public right-of-way and all improvements on easements that may be required by this ordinance to make the subdivision functionally complete.
 9. *Health Department Approval:* Written evidence of approval by the Richmond Sanitary District or Wayne County Health Department or the Indiana State Board of Health of the proposed means of sewage disposal.
 10. *Flood Hazard Areas:* All subdivision plats containing lands identified, in the Zoning Ordinance, as flood hazard areas shall have the elevation of the 100-year flood listed and shown thereon.
- M. Drainage Sign-off: Prior to building streets the drainage approval letter shall be obtained from the City Engineer.

Subdivision of Land; Secondary Plat

9.15 Subdivision of Land; Secondary Plat

- A. Purpose and Intent: The Secondary Plat shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.
- B. Project Applicability: Proposals for new subdivisions of land shall meet the standards of this Section.
- C. Prerequisites:
 1. *Primary Plat*: The Application for Primary Plat shall be approved by the Plan Commission prior to submitting a Secondary Plat. If the Primary Plat approval included commitments, those commitments shall be recorded in the Office of the Wayne County Recorder.
 2. *Infrastructure*: A subdivision that is the subject of a Secondary Plat shall have all of the infrastructure improvements proposed in the Primary Plat installed to meet the City of Richmond's Construction Standards, or the applicant shall have posted a performance bond for the cost of the infrastructure improvements that complies with *Section 7.32: Surety Standards*.
- D. General: The secondary plat shall be presented in india ink on tracing cloth or reproducible mylar at a scale of either one (1) inch equals fifty (50) feet or one (1) inch equals 100 feet and contain the same information, except for any changes or additions required by the Plan Commission or Plat Committee shown on the plat submitted for primary approval. The plat submitted for primary approval may be used as the secondary plat if it meets these requirements and is revised in accordance with Plan Commission or Plat Committee's requirements. All revision dates shall be shown as well as the following:
 1. *Registered Land Surveyor Certificate*: Each secondary plat submitted to the Commission or Committee for approval shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:
I (Name), hereby certify that I am a Professional Land Surveyor, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (Date); that all the monuments shown thereon shall be set as shown/or actually exist; and that their location, size, type and material are accurately shown.
 (SEAL)
 (Signature Line)
 2. *Deed of Dedication Certificate*: Each secondary plat submitted to the Commission or Committee for approval shall carry a deed of dedication in substantially the following form:
We, the undersigned, being all the owners and lienholders of the real estate shown and described herein, do hereby certify that we hereby lay off, plat and subdivide, said real estate in accordance with the within plat.
This subdivision shall be known and designated as (Name), (Name) , an addition to (Name). All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public free and clear of all liens and encumbrances.
Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.
Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.
Witness our Hands and Seals this [day] of [month], 20XX.
 (Signature Line)
 State of Indiana
 County of Wayne
Before me, the undersigned Notary Public, in and for the County and State personally appeared and separately and severally acknowledge the execution of the foregoing instruments as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this [day] of [month], 20XX.

3. *Covenant or Deed Restriction Binder*: The following shall be attached for covenants or deed restrictions:
- The following covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20XX, (minimum twenty-five-year period), at which time such covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by unanimous vote of the then owners of the building sites covered by these covenants, (or restrictions), it is agreed to change such covenants (or restrictions) in whole or part.*
- Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no wise affect any of the other covenants (or restrictions) which shall remain in full force and effect.*
- The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.*
- (Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)*
- Witness our Hands and Seals this [day] of [month], 20XX.*
- (Signature Line)*
- State of Indiana*
- County of Wayne*
- Before me, the undersigned Notary Public, in and for the County and State personally appeared and separately and severally acknowledge the execution of the foregoing instruments as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this [day] of [month], 20XX.*
4. *Plan Commission (or Plat Committee) Certificate*: The following shall be attached for certification by the Plan Commission or Plat Committee:
- UNDER AUTHORITY PROVIDED BY I.C. 36-7-4-700 THROUGH 36-7-4-713 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF RICHMOND, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE RICHMOND CITY PLAN COMMISSION/OR RICHMOND PLAT COMMITTEE AS FOLLOWS:*
- Approved by the Richmond City Plan Commission/or Richmond City Plat Committee at a meeting held [fill in location].*
- President*
- (Signature Line)*
- Executive Secretary*
- (Signature Line)*
- The following shall be attached for Transfer and Recording:*
- TRANSFER AND RECORDING*
- Duly entered for taxation this [day] of [month], 20XX.*
- Wayne County Auditor*
- (Signature Line)*
- Recorded this [day] of [month], 20XX.*
- Wayne County Recorder*
- (Signature Line)*

Subdivision of Land; Secondary Plat

5. *County Commissioner Certificate:* The following shall be attached when the proposed subdivision is located in the unincorporated territorial jurisdictional area of the City of Richmond, Indiana.

The Commissioners of Wayne County, Indiana, hereby certify that adequate surety has been presented to guarantee the construction of the roadway and that the roadway meets Wayne County standards and will be accepted into the Wayne County roadway system when completed. Certified at a meeting of the Wayne County Commissioners this [day] of [month], 20XX.

(Commissioner Signature)

(Commissioner Signature)

(Commissioner Signature)

E. Filing Requirements:

1. *Application:* The applicant shall submit a letter stating the status of infrastructure improvements and requesting Secondary Plat. The original Application for Primary Plat should be on file with the Zoning Administrator.
2. *Supporting Information:* The following information shall accompany the applicant's letter requesting Secondary Plat.
 - a. Plans showing the precise location of all installed monumentation.
 - b. Plans showing final dimensions for lots, right-of-ways, and easements.
 - c. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system and any required inspections or certifications by engineers or surveyors.
 - d. If infrastructure improvements are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
 - e. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
3. *Deadline:* Thirteen (13) hard copies of the letter requesting Secondary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the letter requesting Secondary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time the request for Secondary Plat is filed.

F. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Secondary Plat and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Secondary Plat should be presented to the Plan Commission or Plat Committee. Should the Zoning Administrator determine Plan Commission or Plat Committee review is necessary, the Zoning Administrator shall assign the Secondary Plat a case number and place it on the first Plan Commission or Plat Committee agenda that occurs twenty-eight (28) days after the Secondary Plat was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission or Plat Committee review is necessary and the date of the meeting, if applicable.
2. *Review:* The Zoning Administrator shall provide the letter requesting Secondary Plat, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the City of Richmond's Construction Standards and if the improvements include adequate connection to existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project to the Zoning Administrator. If it has been determined that Plan Commission review is required, the Zoning Administrator shall forward the comment sheets to the Plan Commission for review at the meeting.
3. *Public Notice:* Notice and public hearing shall not be required for Secondary Plat.
4. *Review and Decision:* The Zoning Administrator shall, based on comments from departments, approve, approve with conditions, or deny Secondary Plat. In cases where the Secondary Plat is being heard by the Plan Commission, the Plan Commission shall review the comments from departments at a regularly scheduled public meeting and approve, approve with conditions, or deny Secondary Plat.

- G. Duration: An approved Secondary Plat and any conditions shall be recorded in the Office of the Wayne County Recorder within one (1) year of the date of approval or become null and void.

9.16 Subdivision of Land; Administrative

- A. **Purpose and Intent:** An Administrative Subdivision provides the City of Richmond with the opportunity to expedite adjustments to property lines and mergers of existing lots into fewer lots when such adjustments are considered non-impacting to the city or surrounding properties.
- B. **Project Applicability:** An Administrative Subdivision can be used to modify the division of property within the planning jurisdiction, but only if the proposed modification meets the “Applicable Districts,” “Applicable Actions,” and “Prerequisites” standards listed below. All other divisions of land or alterations to property lines shall be processed as a primary plat.
 1. **Applicable Districts:** An Administrative Subdivision of land shall be permitted in the following zoning districts:

PR
AG
RE
R1
R2
R3
TR
M1
M2
M3
MP
IS
NC
UC
C1
C2
HC
EC
I1
I2
MS
R0
HI
 2. **Applicable Actions:**
 - a. **Merging Common Ownership Lots:** The owner of two (2) to five (5) lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new nonconformance or an escalation in nonconformance; and when there is no increase in public service demand, change to streets, or increase in the size or use of utilities.
 - b. **Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots:** Two (2) or more owners adjacent to another lot may jointly purchase the lot, divide it, and merge the pieces with their buildable lot. If the lot is not vacant, any primary structure would have to first be demolished and/or primary use dissolved, prior to application for an Administrative Subdivision.
 - c. **Adjusting Lot Lines:** The owners of contiguous properties mutually agree to adjust a lot line separating their two (2) properties due to either a survey error or both owners mutually desiring the adjustment; as long as the adjustment does not result in any new nonconformance or an escalation in an existing nonconformance.
 - d. **Creating Non-Developable Land for Utilities and Infrastructure:** A utility or municipality may process an acquisition or donation of land for non-development purposes as an Administrative Subdivision.
- C. **Prerequisites:**
 1. **Eligible Applicant:** An application for an Administrative Subdivision shall be initiated by the owner(s) of all applicable lots or the owner’s authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner(s) shall accompany the application.
 2. **Removing Unnecessary Driveway(s):** Under the actions listed in *Section: 9.16(B)(2)(a)* and *Section 9.16(B)(2)(b)*, pre-existing driveway(s) established for the dissolved lot(s) shall be vacated and removed, especially including the apron within the right-of-way.
- D. **Administrative Subdivision Filing Requirements:**
 1. **Application:** An application for an Administrative Subdivision shall be made on forms provided by the Zoning Administrator.
 2. **Supporting Information:** The following supporting information shall accompany a completed application for an Administrative Subdivision. The Zoning Administrator may waive in writing the submittal of unnecessary information relative to the application.
 - a. Legal description of all lots involved, and
 - b. Address for each lot involved.
 3. **Site Plan:** A Site Plan, drawn to a scale not less than one inch equals one hundred feet (1” = 100’), that includes the following items:
 - a. Name and address of the owner(s),
 - b. North arrow and graphic scale,
 - c. Adjacent streets, sidewalks, and easements,
 - d. Boundary lines of each lot including necessary lot dimensions,
 - e. Proposed adjustments with lot dimensions, lot area, and building setback lines on the resulting lots,
 - f. Footprint and dimensions of existing structures with measurements to property lines pre and post adjustments,
 - g. Stamp of registered professional engineer or surveyor, and
 - h. Any other information necessary to support a thorough review of the project as requested on the application form or from the Zoning Administrator.
 4. **Deadline:** Not applicable.

5. *Submittal Material:* Two (2) hard copies of the application for an Administrative Subdivision; two (2) hard copies of all supporting information; and one (1) digital copy of the application for an Administrative Subdivision and all supporting information in .pdf (portable document format).
 6. *Fees:* The applicable fee shall be paid at the time the application for an Administrative Subdivision is filed. An application without the appropriate application fee shall not be considered substantially complete. Technical expertise necessary to review an Administrative Subdivision that the City of Richmond does not have adequate proficiency may constitute hiring a professional consultant to conduct the review or portions thereof at the expense of the applicant and as per the City of Richmond's fee schedule.
- E. Procedure and Approval:
1. *Review of Material:* An application for an Administrative Subdivision, which is determined to be complete and in proper form by the Zoning Administrator, shall be reviewed by the Zoning Administrator for compliance with applicable regulations.
 2. *Decision:* The Zoning Administrator shall make a determination as to whether the application complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written in *Section 9.16(B)* and *Section 9.16(C)*. If the application is in compliance it shall be approved and signed by the Plan Commission President and attested by the Zoning Administrator.
 3. *Report to Plan Commission:* After approved, the Zoning Administrator shall report said approval at the first regularly scheduled Plan Commission meeting.
 4. *Proof of Recording:* To officially complete the process the applicant shall record the plat with the Wayne County Recorder's office and provide two (2) copies to the Zoning Administrator.
 5. *Failure to Record:* If an approved administrative subdivision is not recorded within thirty (30) days from the date of approval and signature, the application and approval shall be deemed void. The Zoning Administrator shall report any failures to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the applicant, and shall clearly note failure to record in the town's records.
- F. Improvement Location Permits: A building permit on any lot involved shall not be issued until proof of recording has been submitted.

9.17 Unified Development Ordinance: Text Amendment

- A. Purpose and Intent: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the Common Council concerning a proposal to amend the text of the Unified Development Ordinance. The Common Council has the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.
- B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance shall follow the process outlined in this Section.
- C. Prerequisites:
 - 1. *Eligible Applicants*: Members of the Common Council or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of the Common Council or Plan Commission shall find a sponsor among the Common Council or the Plan Commission to introduce the proposal.
- D. Filing Requirements:
 - 1. *Application*: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the Common Council or the Plan Commission.
 - 2. *Deadline*: A proposal for an amendment to the text of the Unified Development Ordinance may be filed any time.
- E. Formal Procedure:
 - 1. *Assignment*: The Zoning Administrator shall assign a case number and place the proposed amendment to the text of the Unified Development Ordinance on the first Plan Commission agenda that occurs twenty-eight (28) days after the proposal is prepared.
 - 2. *Internal Review*: The Zoning Administrator shall be responsible for introducing the proposed amendment to the text of the Unified Development Ordinance to the Technical Review Committee and other applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the Technical Review Committee and other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of the Unified Development Ordinance will be heard.
 - 3. *Public Notice*: The following public notice standards apply for a proposal to amend the text of the Unified Development Ordinance.
 - a. The Zoning Administrator shall notify interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
 - b. The Zoning Administrator shall publish a legal notice in a newspaper of general circulation at least days (10) before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
 - 4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
 - 5. *Review*: In preparing and considering proposals to amend the text of the Unified Development Ordinance, the Plan Commission and the Common Council shall pay reasonable regard to:
 - a. The *City of Richmond Comprehensive Plan*.
 - b. Current conditions and the character of current structures and uses in each district.
 - c. The most desirable use for which the land in each district is adapted.
 - d. The conservation of property values throughout the jurisdiction.
 - e. Responsible development and growth.
 - f. The City of Richmond's *Climate Action Plan*.

F. Decision:

1. *Final Action:* The Plan Commission shall certify the amendment to the text of the Unified Development Ordinance and forward the proposal to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
2. *Effective Date:*
 - a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.
 - b. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the final day on which notice of its adoption is published; or the day on which it is filed in the Office of the Clerk Treasurer, whichever is later.

9.18 Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this Section. Variances may be a "development standards variance" granting relief from a development standard such as height, bulk, or area; or a "use variance" allowing a use that is not listed as a permitted or special exception use in a district.
- B. Project Applicability:
 1. *Jurisdiction*: Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance.
 2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Variance that has been denied by the Board of Zoning Appeals within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Variance containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
 1. *Eligible Applicants*: An Application for a Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. *Pre-application Meeting*: Prior to submitting an Application for a Variance, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
 1. *Application*: Application for a Variance shall be made on a form provided by the Zoning Administrator.
 2. *Supporting Information*:
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. Applicable plans, drawings, and descriptions of the use and proposed site shall accompany the Application for a Variance. If the proposed project is within the APO District, the supporting information listed in *Section 9.11(D)(2)(i)* shall also be submitted. The supporting information shall accurately and completely describe the proposed project and the need for the requested variance.
 3. *Deadline*: An Application for a Variance shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
 4. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed.
- E. Formal Procedure:
 1. *Assignment*: An Application for a Variance, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Variance is submitted in its entirety. The Zoning Administrator shall notify the applicant, in writing, of the date of the meeting.
 2. *Internal Review*: Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment on the proposed project. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Variance and/or information from other departments that have reviewed the Application for a Variance. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice:* The following public notice standards apply to an Application for a Variance. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to explain the proposed Variance and address and discuss comments and concerns posed by the Board of Zoning Appeals. Failure to appear may result in the dismissal of the Application for a Variance.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
 - a. The Application for a Variance.
 - b. Supporting information.
 - c. Presentation by the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Applicable provisions of the Unified Development Ordinance.
 - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Variance to a defined future meeting date.
 - a. *Development Standards Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - b. *Use Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Use Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - iii. That the need for the use variance arises from some condition peculiar to the property involved.
 - iv. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
 - v. The approval does not interfere substantially with the *City of Richmond Comprehensive Plan*.
 - vi. The approval does not interfere substantially with the City of Richmond's *Climate Action Plan*.

- c. Final Action:
 - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Variance.
 - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Variance.
- d. Commitments and Conditions:
 - i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Wayne County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interested in the land.
 - ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.
- F. Duration:
 - 1. *Development Standards Variance*: A development standards variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
 - 2. *Use Variance*: A use variance granted by the Board of Zoning Appeals may run with the land or applicant until such time as:
 - a. The use of the variance ends, is vacated, or unused for twelve (12) months consecutively; or
 - b. The property conforms with the Unified Development Ordinance as written.
- G. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 - 1. *Development Standards Variance*: Modification of a development standards variance that makes a project more compliant with the provisions of the Unified Development Ordinance may be authorized by the Zoning Administrator. Modification of a development standards variance that makes a project less compliant with the provisions of the Unified Development Ordinance shall re-file an Application for a Variance or other appropriate application.
 - 2. *Use Variance*: Modification of use variance shall not be permitted. Any modification of an approved use variance shall meet all of the provisions of the Unified Development Ordinance or re-file an Application for a Variance or other appropriate application.

Waiver from Design Standard

9.19 Waiver from Design Standard

- A. Purpose and Intent: When the Plan Commission finds that an extraordinary hardship or practical difficulty would result from strict compliance with *Article 7: Design Standards* and/or a regulation clearly does not apply to a proposed development, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal; then the Plan Commission may approve a Design Standard Waiver. However, the Design Standard Waiver shall not be used to subvert the intent and purpose of these regulations, or solely for the purposes of financial benefit to the developer.
- B. Prerequisites:
 1. *Primary Plat Application*: The applicant shall only file a Design Standard Waiver application in conjunction with a Primary Plat, Secondary Plat, or Replat application.
 2. *Design Standards*: The waiver shall be in regard to a regulation in *Article 7: Design Standards*, and shall not be a request for relief from *Article 5: Development Standards*. Any relief request from *Article 5: Development Standards* shall be subject to the Variance procedure with the Board of Zoning Appeals.
- C. Application:
 1. *Filing Deadline*: The applicant shall apply for a Design Standard Waiver in conjunction with the applicant's Primary Plat application.
 2. *Supportive Information*: The application shall include the necessary documentation as identified on the application form and/or as determined by the Zoning Administrator based on specific circumstances of the particular project. The application shall include, but not be limited to, the following documents:
 - a. The application shall identify the Design Standard provision(s) that is(are) being requested to be waived or reduced, the justification for the request, and a statement as to why the waiver will not subvert or diminish the intent and purpose of the Unified Development Ordinance, particularly the subdivision type's intent and the applicable Design Standards.
 - b. *Additional Information*: Additional information may be required by the Zoning Administrator when necessary for the Plan Commission evaluate the requested Design Standards Waiver.
- D. Fees: The applicant shall submit the required application fee at the time the Waiver from Design Standards application is submitted.
- E. Zoning Administrator:
 1. *Complete Submittal*: Once the Zoning Administrator has determined that the applicant has made a complete submittal, the Zoning Administrator shall:
 - a. *Docket Number*: Assign the item a docket number;
 - b. *Agenda*: Place the item on an agenda of the Plan Commission; and
 - c. *Notification*: Inform the applicant of the time, date, and place of the meeting.
 2. *Inspection*: The Zoning Administrator may inspect at any reasonable time the site and any structure thereon if it relates to the requested Design Standard Waiver application.
 3. *Department Report*: The Zoning Administrator will prepare a staff report outlining its findings with respect to the Design Standard Waiver request.
- F. Plan Commission:
 1. *Public Notice*:
 - a. *Responsibility*: The applicant shall be responsible for publishing and mailing the public notices.
 - b. *Proof*: The applicant shall be responsible for returning proof of publishing and mailing of notices to the Zoning Administrator. Failure to submit proof of notice prior to the Plan Commission meeting may result in the application being continued to the following month.
 2. *Attendance*: The applicant or the applicant's representative is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in denial of the request, continuance, or other appropriate action.
 3. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure. The public hearing may be held concurrently with the public hearing for the Primary Plat or Replat.

Waiver from Design Standard

4. *Review of Application:* At their regularly scheduled meeting, the Plan Commission shall review and consider:
 - a. The application and supportive material submitted by the applicant;
 - b. The Primary Plat;
 - c. The testimony of the applicant;
 - d. Relevant evidence presented by other persons;
 - e. The Comprehensive Plan;
 - f. Any applicable provisions of the Unified Development Ordinance;
 - g. Any applicable requirements of the City of Richmond Construction Standards;
 - h. The Zoning Administrator report; and
 - i. Such other additional information as may be necessary or required by the Plan Commission to evaluate the application.
5. *Findings of Fact:*
 - a. The Plan Commission shall not approve a Design Standard Waiver unless it makes favorable findings based upon the evidence presented to it in each specific case. Specifically, the findings shall include that:
 - i. The granting of the Design Standard Waiver shall not be detrimental to the public safety, health, or welfare, or otherwise be injurious to other property; and
 - ii. The conditions upon which the request for a Design Standard Waiver is based are unique to the property for which the Design Standard Waiver is sought; and
 - iii. Because of the particular circumstances, physical surroundings, efforts to conserve natural features, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is enforced. A financial hardship or difficulty on its own shall not constitute grounds for a Design Standard Waiver.
 - iv. The Design Standard Waiver shall not in any manner subvert the provisions of *Article 5: Development Standards*, the comprehensive plan, or thoroughfare plan, or the City of Richmond's *Climate Action Plan*.
 - b. Certification:
 - i. Signed: The findings document, whether finding in the affirmative or not, shall be signed by the President of the Plan Commission and be filed and recorded with the Plat.
 - ii. Notification: The Plan Commission shall furnish the applicant with a copy of its decision.
6. *Decision:* The Plan Commission shall either:
 - a. Approve the application;
 - b. Approve the application with conditions and/or commitments;
 - c. Deny the application; or
 - d. Continue the application to a definite future meeting date.
7. *Commitments:*
 - a. Acceptance: In conjunction with the approval of a Design Standard Waiver, the Plan Commission may permit or require the applicant to make written commitments that remedy concerns.
 - b. Form: The applicant shall prepare the commitment instrument, if applicable, in a form approved by the City's attorney. The applicant and the President of the Plan Commission shall sign the commitment instrument.
 - c. Recording: The applicant shall record the commitment instrument in the County Recorder's office with the Plat. The applicant shall deliver receipt and a copy of the recorded commitment instrument to the Zoning Administrator.
 - d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - e. Enforcement: The City may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

8. *Conditions of Approval:*
 - a. Requirement: In conjunction with the approval of a Design Standard Waiver, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
 - b. Form: The Zoning Administrator shall prepare the conditions of approval instrument in a form approved by the City attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
 - c. Recording: The applicant shall record the conditions of approval instrument in the County Recorder's office with the Plat. The applicant shall deliver receipt and a copy of the recorded conditions of approval instrument to the Zoning Administrator.
 - d. Modification or Termination: A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - e. Enforcement: The City may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
- G. Appeal: Any aggrieved party with standing may appeal a waiver decision to a court of jurisdiction within ten (10) days after the date of the Plan Commission decision.

Zoning Map Amendment (Rezoning)

9.20 Zoning Map Amendment (Rezoning)

- A. Purpose and Intent: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Plan Commission shall make a recommendation to the Common Council concerning a proposal to amend the Official Zoning Map. The Common Council has the power to approve or deny a proposal to amend the Official Zoning Map.
- B. Project Applicability:
 1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Plan Commission.
 2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Rezoning that has been denied by the Common Council within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Rezoning containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
 1. *Eligible Applicants*:
 - a. The Plan Commission may act as an applicant and initiate a zoning map amendment.
 - b. Unless the Plan Commission has initiated a zoning map amendment, an Application for a Rezoning shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. *Pre-application Meeting*: Prior to submitting an Application for a Rezoning the applicant shall meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
 1. *Application*: An Application for a Rezoning shall be made on a form provided by the Zoning Administrator.
 2. *Supporting Information*: An Application for a Rezoning shall be accompanied by the following supporting information:
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following items.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Boundary lines of the site including all dimensions of the site.
 - v. Names, centerlines, and right-of-way widths of all adjacent streets, alleys, and easements.
 - vi. Layout, number, dimension, and area of all lots.
 - vii. Location and dimensions of all existing and proposed structures.
 - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - ix. Use of each structure by labeling.
 - x. Distance of all structures from front, rear, and side lot lines.
 - xi. Proposed landscaping buffers or landscaped areas.
 - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
 3. *Deadline*: An Application for a Rezoning shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
 4. *Fees*: Applicable fees shall be paid at the time the Application for a Rezoning is filed.

E. Formal Procedure:

1. *Assignment:* An Application for a Rezoning, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Application for a Rezoning was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Rezoning and all supporting information. The Zoning Administrator may forward the Application for a Rezoning and any other relevant information to the Technical Review Committee, Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Application for a Rezoning, adjacent zoning, the surrounding land use, facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Rezoning and information from any other agency that reviewed the Application for a Rezoning. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Rezoning. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Rezoning and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Rezoning.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Rezoning.
 - b. All supporting information.
 - c. Information presented in writing or verbally by the Zoning Administrator or other applicable department.
 - d. Input from the public during the public hearing.
 - e. Any applicable provisions of the Unified Development Ordinance.
 - f. Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision:*
 - a. The Plan Commission shall take final action or continue the Application for a Rezoning to a defined future meeting date. The Plan Commission shall pay reasonable regard to the following factors before taking final action.
 - i. The *City of Richmond Comprehensive Plan*.
 - ii. Current conditions and the character of current structures and uses in each district.
 - iii. The most desirable use for which the land in each district is adapted.
 - iv. The conservation of property values throughout the jurisdiction.
 - v. Responsible development and growth.
 - vi. The City of Richmond's *Climate Action Plan*.
 - b. Final Action: The Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Plan Commission may also recommend commitments concerning the use and/or development of the land in connection with the Application for Rezoning. The Common Council makes the final determination regarding an Application for Rezoning and any recommended commitments by ordinance.
- F. Duration: A rezoning shall be effective from the date of its final approval by the Common Council.
- G. Modification: Modification to an approved Zoning Map Amendment shall not be permitted.

Article

10

Enforcement and Penalties

*City of Richmond
Unified Development
Ordinance*

Enforcement and Penalties

10.01 Actionable Violations

It shall be an actionable violation of the Unified Development Ordinance to:

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;
- B. Permitted Required: Construct, place, or modify a structure in a manner permitted by the Unified Development Ordinance without first being issued all permits and/or other approvals required by the Unified Development Ordinance;
- C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;
- D. Permit Exempt: Utilize a property for a use that is not expressly permitted by the Unified Development Ordinance in the applicable zoning district; or by a use variance or other approval allowed under the Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by the Unified Development Ordinance without first being issued a permit and/or other approvals required by the Unified Development Ordinance;
- F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or
- G. Other Violations: Otherwise fail to comply with any component of the Unified Development Ordinance.

10.02 Enforcement Official

Enforcement of the Unified Development Ordinance shall be conducted by the enforcement official. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules of procedure, then that board, body or individual shall conduct the enforcement as specified.

10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists.

10.04 Inspection of Property

- A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official from the property where the violation or alleged violation is located with permission from the violator at the time of the inspection; from a public right-of-way, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.
- B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.
- C. Surrender of Right to Deny Access: A property owner surrenders his right to deny an enforcement official access to his property or structure upon filing for any approval. The surrender to deny access shall commence upon filing and shall cease upon the Zoning Administrator issuing a zoning compliance certificate or other required final inspection.

10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of the Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

10.06 New Permits at Location Where a Violation Exists

When a violation or alleged violation of the Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the violator, any new filing for any approval shall be held by the zoning administrator until the violation or alleged violation is resolved, provided that the desired approval would complicate, escalate, or add to the violation or alleged violation. All other filings for an approval shall be processed as described in the Unified Development Ordinance.

Enforcement and Penalties

10.07 Enforcement Options

When a violation or alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the violation or alleged violation, and history of violations on the same property or by the same violator. The following options, as described in subsequent sections, may be used to enforce the Unified Development Ordinance:

- A. Request to stop work;
- B. Stop work order;
- C. Enforcement as a common nuisance;
- D. Request to Remedy;
- E. Bring action to local court to invoke any legal, equitable or special remedy;
- F. Bring action to local court to enforce a condition, covenant or commitment;
- G. Bring action to local court to request a prohibitory or permanent injunction to restrain;
- H. Bring action to local court to request a mandatory injunction to remove a structure;
- I. Impose a fine for violations;
- J. Bring action to a local court to invoke a fine for violations; or
- K. Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

10.08 Request to Stop Work

- A. Authority: The enforcement official may issue a request to stop work.
- B. Cause: A request to stop work may be issued for any violation or alleged violation of the Unified Development Ordinance when one (1) or more of the following statements apply:
 - 1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost to remedy the violation will likely increase;
 - 2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance; or
 - 3. *Quantity of Violations*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
 - 4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public is at risk.
- C. General Procedure:
 - 1. *Issue Notice*: The request to stop work shall, in writing (i.e. notice), describe the violation or alleged violation and request the immediate cessation of work until the matter is resolved.
 - 2. *Post Notice*: The request to stop work shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant or other interested parties.
 - 3. *Effective*: The request to stop work shall become effective upon posting on the property.
 - 4. *Conditions*: An enforcement official may describe the conditions under which the request to stop work will be lifted on the notice. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official.
 - 5. *Agreement*: To lift a request to stop work, a memorandum of agreement identifying the process and steps necessary to resolve the violation shall be signed by the property owner and the enforcement official; or a court of jurisdiction shall rule on the matter; or the enforcement official shall rescind the request to stop work.
 - 6. *Failure to Abide*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he fails to abide by the request to stop work.
 - 7. *Refusal to Sign Terms*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he refuses to sign the terms of the memorandum of agreement, giving the enforcement official time necessary to pursue other enforcement options without furtherance of the violation or alleged violation.

10.09 Stop Work Order

- A. Authority: The enforcement official may bring action to a court of jurisdiction. A court of jurisdiction may issue a stop work order.
- B. Cause: A temporary or preliminary injunction may be issued when one or more of the following statements apply:
 - 1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost, time, or challenge to remedy the violation will likely increase;
 - 2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance; or
 - 3. *Quantity of Violations*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
 - 4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public is at risk.
- C. General Procedure:
 - 1. *Issue Notice*: Before or after filing with the court, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
 - 2. *Investigation*: Before or after filing with the court, the enforcement official shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 - 3. *Stop Work Order*: The enforcement official shall file for an action for temporary or preliminary injunction, or temporary restraining order (i.e. Stop Work Order) in the court of jurisdiction to restrain a person from violating or further violating the Unified Development Ordinance.
 - 4. *Post Notice*: If the court grants the stop work order, the stop work order shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant or other interested parties.
 - 5. *Effective*: The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
 - 6. *Conditions*: The court of jurisdiction may determine and describe the conditions and terms under which the stop work order will be lifted. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official and/or court of jurisdiction to resolve the violation.

10.10 Enforcing a Violation as a Common Nuisance

- A. Authority: The enforcement official may initiate enforcement action and prepare a formal conveyance to legal counsel. Legal counsel may then prosecute.
- B. Cause: According to Indiana Code, a structure that is erected, raised, or converted, or land or premises is used in violation of this Unified Development Ordinance is a common nuisance and the owner or possessor of the structure or land is liable for maintaining a common nuisance.
- C. General Procedure:
 - 1. *Issue Notice*: Before or after formal conveyance, the enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
 - 2. *Investigation*: Legal counsel shall, upon formal conveyance of information in regard to an alleged violation of the Unified Development Ordinance, make an investigation of the alleged violation. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the owner or possessor, the attorney representing the City may file a complaint against the person and prosecute the alleged violation.

Enforcement and Penalties

10.11 Request to Remedy

- A. Authority: An enforcement official may initiate a Request to Remedy.
- B. Cause: A violation or alleged violation exists.
- C. General Procedure:
 1. *Investigation*: Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
 3. *Timeframe to Provide Evidence or Comply*: The enforcement official shall grant the violator an opportunity to provide evidence that there isn't a violation or to bring the violation into compliance; including a timeframe of at least one day but not more than 21 days. The timeframe granted shall be reasonably tied to the time necessary to remedy the violation (e.g. the time to remove an a-frame portable sign could be one day).
 4. *Timeframe Extension*: A timeframe extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
 5. *Timely Correction*: If corrective measures have not been initiated in a timely manner, or corrective measures are not effectively being conducted, or corrective measures are significantly behind schedule, or the violation remains after the timeframe given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the timeframe for remedy, the enforcement official shall not begin another enforcement option until the timeframe has expired and a violation remains unresolved.
- D. Safety from Fines: The enforcement official shall not impose a fine to a violator if a Request to Remedy is the first enforcement action and the violation is remedied within the granted timeframe.

10.12 Invoke a Legal, Equitable, or Special Remedy

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a legal, equitable, or special remedy.
- B. Cause: A violation or alleged violation exists on a property.
- C. General Procedure:
 1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
 2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 3. *Court-imposed Remedy*: The Plan Commission shall bring an action to the court of jurisdiction to invoke a legal, equitable or special remedy for a violation or alleged violation.
 4. *Liability*: Any violator found liable for a violation shall be subject to any court-imposed legal, equitable or special remedy. The legal, equitable or special remedy shall force compliance with the Unified Development Ordinance or be a unique court ruling that fulfills the intent of the *City of Richmond Comprehensive Plan* and Unified Development Ordinance. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling.

10.13 Enforce a Condition, Covenant, or Commitment

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may enforce compliance with a condition, covenant or commitment.
- B. Cause: A condition, covenant or commitment is not in compliance with terms of an approval.
- C. General Procedure:
 - 1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the non-compliance.
 - 2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is non-compliance.
 - 3. *Conditions*: The Plan Commission shall bring an action to a court of jurisdiction to enforce a condition, covenant (in connection to a plat, planned development or development plan), or commitment.
 - 4. *Court-imposed Remedy*: Any non-compliance shall be subject to any court-imposed remedy. The court-imposed remedy may include enforcing the condition, covenant, or commitment, or be a unique court ruling that fulfills the intent of the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance*. The severity of the court ruling may consider the severity of the non-compliance, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling.

10.14 Request a Prohibitory or Permanent Injunction to Restrain

- A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.
- B. Cause: A violation, alleged violation or intent to violate exists.
- C. General Procedure:
 - 1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation, alleged violation, or intent to violate.
 - 2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation, or an alleged intent to violate.
 - 3. *Request for Injunction*: The enforcement official shall bring an action to a court of jurisdiction to request a prohibitory or permanent injunction to restrain a violation of the Unified Development Ordinance.
 - 4. *Violation*: Any violator found liable for a violation or intending to violate the Unified Development Ordinance shall be subject to prohibitory or permanent injunction to restrain. The court-imposed restraint may instead result in a unique court ruling that fulfills the intent of the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance*. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling.

Enforcement and Penalties

10.15 Request a Mandatory Injunction to Remove a Structure

- A. Authority: The Board of Zoning Appeals may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a mandatory injunction against a violator.
- B. Cause: A structure was constructed, modified or installed in violation or alleged violation.
- C. General Procedure:
 1. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
 2. *Investigation*: Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 3. *Request for Injunction*: The Board of Zoning Appeals may bring an action to a court of jurisdiction to request a mandatory injunction to remove a structure in violation of the Unified Development Ordinance.
 4. *Violation*: If a structure is found in violation, the violator shall be subject to a mandatory injunction to remove the structure and all costs associated with the action. The court-imposed remedy may instead result in a unique court ruling that fulfills the intent of the *City of Richmond Comprehensive Plan* and *City of Richmond Unified Development Ordinance*. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling.

10.16 Impose a Fine for Violation

- A. Authority: The enforcement official may impose a fine for violation as an independent enforcement action or concurrent to another enforcement action; except "Invoke a Fine for Violation" section or as stated in the Request to Remedy section.
- B. Cause: A violation exists.
- C. General Procedure:
 1. *Collect Evidence*: Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
 2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation. The notice letter shall also include the terms of the fine, including the fine amount and the date payment is due.
 3. *Timeframe to Provide Evidence or Comply*: If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there isn't a violation or to bring the violation into compliance, including a timeframe of at least one day but not more than 21 days. The timeframe granted shall be reasonably tied to the necessary time to remedy the violation (e.g. the time to remove an a-frame portable sign in violation could be one day).
 4. *Timeframe Extension*: A timeframe extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
 5. *Financial Liability*: The enforcement official may imposed a fine in an amount not less than \$50.00 or higher than \$2,500 for the first violation and not less than \$50.00 or higher than \$7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the cost associated with enforcing, mitigating, administering, researching, inspecting, legal fees, and the like.
 6. *Appeals*: Fines imposed by the enforcement official may be appealed to the Board of Zoning Appeals.

10.17 Invoke a Fine for Violation

- A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except "Imposing a Fine for Violation" or as stated in the Request to Remedy section. A court of jurisdiction may issue a fine for violation.
- B. Cause: A violation exists.
- C. General Procedure:
 - 1. *Collect Evidence*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall collect evidence to conclude there is a violation.
 - 2. *Issue Notice*: Before or after bringing an action to the court of jurisdiction, the enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site)) describing the violation.
 - 3. *Court-imposed Fine*: The enforcement official shall bring an action to a court of jurisdiction to invoke a fine for a violation.
 - 4. *Financial Liability*: A violator found liable for a violation shall be subject to a court-imposed fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting, court fees, legal fees, and the like. Fines imposed by the court of jurisdiction shall be no higher than \$2,500 for the first violation, and no higher than \$7,500 for the second or subsequent violations according to IC 36-1-3-8.

10.18 Other Remedy

Any action allowed by Indiana Code, common law, or other applicable State regulations may be used to force a violation to be in compliance with the Unified Development Ordinance remedy or compliance with the terms of an approval.

Article

11

Definitions

*City of Richmond
Unified Development
Ordinance*

11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

11.02 Defined Words

The following terms shall have the following meanings:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building: See "Accessory Structure."

Accessory Structure: A structure which:

1. Is subordinate to a primary structure in area, intent and/or purpose,
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use,
3. Does not alter or change the character of the premises,
4. Is located on the same zoning lot as the primary structure or primary use,
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of the Unified Development Ordinance unless otherwise provided for,
6. May not be constructed prior to the time of construction of the primary structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance,
7. Is not designed for human occupancy as a dwelling or commercial use, and
8. In the case of a telecommunications facility, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications facility.

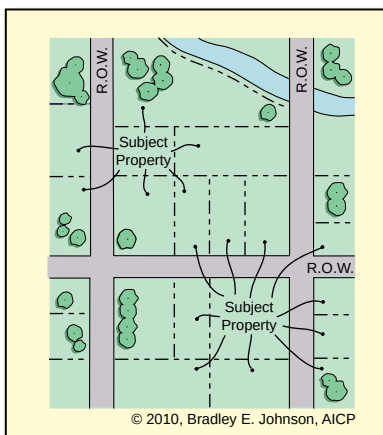
Accessory Structure, Recreation-based: An accessory structure placed on a lot and used for recreation, entertainment and lounging. Specific types of permitted Recreation-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

Accessory Structure, Storage-based: An accessory structure placed on a lot and used to store, keep, shelter or contain material items. Specific types of permitted Storage-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

Accessory Structure, Support-based: An accessory structure placed on a lot and used to provide essential services to a primary structure, primary land use, or another accessory structure. Specific types of permitted Support-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

ADA: The Americans with Disabilities Act.

Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (R.O.W.) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties.



Addiction Treatment Facility: An inpatient and outpatient facility for treatment and recovery for substance abuse and addiction.

Administrator: See "Zoning Administrator."

Advisory Plan Commission: See "Plan Commission."

Agricultural District: Refers to the AG District. The IA District shall not be considered an agriculture district.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Airport, Private: A facility which is primarily used or intended to be used for the departure and arrival of aircraft for transportation or recreation, and that is not open to the flying public. A private airport shall include at least one (1) paved or unpaved runway. A private airport may also include basic navigational equipment, basic communication equipment, basic navigational lighting, a taxiway, an aircraft tie-down area, a hanger, an aircraft maintenance facility, and a fuel dispensing with less than 500 cumulative gallons of on-site storage. A private airport may also include ancillary uses that are clearly subordinate to the primary use, including: private pilot training. A private airport shall not include any food service, retail sales, air show, or control tower.

Airport, Public: A facility which is primarily used or intended to be used for the departure and arrival of aircraft for transportation or recreation, and that is open to the flying public. A public airport shall include at least one (1) paved runway. A public airport may also include navigational equipment, communication equipment, navigational lighting, a control tower, a taxiway, a loading ramp, an aircraft tie-down area, a hanger, a terminal, a management office, an aircraft maintenance facility, fuel storage, and a fueling depot. A public airport may also include ancillary uses that are clearly subordinate to the primary use, including: a cafe, mechanical or pilot training operation, skydiving show or training, air show, pilot lounge, aviation related retail, and passenger related retail.

Airport Compatibility Overlay District: Refers to the ACO District.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

Ancillary Use: Uses that are customarily associated with and clearly subordinate to a primary use of land or a structure. A use shall never be considered ancillary if it is a permitted or special exception use in the same zoning district.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

Applicant: The owner, owners or legal representative of real estate who makes application to the Plan Commission and/or Board of Zoning Appeals for action by the Plan Commission or Board of Zoning Appeals affecting the real estate owned or represented by the applicant.

Aquifer Protection Overlay District: Refers to the APO District.

Arterial Street: See "Street, Major Arterial" or Street, Minor Arterial."

Assisted Living Facility: A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

ATM: See "Automated Teller Machine."

Attached Structure: A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and shall abide by all regulations pertaining to primary structures.

Automobile Oriented Business: A business that includes services rendered directly on, to, or for vehicles. Automobile Oriented Businesses include automobile accessory installation, automobile body shop, automobile gas station, automobile oil change facility, automobile parts sales, automobile rental, automobile repair/service station and automobile wash.

Automobile Wash: A structure, or portion of a structure, containing facilities for washing one (1) or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

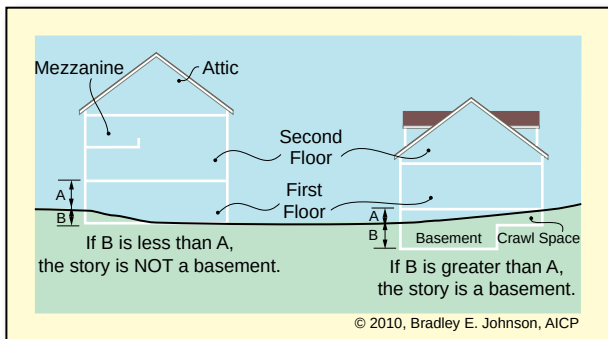
Definitions - A

Automobile Repair/Service Station: Any building or premises used for the dispensing, sale or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Average Setback: See "Setback, Average."

Base Zoning District: See "Underlying District."

Basement: That portion of a structure below the first or ground floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the structure perimeter. A basement shall not be considered a story for the purposes of determining structure height, except when it is used or suitable for habitation.



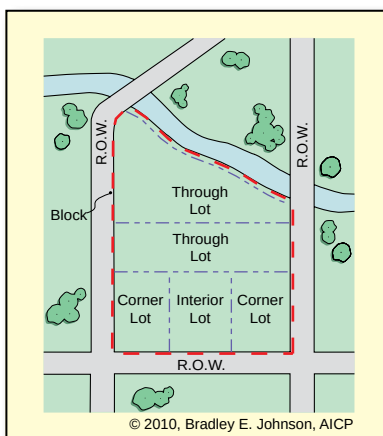
Bed and Breakfast Facility: An owner occupied or employee of the owner occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, motel, or boarding house.

Best Management Practices (BMPs): Any of the following measures to minimize, as reasonably practicable, impacts on groundwater quality and quantity:

1. Schedules of activities;
2. Prohibition of practice;
3. Treatment requirements;
4. Operation and maintenance procedures;
5. Use of containment facilities; and/or
6. Other management practices.

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway or the end of a dead end street.



Board: See "Board of Zoning Appeals."

Board of Zoning Appeals: The City of Richmond Board of Zoning Appeals or any division thereof.

Bond: Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Plan Commission wherever a bond is required by the Unified Development Ordinance.

Brewery: A large-scale operation that produces beer. A brewery does not include a micro-brewery.

Brewery, Micro-: A small, independent brewery that produces limited quantities of craft or specialized beers, often sold for consumption on the premises. A micro-brewery is sometimes called a craft brewery or nano-brewery.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Unified Development Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

Bufferyard: An area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Bufferyards are in addition to (separate from) front, rear, or side yard setbacks.

Buildable Lot: See "Lot, Improved."

Building: A predominantly enclosed structure having a roof and exterior walls generally used for occupancy of humans and/or storage of property. Car ports, vestibules, and open sided breezeways over 200 square feet shall be considered a building for the purposes of the Unified Development Ordinance. Dog houses, play houses, and tree houses under fifty square feet in occupiable space shall not be considered a building for the purposes of the Unified Development Ordinance.

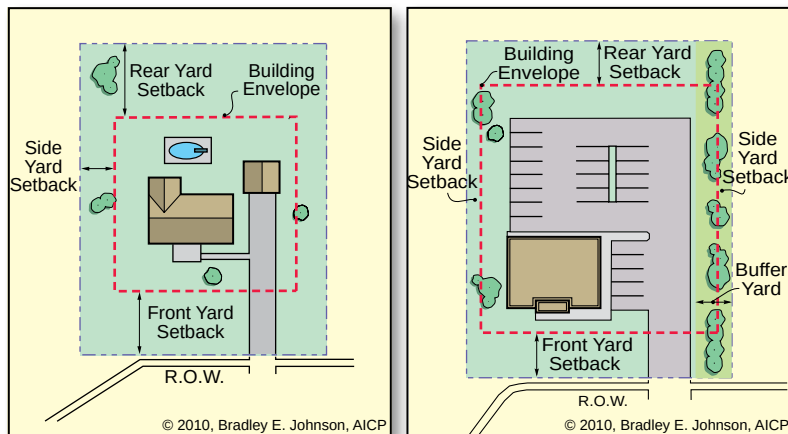
Building Area: The horizontal area of a building on a lot, measured from the outside exterior walls, excluding open areas, unenclosed porches, and decks.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building, Detached: See "Detached Structure."

Building Height: See "Structure Height."

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



Bumpout: A landscaping feature typically in a parking lot used similarly to a landscape island in a parking lot; to provide visual relief, reduce heat, and add to a healthful environment. Bumpouts can be used along streets, especially near intersections to, in addition to previously mentioned benefits, help define on-street parking areas and shorten crosswalk distances.

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational or amusement enterprises.

BZA: See "Board of Zoning Appeals."

Camp: A facility where people go for training (e.g. cheerleading) or experiences (e.g. horse back riding) where they stay in temporary residences (e.g. cabins, tents, or lodge).

Campground: Any site, lot, field or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Canopy Tree: Deciduous trees that grow to at least forty (40) feet in height and have a canopy that is round or oval in shape. Conical or tubular shaped trees are not canopy trees.

Carport: A roofed structure designed and intended to shelter a motor vehicle, with at least two (2) sides open to the weather.

Car Wash: See "Automobile Wash."

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

Cemetery: Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by a governmental unit.

Certificate of Conformance: A document issued by the City Engineer for the City of Richmond, which certifies that an existing or expanding business or the proposed development meets or exceeds the requirements of the Aquifer Protection Districts.

Certificate of Occupancy: A certificate stating the occupancy and use of a building or structure complies with all applicable Unified Development Ordinance provisions.

Changeable Copy Sign: See "Sign, Changeable Copy."

Changeable Copy, Electronic: See "Electronic Changeable Copy."

Changeable Copy, Manual: See "Manual Changeable Copy."

Child Care Home: A residence used by the proprietor for full-time living and for providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian, or custodian; (b) for regular compensation; and (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in *IC 12-7-2-33.7* and *IC 12-7-2-33.8*. A house not used by the proprietor for full-time living shall not qualify as a Child Care Home.

Child Care Center: Any institution operated for the care of children, licensed pursuant to *IC 12-3-2-3.1, et seq.*, and as defined by *IC 12-3-2-3*.

Child Care Institution:

1. A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
2. A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
3. Operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Division of Family and Children. A child care institution does not include a juvenile detention facility.

Children's Home: See "Child Care Institution."

Church: See "Places of Worship."

City Official: A Common Councilor, a Plan Commission member or its staff, a Board of Zoning Appeals member, or an employee of the City.

Clinic: See "Medical Clinic."

Definitions - C

Club House: A structure used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, rest rooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than 15% of the space accessible to public space of the club house.

Collector Street: A street that moves traffic between arterial streets and funnels traffic out of residential areas, as depicted by the *City of Richmond Comprehensive Plan*.

College: See "University."

Collocation: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment.

Commercial District: Refers to the NC, LC, GC, OC, CB, and HC Districts.

Commission: See "Plan Commission."

Community Center: A structure available to the public for community activities, meetings, banquets, projects, gatherings and the like. A community center may be able to be reserved by the public for private parties and events.

Comprehensive Plan: Refers to the *City of Richmond Comprehensive Plan*. The plan includes goals and objectives for economic development, City image and identity, transportation, land use, and the like. The *City of Richmond Comprehensive Plan* was developed and adopted by the Plan Commission pursuant to the *IC 36-7-4-500 Series* and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to *IC 32-25, et seq.* (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed, and maintained for at least forty-five (45) days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area

Confined Feeding Operation (large): Any livestock operation engaged in the confined feeding of at least 1,000 cattle, or 1,000 swine, or 10,000 sheep, or 30,000 hens or ducks. All thresholds are defined by IDEM.

Confined Feeding Operation (medium): Any livestock operation engaged in the confined feeding of between 300-999 cattle, or 750-999 swine, or 3,000-9,999 sheep, or 9,000-29,999 hens, or 10,000-29,999 ducks. All thresholds are defined by IDEM.

Confined Feeding Operation (small): Any livestock operation engaged in the confined feeding of less than 300 cattle, or 750 swine, or 3,000 sheep, or 9,000 hens or 10,000 ducks. All thresholds are defined by IDEM.

Construction: Includes building, erecting, moving, or any physical operations on the premises which are required for construction. Excavation, fill, paving, and the like shall be considered part of construction.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Unified Development Ordinance and the Indiana Building Code as a condition of approval.

Contaminate: To have hazardous materials or regulated substances mixed into an aquifer formerly void of such substances.

Continuous Mound: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

Corner Lot: See "Lot, Corner."

County: Wayne County, Indiana.

Definitions - C

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Dance/Night Club: An establishment for entertainment with table seating, stage (or area) for musical performances and floor area designated for dancing.

Day Care: See "Child Care Center."

Deck: An accessory structure which is on the ground or is elevated from ground level and is open to the sky.

Decorative Stone: Generally smooth, attractive and small rocks used in landscape beds. River rock is a common type of decorative stone. Pea gravel is not considered decorative stone. Generally, decorative stone is between one (1) inch in diameter up to three (3) inches in diameter and should not include fine material.

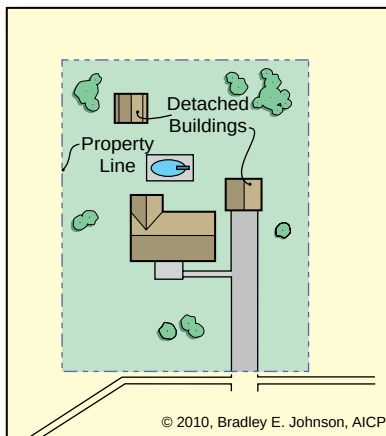
Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution or entry in the official minutes as by the recording of a plat.

Demolition: The complete removal or destruction of any structure excluding its foundation.

Department of Metropolitan Development: The planning department of the City of Richmond.

Detached Building: See "Detached Structure."

Detached Structure: A structure that has no structural connection with the primary structure or any other building or structure.



Detention Pond: See "Pond, Detention."

Developed Lot: See "Lot, Developed."

Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

Development Standards: Height, bulk, density, environmental performance standards and other standards for development as set forth in this Unified Development Ordinance, including landscaping, parking and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

Development Standards Variance: See "Variance, Development Standards."

Discharge: The off-site release of any regulated substance or hazardous materials that are not immediately contained and cleaned up so that it poses no threat to the aquifer.

Distillery: A large-scale operation that produces liquors. A distillery does not include a micro-distillery.

Distillery, Micro: A small, independent distillery that produces limited quantities of beverage-grade spirit alcohol, often sold for consumption on the premises. A micro-distillery is sometimes called a craft distillery or nano-distillery.

District: See "Zoning District."

DNR: The Indiana Department of Natural Resources.

Domestic Pets: See "Pets, Domestic."

Drive, Private: See "Street, Private."

Drive-Through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services, or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Duplex: See "Dwelling, Single-family Attached."

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family attached dwelling units, single-family detached dwelling unit, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds 950 square feet of occupied space per *IC 36-7-4(d)*,
2. Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
3. Has wheels, axles, and towing chassis removed,
4. Has a pitched roof with a minimum of two (2) vertical units to twelve (12) horizontal units (2:12 pitch), and
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

1. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
2. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multiple-family: A residential structure designed to be occupied by four (4) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: See "Dwelling, Single-family Attached" or "Dwelling, Single-family Detached."

Dwelling, Single-family Attached: An attached residential dwelling unit designed to be occupied by two (2) or three (3) family, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family Detached: A detached residential dwelling unit designed to be occupied by one (1) family. A single-family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling Size: The overall square footage of a dwelling unit. The dwelling size does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Dwelling, Two-family: See "Dwelling, Single-family Attached."

Dwelling Unit: A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Examples of a dwelling unit include a single-family dwelling, multiple-family dwelling, manufactured home dwelling and farmstead.

Easement: A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder"), for the purpose of providing services or access to the property.

Ed-Med-Tech Park District: Refers to the EP District.

Electronic Changeable Copy: See "Sign, Electronic Changeable Copy."

EPA: United States Environmental Protection Agency.

Erosion: The wearing away of the land surface by water, wind, ice, gravity, or other geological agents.

Established Building Setback: See: "Setback, Established Building."

Event Barn: One (1) or more existing agricultural buildings that may be presently part of a functioning farm or may be remaining buildings following the termination of farming activities, that is used by individuals or groups, for a rental fee or other form of remuneration, to accommodate private functions including, but not limited to, meetings, banquets, weddings, gatherings associated with anniversaries, birthday parties, reunions, and other similar gatherings and celebrations. Such a use may include designated outdoor areas on the same lot as the agricultural buildings for Event Barn activities, kitchen facilities or the preparation or catering of food, and the serving of alcoholic beverages for on-premises consumption only during scheduled events, and shall not be open to the general public. Event Barns are required to comply with current building, fire, and health codes for commercial use.

Excessive Extraction: A withdrawal of groundwater from an aquifer that results in or may result in the lowering of the water level or piezometric surface to such an extent as to interfere with the normal operation of existing private, industrial or municipal water wells. Excessive extraction is also defined as withdrawal from an aquifer which will lead to desaturation of the aquifer or desaturation to a point where consolidation of the aquifer material occurs, preventing any further recharge of the aquifer from occurring.

Exotic, Pets: See "Pets, Exotic."

Expressway: See "Interstate/Expressway."

FAA: Federal Aviation Administration.

Farmstead: A single-family dwelling unit that is located on and used in connection with a farm.

Fair Housing Facility (large): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations. These facilities include:

1. Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses more than ten (10) children.
2. Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Fair Housing Facility (small): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multiple-family residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety, and building regulations. These facilities include:

1. Group homes for children in need of service under *IC 31-34-1* or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*; and specifically a facility that houses not more than ten (10) children.
2. Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.
3. Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

FBFM: Flood Boundary and Floodway Map.

FCC: Federal Communications Commission.

FEMA: United States Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map.

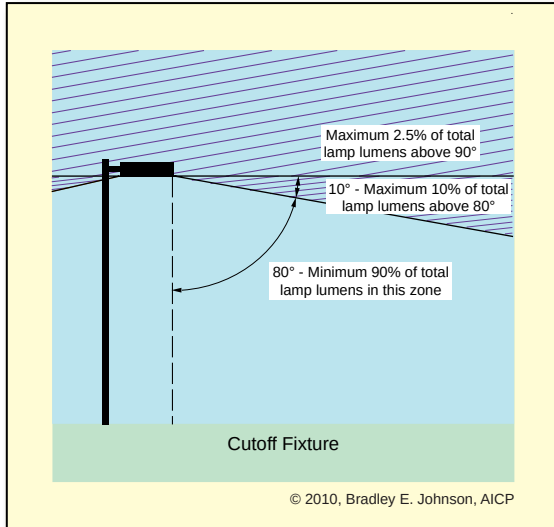
Financial Services Office: See "Office, Financial Services."

FIRM: Flood Insurance Rate Map.

Definitions - F

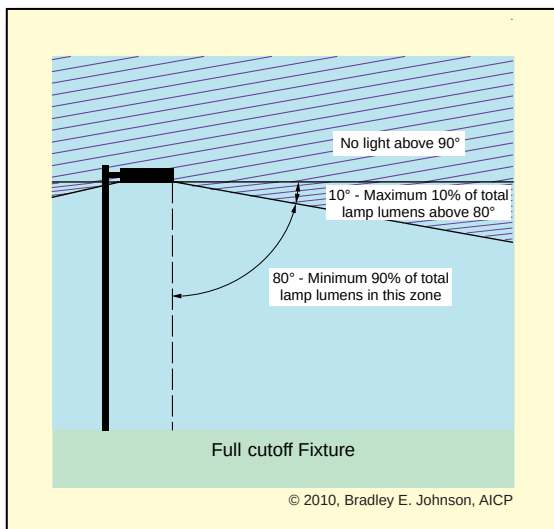
Fixture, Cutoff: A luminaire that:

1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow more than two and one-half percent (2.5%) of the total lamp lumens above ninety (90°) from vertical.



Fixture, Full-cutoff: A luminaire that:

1. Projects at least ninety percent (90%) of the total lamp lumens below eighty degrees (80°) from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above eighty degrees (80°) from vertical; and
3. Does not allow any lamp lumens above ninety degrees (90°) from vertical.

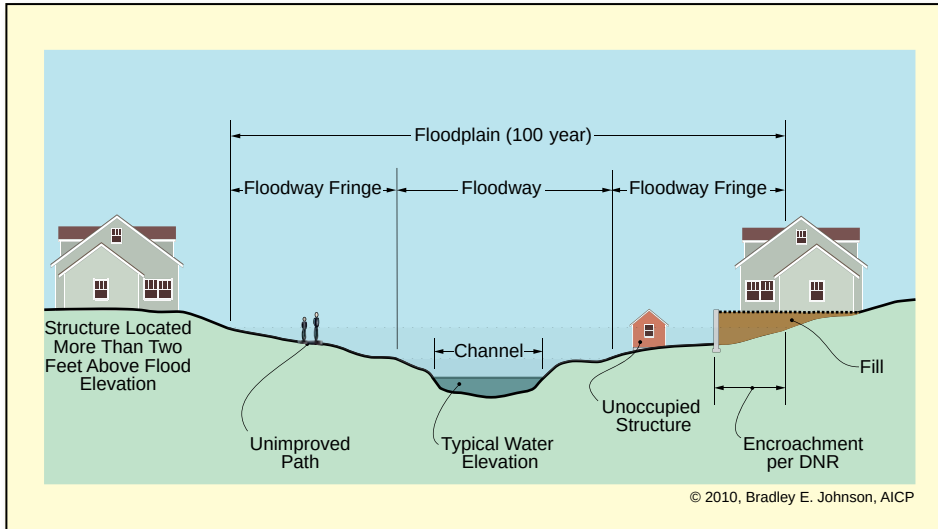


Fixture, Non-cutoff: A luminaire with no control of the horizontal distribution of luminance.

Flood Protection Grade (FPG): The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

Flood, Regulatory: A flood having a peak discharge which can be equalled or exceeded on the average of once in a 100 period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Floodway, Regulatory: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Main: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Food Truck: A licensed motor vehicle equipped and approved by the health department to prepare and sell food from locations permitted on-street by City Code or on private property as permitted by the Unified Development Ordinance. Food delivery trucks (e.g. Peapod, Schwans), shall not be considered food trucks. Food trucks that are supplied with food prepared in a commercial kitchen, restaurant, or production facility for the purpose of retail sales of meals and snacks from a service window (or the like) on the truck shall qualify.

Foundation: The supporting member of a wall or structure.

Freeway: See "Interstate/Expressway."

Front Facing Structure: Any building facade that is within forty-five degrees (45°) of parallel to an adjacent public or private street.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: See "Lot Line, Front."

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Garage: An attached or detached building designed to house one (1) or more motor vehicles with:

1. At least one eight-foot (8') wide garage door,
2. A driveway or other improved surface allowing a motor vehicle to gain access to the garage from a public street, private street or alley, and
3. Interior space at least nine (9) feet wide and nineteen (19) feet deep allowing a vehicle to be parked inside.

Geographic Information System (GIS): A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

GIS: See "Geographic Information System (GIS)."

Golf Course: An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Grade, Finished: The average elevation of the finished surface of the ground within ten (10) feet of the structure after final grading.

Grantee: A person to whom an interest in property is granted.

Gravel: Course and small rocks used for driveways, road beds, and other engineering purposes. Pea gravel and lava rock are considered other types of gravel. Generally, gravel is between $\frac{1}{4}$ inch in diameter up to three (3) inches in diameter and may also include fine material that acts as a binder.

Gross Floor Area: The sum of all horizontal floor area of all floors within a structure.

Ground Floor Area: See "Floor Area, Main."

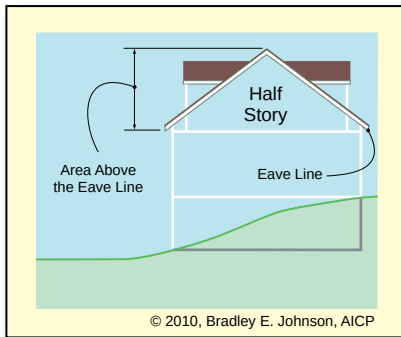
Ground Water: The water contained within the earth's surface recharged from precipitation, streams, ponds and lakes.

Group Home: A facility that houses not more than ten (10) children that are either:

1. In need of service under *IC 31-34-1*; or
2. Children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by *IC 12-17.4-5* and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Half Story: A story within a building located above the eave line of the roof structure having windows in gables or dormers. "Above the eave line" shall include floor elevations of the half story within one (1) foot of physically being above the eave line.



Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Unified Development Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Unified Development Ordinance; any result of land division requiring variance from the development standards of this Unified Development Ordinance in order to render that site buildable.

Haunted House: See "Seasonal Attraction."

Hazardous Materials: A material which is defined in one or more of the following categories:

1. Ignitable: A liquid with a flashpoint of less than 140° F; a solid which may cause fires through friction, spontaneous chemical changes, or absorption of moisture; an oxidizer (e.g. gasoline, white phosphorous, peroxide).
2. Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic (e.g. PCBs in some waste oils).
3. Explosive: A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof (e.g. dynamite, organic peroxides, and ammonium nitrate).
4. Highly Toxic: A gas, liquid, or solid so dangerous to humans as to afford an unusual hazard to life (e.g. parathion and chlorine gas).
5. Moderately Toxic: A gas, liquid, or solid which, through repeated exposure or in a single large dose, can be hazardous to humans (e.g. Atrazine).
6. Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents (e.g. battery acid, phosphoric acid, and lye).
7. Reactive: A substance that reacts violently with water; forms potentially explosive mixtures with water; generates cyanide or sulfide fumes in quantities dangerous to human health; or is capable of detonation (e.g. sodium).

Hazardous Substance: Substances as listed in *Federal Code, Title 40: Protection of Environment; Part 116* in quantities greater than listed in *Federal Code, Title 40: Protection of Environment; Part 117*; based on the authority of *Sections 311(b)(2)(A) and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq)*.

Height: See "Structure Height."

High Impact District: Refers to the HI District.

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the primary income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Based Business (Type 1): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Based Business (Type 1) uses may include a home office, professional services, internet business, or clergy office and are further listed and regulated in the *Home Business Standards* in Article 5.

Home Based Business (Type 2): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and one (1) employee and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Based Business (Type 2) uses may include domestic crafts, art and music teaching, tutoring, or hair cutting/styling and are further listed and regulated in the *Home Business Standards* in Article 5.

Home Based Business (Type 3): A business activity conducted completely within a dwelling unit and/or an accessory structure, carried on by any lawful resident of the property and his/her employees and is clearly incidental and secondary to the use of the dwelling for residential purposes. Home Based Business (Type 3) uses may include assembly of products, automobile repair, landscaping/lawn care business, or light manufacturing and are further listed and regulated in the *Home Business Standards* in Article 5.

Homeowner Association: See "Owners' Association."

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: A building in which temporary overnight lodging is provided and offered to the public for a fee; and in which ingress and egress to and from at least ninety percent (90%) of all rooms is made through an inside lobby, hallway, or other internal space; and which is staffed by at least one (1) person at all hours. A hotel may include incidental and complementary uses such as a restaurant, business services, and swimming pools. An attached conference center or indoor water park may also be included with a hotel. Fees for overnight rooms must be charged by one-day or greater increments.

Household Pet: See "Pets, Household."

Hub Height: The distance measured from grade to the central axis of the rotors on a horizontal axis wind turbine.

IAC: Indiana Administrative Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

Illuminance: The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (i.e. how brightly a surface is illuminated). Illuminance is measured in lux.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Impervious Surface Coverage: The area of a lot occupied by the primary structure, any accessory structures, and impervious surface.

Improved Lot: See "Lot, Improved."

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement Location Permit: A permit issued under the Unified Development Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

INDOT: Indiana Department of Transportation.

Industry, Light: See "Manufacturing, Light."

Industry, Heavy: See "Manufacturing, Heavy."

Industrial District: Refers to the IC, I1 and I2 districts.

Industrial Sales: A business or operation that sells products predominantly used by industrial users. Products may included, but are not limited to: welding supplies, fasteners, motors and bearings.

Infill Lot: A vacant lot in an established and previously developed area where ninety percent (90%) of all lots within 200 feet or all adjacent lots, whichever encompasses more lots, have a primary structure.

Institutional District: Refers to the IS District.

Intense Agricultural District: Refers to the IA District. The IA District shall not be considered an agricultural district.

Interior Lot: See "Lot, Interior."

Interstate/Expressway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system, as depicted in the *City of Richmond Comprehensive Plan*.

Junk: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture, or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State or City vehicle licensing or other laws or ordinances.

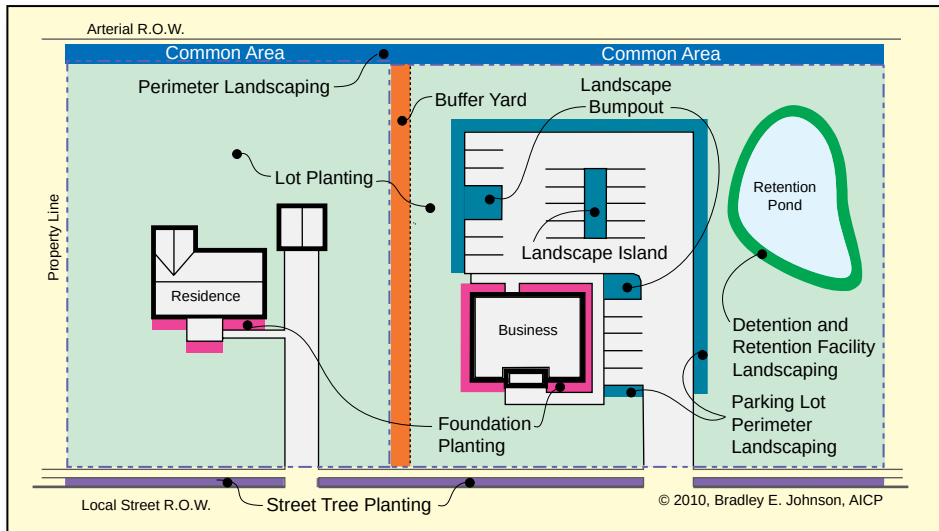
Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements, and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Jurisdiction: See "Planning Jurisdiction."

Juvenile Detention Facility: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Kennel: A place primarily for boarding dogs, cats, or other household pets that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

Landscape Areas: Places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, bufferyard areas, and perimeter planting areas. The below image conceptually demonstrates the general location of each landscape area.



Landscape Buffer: A continuous landscaped area designed, maintained, and used for screening and separation of uses, lots, or structures.

Landscape Material: Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes, and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape Structure: Decorative fences, walls, retaining walls, edging, and the like.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains, and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Structure: Any continuously occupied, lawfully established structure prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the effective date of this Unified Development Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance, or its subsequent amendments that is no longer a permitted use in the zoning district where it is located.

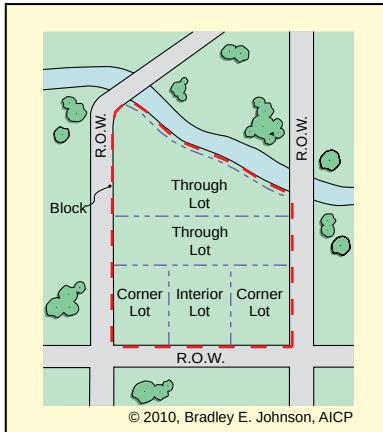
Loading Space: An off-street space for temporary parking of delivery and pickup vehicles.

Local Street: See "Street, Local."

LOMA: FEMA Letter of Map Amendment.

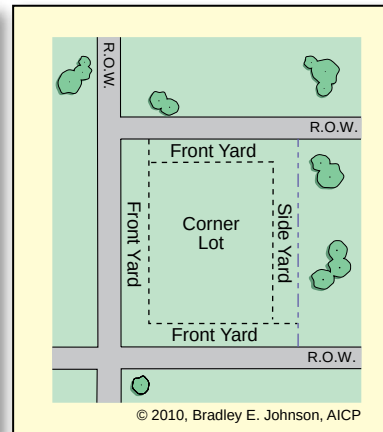
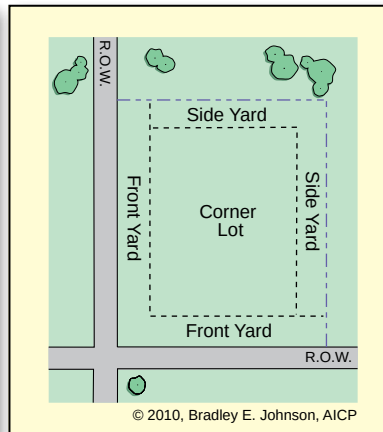
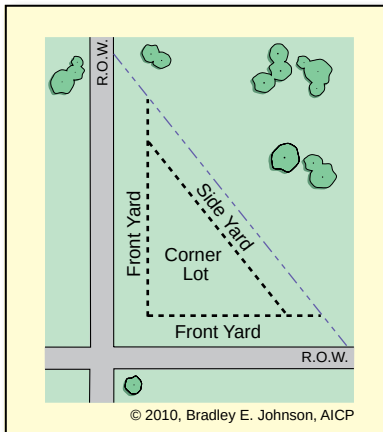
LOMR: FEMA Letter of Map Revision.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots.



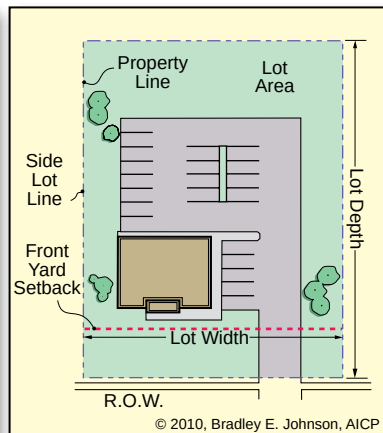
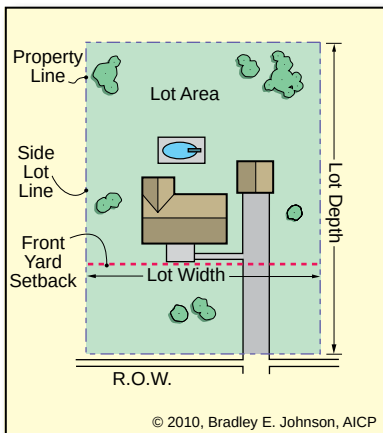
Lot, Buildable: See "Lot, Improved."

Lot, Corner: A lot situated at the intersection of two streets or which fronts a street on two (2) or more sides forming an interior angle of less than one hundred thirty-five degrees (135°).



Lot Coverage: The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.



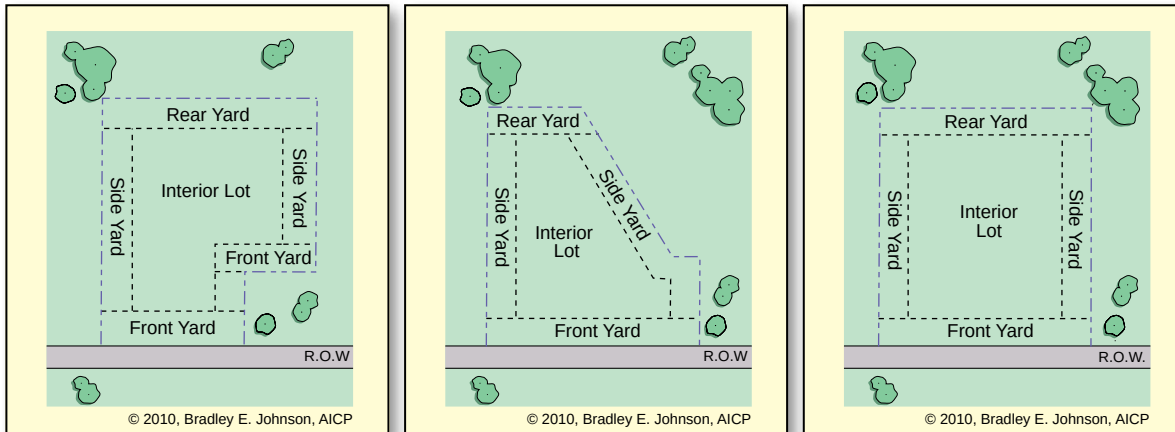
Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

Lot, Developed: A lot with structures situated thereon.

Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half (0.5) the distance required for standard lots.

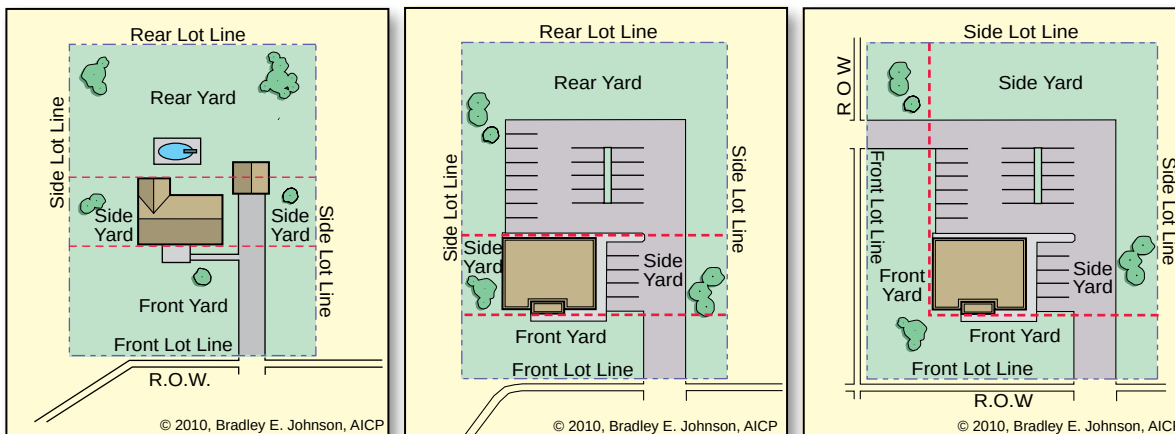
Lot, Improved: A lot upon which a structure may be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Interior: A lot other than a corner lot or a through lot.



Lot Line: A line marking the boundary between the subject lot and an adjacent lot, right-of-way, common area, lake, or waterway. A lot line is also known as a property line.

Lot Line, Front: The line marking the boundary between the lot and the abutting street, right-of-way or a lake or watercourse

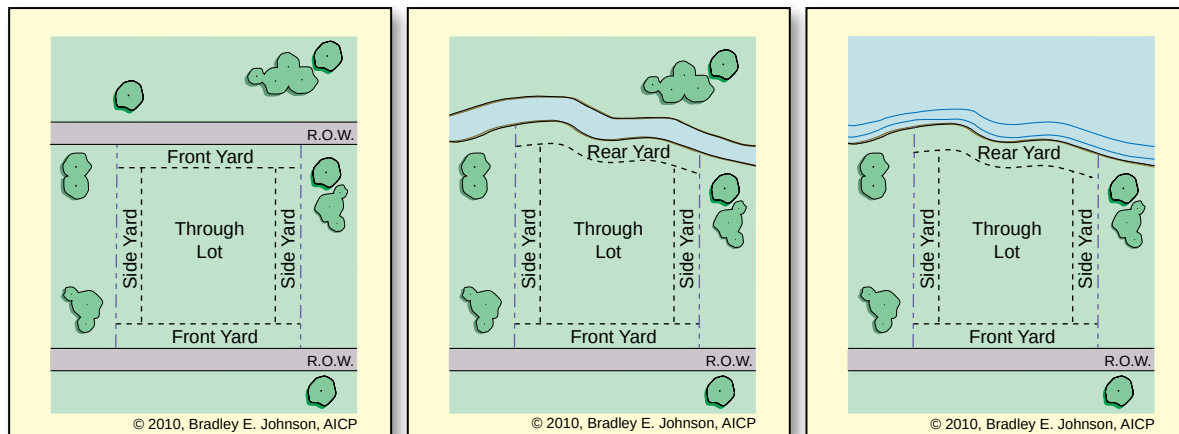


Lot Line, Side: A lot boundary line other than a front or rear lot line. (See Graphic for "Lot Line, Front")

Lot Line, Rear: The lot line that is opposite and farthest from the front lot line. (See Graphic for "Lot Line, Front")

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.



Lot Width: The distance between the side lot lines as measured at the established building setback. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See Graphic for "Lot Area")

Low Impact Development Techniques: A subset of BMPs that use non-structural and structural techniques to minimize the impact of development on the hydrology of a site. Examples include; preservation of natural areas, vegetative filter and buffers and pervious paving materials.

Low Voltage: A direct current (i.e. DC) electrical system. For example, most landscape lighting purchased from home improvement stores are low voltage systems using DC.

Low Wattage Light: A lighting fixture which generally does not cause issues with light trespass or glare. Under no circumstances does a low wattage light not exceed the lumen output of a 100 watt incandescent bulb, 26 watt compact fluorescent bulb or 14 watt LED bulb. Examples of a low wattage light include a carriage light on a residence or dusk-to-dawn post lamp in front of a residence. Under no circumstances shall a mercury vapor, metal halide, mercury-halide, sodium vapor, neon or xenon lamp be considered a low wattage light.

Lowest Floor: Means the lowest elevation described among the following:

1. The lowest floor of a structure.
2. The basement floor.
3. The garage floor, if the garage is connected to the structure.
4. The first floor of a structure elevated on pilings or constructed on a crawl space.
5. The floor level of an enclosure structure below an elevated structure where the walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water; and at least two (2) openings are designed and maintained for the entry and exit of flood water. The openings shall provide a total area of at least one (1) square inch for every one (1) square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause

Lumens: Unit of luminous flux in the International System of Units (SI) equal to one candela per steradian. Used to measure the amount of light emitted by lamps.

Lux: Unit of illuminance in the International System of Units (SI) equal to one lumen per square meter.

Main Floor Area: See "Floor Area, Main."

Manual Changeable Copy: See "Sign, Manual Changeable Copy."

Maneuvering Space: An open space in a parking area which:

1. Is immediately adjacent to a parking space,
2. Is used for turning, backing, or driving forward a motor vehicle into such parking space, but
3. Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home Park District: Refers to the MP District

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the structure or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See "Comprehensive Plan."

Maximum Lot Coverage: The highest amount of impervious surface coverage permitted by the Unified Development Ordinance.

Medical Center: A medical clinic dedicated primarily for students, employees and associates from a college or university.

Medical Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

Medical Office: See "Office, Medical."

Meteorological Tower: A tower that hosts weather instrumentation to evaluate meteorological conditions.

Micro-Brewery: See "Brewery, Micro-".

Micro-Distillery: See "Distillery, Micro-".

Minor Street: See "Street, Local."

Mixed-Use Overlay District: Refers to the MUO District.

Mobile Home: See "Dwelling, Mobile Home."

Mobile Home Park: See "Manufactured Home Park."

Modular Home: See "Dwelling, Manufactured."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Definitions - M

Motel: A building in which temporary overnight lodging is provided and offered to the public for a fee; and in which ingress and egress to and from eleven percent (11%) to 100% of all rooms is made through exterior spaces; and which is staffed by at least one (1) person for at least eighteen (18) hours per day. A motel may include incidental and complementary uses such as a cafe, business services, and swimming pool. Fees for overnight rooms shall be charged by one-day or greater increments.

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

Multiple-family Residential District: Refers to the M1 and M2 district.

Mural: See "Sign, Mural."

Nacelle: A housing, cover, or structure that surrounds a generator and its mechanical and electrical components, typically associated with a wind turbine.

Natural Stone: A building or landscaping material which is derived from the earth in whole, or that is man-made from durable material to significantly resemble earth-formed stone. Natural stone includes earth-formed stone which is quarried, cut, or otherwise formed for its intended use as a building or landscaping material. Natural stone does not include cinder block, split-faced block, brick, mortar, ceramic tile, porcelain, concrete pavers, asphalt blocks, or the like.

Nautical Mile: A nautical mile is equal to 6,076.1155 feet or 1,852 metres.

Neighborhood Transition Overlay District: Refers to the NTO District.

NFIP: The National Flood Insurance Program.

NGVD: The National Geodetic Vertical Datum of 1929.

NIT: A photometric unit of illuminative brightness equal to cd/m² (candelas per square meter).

Noise Sensitive Use: The use of a structure for a purpose that would be adversely impacted by noise associated with nearby aircraft operations including aircraft overflights. Noise Sensitive Uses include but are not limited to residences, schools, places of worship, child care facilities, retirement homes, and nursing homes.

Nonconforming Building: See "Nonconforming Structure."

Nonconforming Structure: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

North Corridor Overlay District: Refers to the NCO District.

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Office: A place in which business, professional and/or clerical activities are conducted. Offices shall include medical offices, government offices, and office functions which serve other off-site land uses.

Office, Construction Trade: Electrical contractor, general contractor, heating and cooling contractor, landscaping contractor, plumbing contractor office, and the like.

Office, Design Service: Architecture firm, engineering firm, graphic design firm, planning firm, and the like.

Office, Financial Services: Accounting office, bank or credit union, investment firm, and the like.

Office, General Service: Employment service, government office, insurance office, law office, membership association, publishing corporate office, reading clinic, real estate office, secretarial service, service organization, temporary service agency, title company, trade office, travel agency, and the like.

Office, Medical Service: Emergency medical clinic, dental clinic, medical clinic, optical clinic, rehabilitation clinic, veterinarian clinic/hospital, and the like, but shall not include addiction treatment facilities. See "Addiction Treatment Facility."

Official Zoning Map: A map of Richmond, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Zoning Administrator.

Official Zoning Map Copies: A map of Richmond, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-Site Improvement: See "Improvement, Off-Site."

Open Space: An area of land not covered by buildings, structures, parking areas, or accessory uses except for recreational structures. Open space may include nature areas, streams, floodway fringe, meadows, or open fields containing baseball fields, football fields, soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, floodways, wetlands, platted lots, private yards, or land for future development.

Ornamental Tree: A deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

OSHA: Occupational Safety and Health Administration.

Outdoor Pet: See "Pets, Outdoor."

Outdoor Storage: See "Storage, Outdoor."

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Owners' Association: A legal means for managing common areas or common property amongst a multiple-lot or multiple-owner development, established in perpetuity. A common type of owner association is a home owners association for a subdivision, which is incorporated as a legal entity and is managed by an elected board of directors. A simpler type of owner association can be a contract between all the owners committing one another to the maintenance cost of shared assets (e.g. a private street or retention pond).

Parcel: See "Lot."

Parent Tract: A lot of record as recorded on the effective date of this Unified Development Ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and are contiguous shall together be considered one parent tract. Streets, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one person, persons in partnership, or a company.

Park, Public: A parcel of land available to the public for passive and active recreation and is maintained and governed by the City of Richmond.

Parking Garage: A parking garage is a primary structure used by the public to park vehicles for short- or long-term purposes.

Parking, Required: The minimum number of off-street parking spaces specified for a particular use or uses by the Unified Development Ordinance.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1.5) ton capacity

Parks and Recreation District: Refers to the PR District.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, dirt, sand, or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner, or his surety to the City of Richmond which guarantees the subdivider, developer, property owners, or his surety will perform all actions required by the City regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Zoning Administrator that provides that if the subdivider, developer, property owner, or his surety defaults and fails to comply with the provisions of his approval, the subdivider, developer, property owner, or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

Permitted Use: See "Use, Permitted."

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Personal Service: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as barber shops and beauty parlors.

Pets, Domestic: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Pets, Exotic: Animals raised and bred healthy and humanely for unique pets or entertainment, or animals rescued from the wild or from zoos. Exotic animals are primarily securely caged animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include: lions, tigers, wolves, coyotes, and elephants.

Pets, Household: Domestic pets maintained healthy and humanely within the confines of a dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household (i.e. not one litter per animal). Household pets do not include outdoor pets, farm animals, pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

Pets, Outdoor: Domestic pets maintained healthy and humanely within the confines of the lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include farm animals, rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

Place of Worship: Structures or outdoor areas used for public worship, which may include ancillary uses such as educational, cultural, or social gatherings.

Plan Commission: A group serving a single local government jurisdiction established under the *IC 36-7-1-2* as amended. The City of Richmond Plan Commission is Advisory Plan Commission.

Planned Development (PD): A large-scale unified development meeting the requirements for zoning approval under the provisions of *Article 4: Planned Development District* of the Unified Development Ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of structures, density, lot coverage, and required open space to the regulations established in any district of the Unified Development Ordinance. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Director: See "Zoning Administrator."

Planning Jurisdiction: Richmond, Indiana and the contiguous unincorporated area over which the City exercises planning and zoning authority.

Planning Staff: The Zoning Administrator and all employees of the Plan Commission of the City under the supervision of the Zoning Administrator and subject to the authority of the Zoning Administrator.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Plat Committee: A subcommittee of the Plan Commission which may be assigned review and approval authority for types of subdivisions or phases of the subdivision approval process per Indiana Code.

Plat, Primary: The primary plat, pursuant to the *IC 36-7-4-700 Series*, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a "preliminary" plat.)

Plat, Secondary: The secondary plat, pursuant to *IC 36-7-4-700 Series*, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat. The secondary plat and plans are not subject to public notices and public hearings.

Pond, Detention: A pond designed to be used as a means to detain or temporarily hold storm water as part of a storm water drainage system. A detention pond is designed to be dry most of the time and to detain storm water for no longer than 24-72 hours after a storm event.

Pond, Recreational: A pond designed to permanently hold water and be used primarily for recreational and/or scenic purposes.

Pond, Retention: A pond designed to be used as a means to retain or permanently hold storm water as part of a storm water drainage system. A retention pond generally retains storm water to some normal water level but may also temporarily detain additional amounts of storm water above the normal water level.

Pool, Swimming: See "Swimming Pool."

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

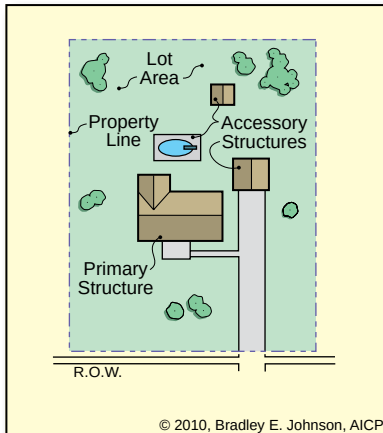
Potable Water: Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of this Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Unified Development Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See "Street, Primary Arterial."

Primary Plat: See "Plat, Primary."

Primary Structure: The structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling. Parking garages are considered a primary structure.



Primary Use: See "Use, Primary."

Principal Use: See "Use, Primary."

Private Street: See "Street, Private."

Prohibited Use: A use that is not permitted under any circumstances.

Public Improvement: Any street, street feature (e.g. signs), sidewalk, path, public utility, drainage facility, public park or any other public facility that is for the general public's use, or part of a public system (e.g. utility, drainage system, or street system) for which a municipal unit may ultimately assume the responsibility for maintenance and operation. Public improvements include off-site improvements to public facilities committed to by an applicant, off-site improvements to public facilities required as a condition of approval, and any required on-site improvements to public right-of-way or other public land.

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area shall be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street: See "Street, Public."

Public Utility: See "Utility, Public."

Public Way: Highways, streets, avenues, boulevards, roads, lanes, or alleys.

Putrescible Waste: Putrescible waste includes household food waste; green waste; animal matter (including dead animals or animal parts); unstable or untreated biosolids; and certain wastes arising from commercial and industrial sources that decompose and breakdown quickly, decay or spoil, or become putrid.

Radio/TV Station: The broadcast building for the production of radio and television programing, not to include and telecommunication towers.

Raising of Farm Animals: Any livestock operation that falls below the thresholds of a Confined Feeding Operation as defined by IDEM.

Rear Lot Line: See "Lot Line, Rear."

Rear Yard: See "Yard, Rear."

Recreation Center/Play Center: An enclosed structure containing recreational facilities, such as a tennis court, swimming pool, or gymnasium. This shall not include outdoor amphitheaters, tennis courts, or swimming pools.

Recreational Pond: See "Pond, Recreational."

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Recycling Collection Point: A facility where residential and small business recycling (e.g. newspaper and office paper, plastic and glass bottles, and food and soda cans) is dropped off by the consumer for collection by a waste management operation.

Recycling Processing: A facility which intakes waste stream material intended for recycling and then separates those materials for transport as raw materials to other industries, or that sheds, crushes, pelletizes, or disassembles materials prior to transporting as raw materials. Recycling Processing does not include a foundry, glass melting furnaces, incinerator, manufacturing, outdoor metal shredding, retail sales, junk yard, landfill, or scrap metal yard.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulated Substance: Any liquid or water soluble solid which has the potential to contaminate the aquifer.

Regulatory Flood: See "Flood, Regulatory."

Regulatory Floodway: See "Floodway, Regulatory."

Replat: The process for a legal change in a recorded subdivision plat. Replatting is required for changes that affects street layout, common area, drainage, number of lots, lot line adjustments, a commitment, a condition, an easement or other major changes.

Rescue Station: A place where public or private ambulance service is based.

Residential District: Refers to the R1, R2, R3, UR, M1, M2, and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Responsible Party: For purposes of issuing a notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises.

Type 1 Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include: art and craft gallery, flower shop, gift shop (small), jewelry store and news dealer.

Type 2 Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small) and meat market.

Type 3 Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include: antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small) and video/DVD rental.

Type 4 Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include: building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore and variety store (large).

Type 5 Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include: automobile sales, boat sales, construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales and tool/equipment sales rental.

Type 6 Retail, Special Handling: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales and hunting store.

Retention Pond: See "Pond, Retention."

Retirement Community: An age-restricted development, which may include detached and attached dwelling units and apartments.

Retreat Center: An establishment where people go for spirituality, treatments, rest, and learning; and where people go for events (e.g. weddings, celebrations, and family reunions). Retreat centers may include overnight accommodations as a co-use.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See "Right-of-Way."

Road: See "Street."

Satellite Dish: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcast signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial practice.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

Seasonal Attraction: A temporary entertainment use often associated with holidays (e.g. haunted house).

Secondary Plat: See "Plat, Secondary."

Setback: The minimum horizontal distance between the building line and a lot line. Or in a case where the property runs to the centerline of the street, the minimum horizontal distance between the building line and the right-of-way as proposed in the *City of Richmond Comprehensive Plan*.

Setback, Average: An average of the front yard, side yard, or rear yard setbacks of structures on the three (3) nearest lots on both sides of the subject property (i.e. six structures in total). If the subject property is a corner lot, the average of the front yard, side yard, or rear yard setback of structures on adjacent lots to the subject property, along with the structures on lots directly across the street from the subject property shall be used.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic, or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sexually Oriented Retail Business: An establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Retail Business, Accessory: An establishment with at least ten percent (10%) but less than forty percent (40%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, or presentation of motion pictures or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work except when performed by a massage therapist licensed by the State of Indiana, certified by the National Certification Board for Therapeutic Massage and Bodywork or the American Massage Therapy Association, or under the direct supervision of a licensed physician; or, advertises or holds itself in any forum as "XXX", "adult", or "sex".

SFHA: Special Flood Hazard Area.

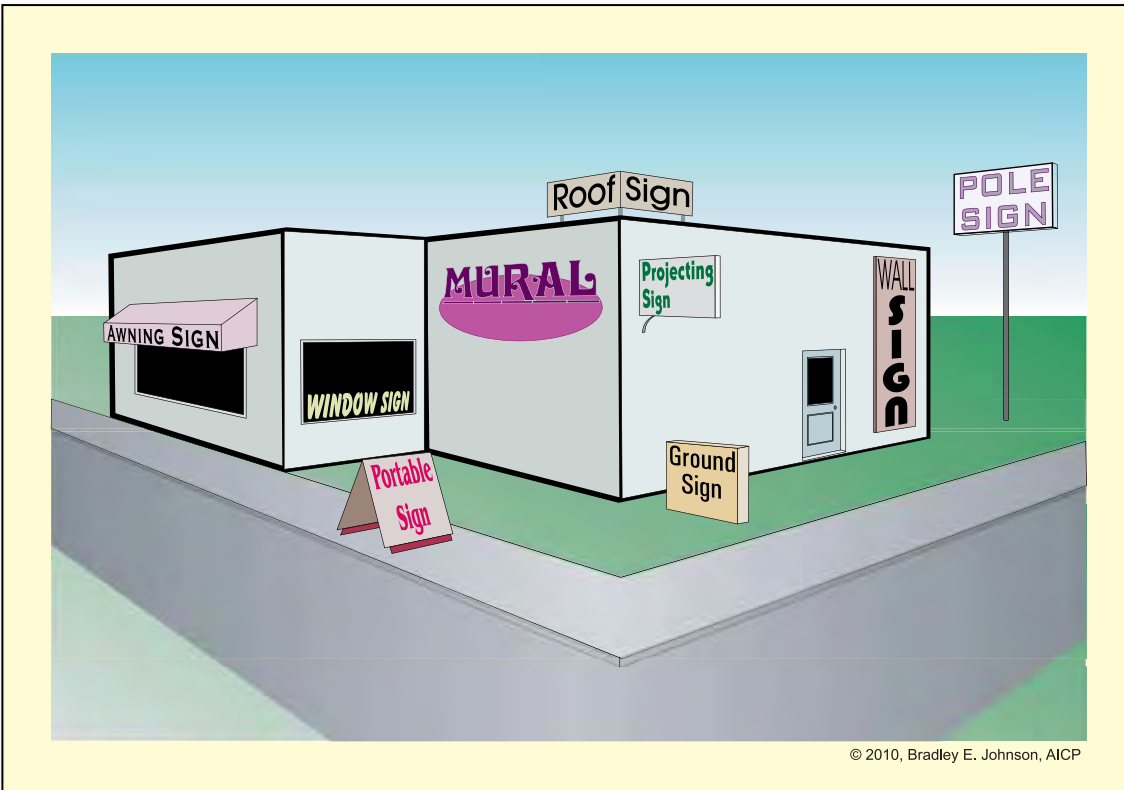
Short-term Rental (owner occupied and non-owner occupied): A single-family home, or dwelling unit within a single or two-family home, multi-family dwelling, condominium, cooperative, time share, or detached accessory structure, that offers lodging to one or more guests for terms of less than thirty (30) days at a time.

Shrub: A plant distinguished from a tree by having several or many woody stems projecting from the ground or a single stem with very low branches which keeps the head of the plant close to the ground (e.g. yew). Other characteristics include heights typically pruned to stay under six (6) feet, but never exceeding twelve (12) feet maturity (e.g. lilac, burning bush, hydrangea and spirea varieties). Shrubs also include perennial plants with a woody base, multiple-stems projecting from the ground, and which grow to a maximum height of ten (10) feet (e.g. butterfly bush). Shrubs may be deciduous or evergreens.

Side Lot Line: See "Lot Line, Side."

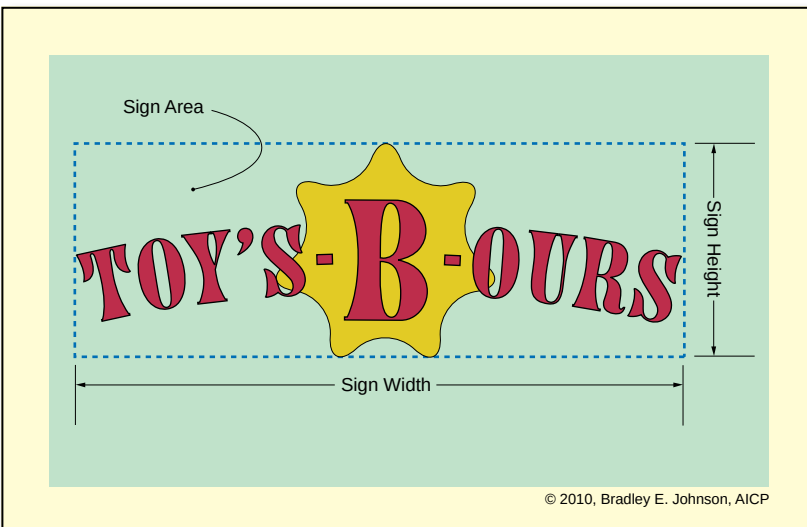
Side Yard: See "Yard, Side."

Sign: Any device that conveys a commercial message which is affixed to a structure, painted on a structure, mounted on or resting on the ground, or projected onto a surface. A sign also includes devices that serve the purpose of attracting attention to an object, product, place, activity, institution, organization, or business. Devices described in the Unified Development Ordinance as not being a sign are exempt. The graphic below depicts the primary types of signs. Regulations for each type of sign varies by zoning district.



Sign, Animated: A type of sign or device which (A) depicts motion pictures or animation with five (5) or more frame changes per second, (B) is projected onto a surface and that moves across that surface, (C) is created by rapid movement of one or more lasers, or (D) emits audible sound, odor, or visible matter.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



Sign, Awning: A sign attached to or written on an awning of a building. Illuminated awnings signs are lit from under or behind the awning structure, or by lights mounted to the facade above the awning. Non-illuminated awning signs do not have designated lighting for the purpose of making the sign readable at night.

Sign, Changeable Copy: A device that allows a message, graphic, or light intensity to be changed periodically using either:

1. Physical letters, numbers, or shapes temporarily attached to a sign face; or
2. Electronic signals transmitted to an LED, LCD, or similar electronic display.

May also be referred to as a “changeable copy.”

Sign, Commercial: A sign containing a commercial message (e.g. a business name, logo, slogan, graphic or branded color scheme).

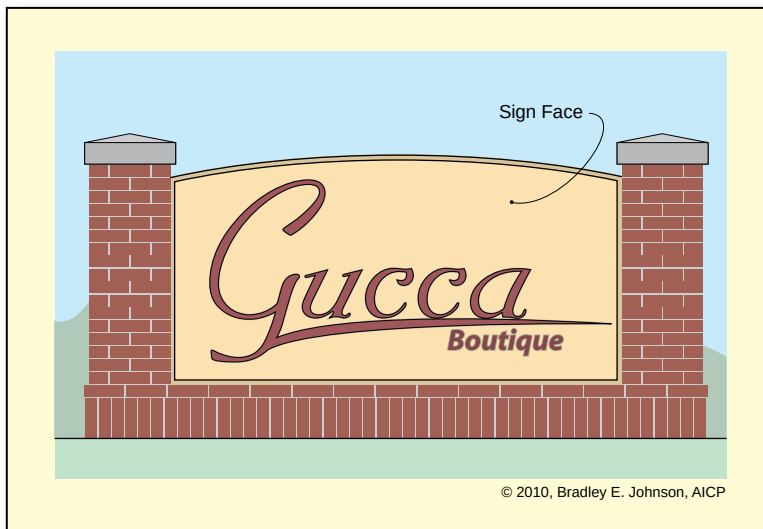
Sign, Cyclical Message: A changeable copy sign with a change rate of once every seven (7) seconds or greater, but not greater than once every eight (8) hours (e.g. a cyclical message at a school that announces upcoming events, time and temperature). May also be referred to as a “cyclical message.”

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes “enter,” “exit,” and “arrow” signs.

Sign Envelope: The pre-assigned and approved area on the facade of a multiple-tenant building for permanent wall signs to be mounted.

Sign, Electronic Changeable Copy: A cyclical message sign or changeable copy sign that allows a message to be changed every seven (7) seconds or greater time using electronic signals transmitted to an LED, LCD, or similar electronic display.

Sign Face: The surface intended for the display of information on the sign.



Sign, Flashing Message: A changeable copy sign with a change rate of less than seven (7) seconds, including the change rate of any single pixel or light element on the sign (e.g. text that pans in and out, text that turns on and off rapidly, text that moves, and video and motion graphics produced on an LED or LCD display). May also be referred to as a “flashing message.”

Sign, Gas-inflatable: Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot-air and gas-filled balloons tethered or otherwise anchored to the ground.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign. (See Graphic for "Sign")

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Inflatable: A device that is inflated in order to draw attention to the business and/or advertise its products.

Sign, Manual Changeable Copy: A changeable copy sign that allows a message to be changed periodically using physical letters and numbers, typically made of plastic, that affix to the sign (e.g. snap to the sign face or inserted into a channel).

Sign, Monument: See "Ground Sign."

Sign, Mural: A sign painted onto the side of a building, a wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. (See Graphic for "Sign")

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, Pole: A sign that is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six (6) feet from the finished grade to the bottom of the sign face. (See Graphic for "Sign")

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business. (See Graphic for "Sign")

Sign, Projecting: Any sign other than a wall sign affixed to any structure or wall whose leading edge extends beyond such structure or wall. (See Graphic for "Sign")

Sign, Roof: A sign which is erected, constructed, and maintained above any portion of the roof. (See Graphic for "Sign")

Sign, Static Message: A device that maintains the same message, graphic, or light intensity for at least eight (8) hours. May also be referred to as a "static message."

Sign Surface: See "Sign Face."

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine (9) inches from the surface. (See Graphic for "Sign")

Single-family Residential District: Refers to the R1, R2, R3 and UR District.

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan shall serve as the development plan regulated by *IC 36-7-4-1400*.

Solar Panels: The accessory use of photovoltaic panels designed to receive the direct rays of the sun and convert them into heat, electricity, or another form of energy to provide heating, cooling, or electrical power.

Solar Park: A photovoltaic power station that utilizes an area of land for the collection of solar energy in order to convert it into electrical energy, primarily for off-site commercial consumption (also known as solar farms, solar power plants, and commercial solar energy system).

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Specimen Tree: Trees with a caliper of twenty-four (24) inches or greater.

Sports Complex: An indoor or outdoor facility that is designed for sport activities, training, competition, games, and spectating that is open to the public or open to members. This facilities may include support facilities like: concession stands, bleachers, restrooms, and batting cages when in conjunction with sport fields like: football field, baseball diamond, soccer field, volleyball court, swimming pool, velodrome, tennis court, or combinations thereof.

Sports Field: An outdoor football field, baseball diamond, soccer field, volleyball court, tennis court, or the like.

State: The State of Indiana

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Stored Vehicles: A parked motor vehicle that is either:

1. Not licensed with the Bureau of Motor Vehicles,
2. Inoperable,
3. Missing a major body, drivetrain, mechanical, or interior component,
4. Missing critical safety components making the vehicle illegal to drive, or
5. An unmoved motor vehicle.

Story: That portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction.

Street: Any vehicular right-of-way that is:

1. An existing state, county, or municipal roadway,
2. Shown upon a plat approved pursuant to law,
3. Approved by other official action, or
4. Shown on a plat duly filed and recorded in the Office of the County Recorder prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Local: A street that typically carries a low volume of traffic and low speeds from adjacent land uses to the arterial streets, sometimes via a collector street as depicted by the *City of Richmond Comprehensive Plan*.

Street, Major Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the *City of Richmond Comprehensive Plan*.

Street, Minor Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from local streets, as depicted by the *City of Richmond Comprehensive Plan*.

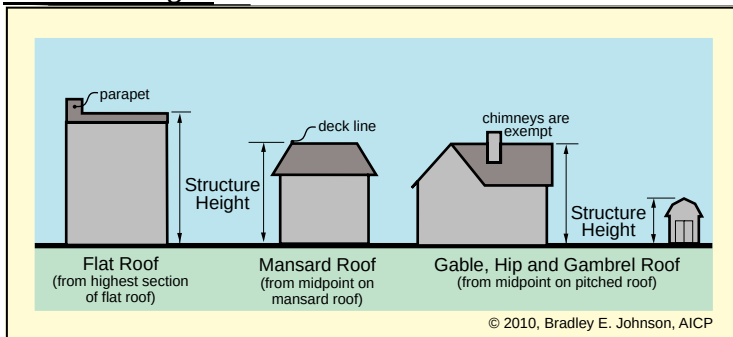
Street, Private: Vehicular streets and driveways, paved or unpaved, that are maintained by the owner(s) and that are wholly within private property except where they intersect with other streets within public rights-of-way.

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structural Alteration: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.

Structure Height: The vertical distance measured from the finished grade to the highest point of the roof.



Studio Arts: Karate studio, dance studio, art studio, and the like.

Subdivision: Either:

1. The division of a lot into two (2) or more smaller lots so that all resulting lots have development rights; or
2. The combination of two (2) or more lots into a larger lot so that the resulting lot allows development across what was a property line.

Surface Impoundment: A topographic depression, excavation, or diked area, primarily formed from earthen materials (lined or unlined) and designed to hold accumulated liquid wastes, wastes containing free liquids, or sludges that were not backfilled or otherwise covered during periods of deposition; depression may be dry if deposited liquid has evaporated, volatilized or leached, or wet with exposed liquid; structures that may be more specifically described as lagoon, pond, aeration pit, settling pond, tailings pond, sludge pit, etc.; also a surface impoundment that has been covered with soil after final deposition of waste materials (i.e. buried or backfilled).

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure.

Technical Review: The review of a proposed project for compliance with the Unified Development Ordinance, other regulations in the *City of Richmond's Code of Ordinances*, engineering standards, best practices for urban design, best practices for site design, best practices for reducing incompatibility, and the like, when authorized by the Richmond Unified Development Ordinance or otherwise authorized.

Technical Review Committee: The zoning administrator and other City staff assigned by the Plan Commission as a standing committee, plus any consultants or advisors assigned on a case-by-case basis to review an application, case or petition.

Telecommunications Facility: A land based facility, consisting of towers, antennae, accessory structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Temporary Use/Structure: See "Use, Temporary."

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the *City of Richmond Comprehensive Plan*.

Through Lot: See "Lot, Through."

Tower: See "Telecommunications Tower."

Tower Accessory Structure: Any structure located at the tower's base for housing receiving or transmitting equipment.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Transitional Corridor Overlay District: Refers to the TCO District.

Two-page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes zoning district intents, permitted uses, special exception uses, and basic zoning district information.

Underlying District: A base district zone is the existing zoning district of the subject lot:

1. Prior to the approval of a planned development, or
2. Prior to the effects of an overlay district.

University: An establishment for higher education, primarily for students to earn a degree. Ancillary uses include, but are not limited to academic research, academic publishing, student housing, continuing education, and performing arts for the community. Primary structures include a residence hall, staff housing, dining hall, office building, classroom building, stadium, gymnasium, library, broadcasting facility, student center, sport court, arena, nature center, medical center, parking lots, and parking decks when used in conjunction with providing higher education.

University District: Refers to the UV District.

Unmoved Motor Vehicle: Any motor vehicle that has been parked in the same place for a minimum of eighty (80) days over any 90 day period of time. Parking in the same place shall be inclusive of a motor vehicle that has been moved, reoriented, or re-parked on the same lot or lots used in combination, and in the same general area.

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

Use, Primary: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Use Variance: See "Variance, Use."

Utility: Every plant or equipment within the State used for:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this Article.

Utility Facility, Above Ground: Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like but shall not include solar parks. See "Solar Park."

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to deviate from the development standards (such as height, bulk, area) that the Unified Development Ordinance otherwise prescribes.

Variance, Use: The approval of a use other than that prescribed by the Unified Development Ordinance.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See "Motor Vehicle."

Warehouse Storage Facility: A structure or group of structures containing individual storage units of 200 square feet or less with access to each unit only for the storage and warehousing of personal property. Warehouse storage facilities do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Wellfield: A tract of land, either continuous or disjointed, which contains a number of existing or proposed wells for supplying water as specified in the wellfield protection maps.

Wellhead: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Wellhead Protection Local Planning Team (LPT): Individuals with interest in the protection of local groundwater resources who have participated in the development of the Wellhead Protection Plan. A list of current members of the LPT will be maintained on file with the Department of Metropolitan Development.

Wind Turbine: A generator, wind-catching device (e.g. rotors), nacelle, and any other mechanical or electronic equipment located inside the nacelle.

Wind Turbine, Horizontal Axis: A wind turbine with the rotation centered around a hub which is relatively parallel to the ground.

Wind Turbine, Vertical Axis: A wind turbine with the rotation centered around a hub which is relatively perpendicular to the ground.

Wind Turbine System Height: The overall height above grade of the wind to energy tower plus the rotor.

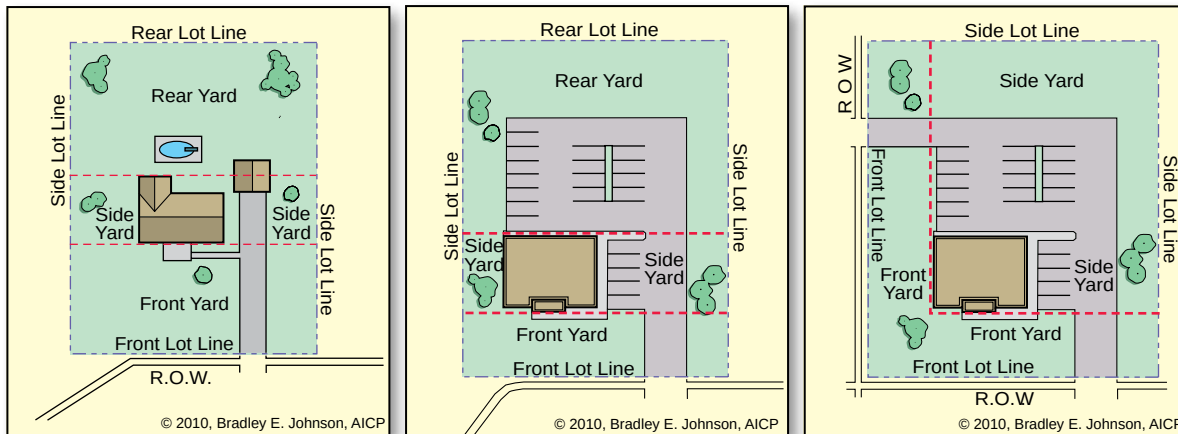
Wind Turbine System, Large: A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the large wind turbine system. A large wind turbine system shall have rated power of at least fifty kilowatts (50kW) and may have maximum limits as applied by this Unified Development Ordinance.

Wind Turbine System, Small: A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the small wind turbine system. A small wind turbine system shall have rated power less than fifty kilowatts (50kW).

Wind Turbine Tower: A pole-like device used to mount a horizontal axis wind turbine.

Wind Turbine Tower Height: The distance measured from grade to the bottom of the nacelle.

Yard: A space on the same lot with a primary structure that is open and unobstructed except as otherwise authorized by this Unified Development Ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising, or display to attract attention and parking lots.



Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. (See Graphic for "Yard").

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards. (See Graphic for "Yard").

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See Graphic for "Yard").

Definitions - Z

Zoning Administrator: The officer appointed by and/or delegated the responsibility for the administration of this Unified Development Ordinance's regulations by the Plan Commission. The term "Zoning Administrator" includes his/her authorized representatives.

Zoning District: Areas within the City of Richmond for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Unified Development Ordinance. Zoning districts are drawn on the Official Zoning Map.

Zoning Map: See "Official Zoning Map."

Appendix

A

Land Use Matrix

*City of Richmond
Unified Development
Ordinance*

Accessory Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Accessory Uses																							
agricultural tourism		P																					
airport, private		S																					
dwelling unit		P		P	S	S	S																
farmer's market	P	P																					
heliport, private		S																	S		S	S	S
home business (type 1)		P		P	P	P	P	P	P	P													
home business (type 2)		P		S	S	S	S																
home business (type 3)		S																					
large wind turbine system	S	S							S		S	S		S	S	S		S	S	S	S	S	S
roadside sales		P																					
small wind turbine system	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
solar panels	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Agricultural Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Agricultural Uses																							
agricultural crop production		P	P																				
confined feeding operation (small)		S	P																				
confined feeding operation (large)			S																				
farm implement sales		S																					
grain elevator			P																		P		
hobby farming		P	P	P																			
land conservation		P	P																				
orchard		P	P																				
processing of agricultural products		S	P																		S	P	
raising of exotic animals		S	P																				
raising of farm animals		P	P																				
roadside sales		P	P																				
sales of agricultural products		S	P																		P		
stable (private)		P	P																				
storage of agricultural products		P	P																		P	P	
tree farm		P	P																				
truck farming		P	P																				
vineyard		P	P																				
wholesale tree nursery		P	P																				

Commercial Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Commercial Uses																							
addiction treatment facility															P	P							
amusement park																							P
automobile dealership																P							
automobile oriented business															P	P		P		P			
bank machine/atm											P		P	P	P	P	P	P					
banquet hall															P	P							
bar/tavern											S				P	P	P	P					
barber/beauty shop											P		P	P	P	P	P						
billiard/arcade room											P				P	P	P						
bowling alley											P				P	P							
broadcast studio											P				P	P	P						
campground	P	S																					
club or lodge													P	P	P	P	P						
coffee shop											P		P	P	P	P	P						
coin laundry											P				P	P							
commercial training facility or school												P			P	P							
country club	P														S								
dance/night club											P				P	P	P						
day care													P	P	P	P	P		P				
delicatessen											P		P	P	P	P	P						
driving range	P																						
equipment rental																P				P			
equipment sales																P				P			
event barn		S																					
farmer's market	P	S										P					P						
fitness center/health club											P			P	P	P	P						
food truck	P	P		P	P	P	P				P	P	P		P	P	P	P					
funeral home or mortuary															P	P	P						
gas station														P	P	P		P					
golf course	P																						
health spa/day spa														P	P	P	P						
hotel/motel											P				P	P	P	P					
ice cream shop													P	P	P	P	P						
kennel (commercial)		S	S												S								
kennel (home enterprise)		S																					
machinery rental																P				P			
machinery sales																P				P			
miniature golf	P														P	P		P					

Commercial Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Commercial Uses																							
movie theater															P	P	P						
non-owner occupied short-term rental				S	S	S	S						S	S			P						
office, construction trade															P	P					P		
office, design services															P	P	P		P		P		
office, general services											P			P	P	P	P		P				
office, medical services											P			P	P	P	P	P	P				
paintball facility	S														P	P					S	P	
photography studio														P	P	P	P						
plant nursery		P																					
race track																							P
recreation center/play center	P													P	P	P							
recreation vehicle rental																P				P			
recreation vehicle sales																P				P			
restaurant											P				P	P	P	P					
restaurant with drive-up window											S				P	P		P					
retail (type 1), very low intensity											P		P	P	P	P	P						
retail (type 2), low intensity											P			P	P	P	P						
retail (type 3), medium intensity															P	P	P	P		P			
retail (type 4), high intensity															P	P		P		P			
retail (type 5), very high intensity																S		P					
retail (type 6), outdoor sales																P							
retail (type 7), special handling																S							
sexually oriented retail business														P									
shooting range (indoor)															S								
shooting range (outdoor)																							P
skating rink															P	P							
sports complex (indoor)	S										P				P	P					S		
sports complex (outdoor)	P										P				S								
stable		P																					
studio arts													P	P	P	P	P						
swimming pool	P											P			P	P							
tailor/pressing shop													P	P	P	P	P						
tanning salon														P	P	P							
tattoo/piercing parlor															P	P							
watercraft rental	S															P				P			
watercraft sales																P				P			
waterpark	S														S								
winery		S													P	P	P						

Industrial Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Industrial Uses																							
assembly																				P	P	P	
construction material landfill																							P
distribution facility																				P	P	P	
electrical generation plant																							P
flex-space																				P	P	P	
food production/processing																					P	P	
gravel/sand mining																							P
hazardous waste landfill																							S
heavy equipment repair																						P	
heavy manufacturing																						P	
incinerator																						S	
junk yard																							P
light manufacturing																				P	P	P	
liquid fertilizer storage/distribution																						P	
outdoor storage																					S	P	
recycling processing																						P	
rendering plant																							S
research center, chemical																					P		
research center, medical																			P		P		
research center, technological																			P	P	P		
sanitary landfill/refuse dump																							S
scrap metal yard																							P
sewage treatment plant												P										P	P
sign painting/fabrication																				P	P	P	
storage tanks (hazardous)																							S
storage tanks (nonhazardous)																					S	P	
telecommunication facility	S	S										S					S	S	S	S	P	P	P
testing lab																					P	P	
tool and die shop																				P	P	P	
transfer station																						P	P
transfer station (recycling/waste)																					S	P	P
utility facility, above ground																					P	P	P
warehouse																				P	P	P	
warehouse storage facility																					P	P	
water treatment plant												P										P	
welding																					P	P	

Institutional Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Institutional Uses																							
airport, public												P											
bus station											P	P					P		S				
camp												P											
cemetery/mausoleum		S										P											
child care institution												P											
church, temple, or mosque											P	P	P				P						
community center											P	P			P	P	P		P				
composting facility, public			P									S											
crematory												S											
heliport, public												P							P				
hospital												P					P		P				
jail												S					P						
juvenile detention facility																	P						P
library											P	P					P		P				
medical center											P												
museum											P	P					P						
nature center	P											P											
park	P										P												
parking lot, public											P						P						
police, fire, or rescue station		S		S	S	S					P	P	P	P	P	P	P	P	S			S	
pool, public	P										P	P											
post office											P	P					P		P				
prison																							S
recycling collection point												S		S	S	S					P		
retreat center												P											
school (P-12)												P					P						
skate park	P																						
stadium	S										P	S											P
trade or business school												P			P	P	P		P				
university or college											P												

Residential Uses

	PR	AG	IA	R1	R2	R3	UR	M1	M2	MP	UV	IS	NC	LC	GC	OC	CB	HC	EP	IC	I1	I2	HI
Residential Uses																							
assisted living facility									P			P											
bed and breakfast		S		S			S																
dwelling, mobile home										P													
dwelling, multiple-family (2 or 3 units)							P	P	P		P												
dwelling, multiple-family (4 to 6 units)								P	P		P												
dwelling, multiple-family (7 to 15 units)								S	P		P				S								
dwelling, multiple-family (16-24 units)									P						S								
dwelling, multiple-family (24+ units)									S														
dwelling, single-family attached							P	P	P														
dwelling, single-family detached		P	P	P	P	P	P	P	S	S													
dwelling unit (first floor)																	S						
dwelling unit (upper floors)							P						S	S			P						
fair housing facility (large)												P											
fair housing facility (small)		P	P	P	P	P	P	P	P			P											
manufactured home park										P													
nursing home									P			P											
residence hall											P												
retirement community									P	P													