



CITY OF FISHERS AGENDA

BOARD/COMMISSION: Plan Commission

DATE: 4/2/2025 at 6:00 PM

**DIRECTIONS: Fishers Municipal Center Theater,
1 Municipal Drive, Fishers, IN 46038**

In accordance with the Americans with Disabilities Act (ADA), the City of Fishers will, upon request, provide appropriate aid (i.e. interpreters) and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should [email Kelly Lewark](mailto:kelly.lewark@fishers.in.gov), Office Manager, no later than 48 hours before the scheduled event or call at (317) 595-3487.

Members of the public can [submit comments to the board](#) before 12pm on the day of the meeting. Members of the public may [stream the live meeting online](#).

1. **Call to Order**
2. **Pledge of Allegiance to The Flag of The United States**
3. **Roll Call**
4. **Approval of Previous Minutes**
 - a. PC Minutes 3-5-25 - DRAFT
5. **Public Hearings**
 - a. **Gerardot Neighborhood**

Address: 11052 Cumberland Rd
Parcel: 13-15-05-00-00-034.001, 13-15-05-00-00-034.000, 13-15-05-00-00-035.001
Case: RZ-25-1
Request: Consideration of a rezone of 9.15 acres from R2 to PUDR, known as the Gerardot PUD.
Petitioner: Rex Ramage (rex.ramage@pultegroup.com)

Planner: Christy Cashin (cashinc@fishers.in.us)

b. **Unified Development Ordinance (UDO) Update: Part 1**

Case: TA-25-2

Request: Consideration of a text amendment to the Unified Development Ordinance Chapter 1 -Introductory Provisions, Chapter 3 - Zoning Districts, Chapter 5 - Use Regulations, and Chapter 12 - Definitions.

Petitioner: City of Fishers

Planner: Ross Hilleary (hillearyr@fishers.in.us)

c. **Unified Development Ordinance (UDO) Update: Part 2**

Case: TA-25-3

Request: Consideration of a text amendment to the Unified Development Ordinance Chapter 4 -Overlay Zoning Districts, Chapter 6 - Development Standards, and Chapter 8 - Subdivision & Planned Unit Development Standards.

Petitioner: City of Fishers

Planner: Ross Hilleary (hillearyr@fishers.in.us)

d. **Fishers Crossing Lot 3 Allocation Area Expansion**

6. Staff Communication

7. Summary of Council Action

8. Adjournment

**CITY OF FISHERS
ADVISORY PLAN COMMISSION MINUTES
Fishers Municipal Center Theater
March 5, 2025**

The meeting of the Advisory Plan Commission convened at 6:00 p.m.

Mr. Stevenson confirmed quorum and called the meeting to order.

A roll call was taken and those members present were: Selina Stoller, Howard Stevenson, Kim Logan, Angie Frazier, Rick Fain, Brad DeReamer, Bruce Molter, Steve Richards, Katie Jackson (Katie present via Teams call.) Pete Peterson was not present.

Others present: Rodney Retzner, Ross Hilleary, Rob McMurray, Larry Lannan, Kay Prange, Sue Follmar, Jake Sims and Jennifer G., Leigh Anne Ferrell.

Election of Officers, Appointments and Designations:

Mr. Stevenson asked for a Nomination for President of Fishers Plan Commission. Kim Logan nominated Howard Stevenson, seconded by Rick Fain. The nomination was approved.

Mr. Stevenson nominated Pete Peterson for Vice-President of Fishers Plan Commission. Bruce Molter seconded. The nomination was approved.

Steve Richards was nominated and seconded as President of the FCBZA.

Commission Secretaries and Recording Secretaries were approved. Designations of Legal Counsel and Legal Publications were approved.

Mr. Stevenson asked for a Motion for the Minutes of the 2-5-25 Meeting. Ms. Logan made a Motion to approve, seconded by Mr. Fain. The Minutes were approved, 8-0.

Public Hearings:

Hidden Oaks Subdivision

Address: 16601 Southeastern Parkway

Parcel: 13-12-32-00-00-022.003

Case: RZ-25-2

Request: Consideration of a rezone of 5.66 acres from R-2 to ER for a single family residence with a common address of 16601 Southeastern Parkway.

Petitioner: Leigh Anne Ferrell (lferrell@stoepfelwerth.com)

Planner: Gabrielle Herin (hering@fishers.in.us)

Ross Hilleary presented the Staff Report. The current zoning of the property is R2 Residential and there is an existing single-family home on the site. The petitioner is requesting a rezone to ER – Estate Residential so as to match the zoning of the additional 0.8 acres added to the parcel during the platting process for Hidden Oaks Subdivision. The subdivision will consist of the subject lot and the 4 lots directly north of 16601 Southeastern Parkway.

The Petitioner, Leigh Anne Ferrell, was present and had no comments to add to the Staff Report. Staff advises sending a favorable recommendation.

Mr. Stevenson opened the Public Hearing.

Seeing no one from the Public to speak, Mr. Stevenson closed the Public Hearing.

Mr. Stevenson asked for a Motion. Ms. Logan made a Motion to approved, seconded by Ms. Frazier. The Motion was approved, 8-0. Ms. Jackson's vote was not recorded.

2040 Annual Update

Case: TA-25-1

Request: Consideration of the annual update to the Fishers 2040 Comprehensive Plan. The Fishers 2040 Plan creates long-range planning goals for land use, housing and neighborhoods, transportation, and parks. Staff will provide updates on the status of the objectives and actions outlined in Chapter 6 Summary & Implementation and Thoroughfare Plan.

Petitioner: City of Fishers

Planner: Ross Hilleary (hillearyr@fishers.in.us)

Ross Hilleary presented the 2040 Annual Update. The Fishers 2040 Plan creates long-range planning goals for land use, housing and neighborhoods, transportation, and parks. Staff will provide updates on the status of the objectives and actions outlined in Chapter 6 Summary & Implementation and Thoroughfare Plan.

The Implementation chapter is being added. The next update will take place in 2026 and the process will start in July 2025.

Mr. Stevenson opened the Public Hearing.

Seeing no one from the Public to speak, Mr. Stevenson closed the Public Hearing.

Mr. Stevenson asked for a Motion. Mr. DeReamer made a Motion to approve sending a favorable recommendation to City Council, seconded by Ms. Frazier.

The Motion was approved, 8-0. Ms. Jackson's vote was not recorded.

The Meeting was adjourned at 6:20 pm.

Respectfully Submitted by:

Kay Prange, Recording Secretary

Advisory Plan Commission Staff Report

Meeting Date: April 2, 2025

TDEPARTMENT CONTACT:
Christy Cashin (cashinc@fishers.in.us)

CASE NUMBER:
RZ-25-1

PETITIONER:
Rex Ramage (rex.ramage@pultegroup.com)

PROPERTY ADDRESS/LOCATION:
11052 Cumberland Rd, Fishers, IN
13-15-05-00-00-035.001 (1.43 ac)
13-15-05-00-00-034.001 (3.97 ac)
13-15-05-00-00-034.000 (3.75 ac)

REQUEST: Consideration of a rezone of 9.15 acres from R2 to PUDR, known as the Gerardot PUD.

APPLICABLE REGULATIONS: Gerardot PUD & City of Fishers Unified Development Ordinance	EXISTING ZONING: R2-Residential	FISHERS 2040: Suburban Residential
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Lot Size: 9.15 Acres

LOCATION MAP



STAFF RECOMMENDATION

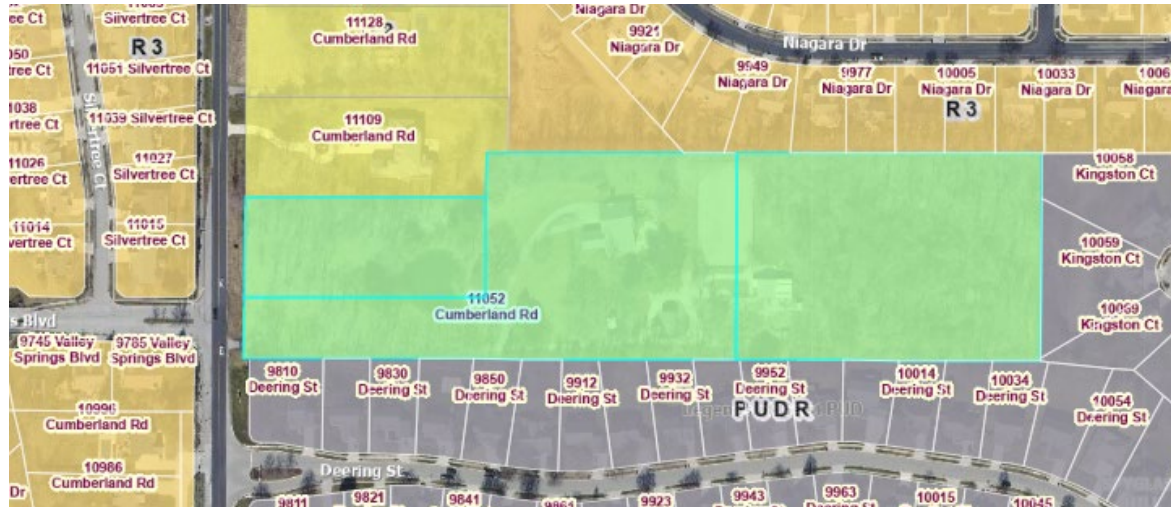
- Favorable Recommendation
 Unfavorable Recommendation
 No Recommendation

ZONING OVERVIEW

The property is currently zoned R2 – Residential.

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April 2, 2025

North: R2 & R3 Residential (single family)
East: PUDR - Legends at Geist PUD (single family)
South: PUDR - Legends at Geist PUD (single family)
West: R3 Residential (single family)



Zoning map

PETITION OVERVIEW

The current zoning of this property is R2 and has been used single family home with an equestrian barn. Rex Ramage, of Pulte Homes is requesting a rezone to PUDR for a residential development that will be known as Gerardot Neighborhood. The development would include approximately 21 single family with two common areas and a common area bordering each lot from adjacent homes. The concept plan can be seen below.



Concept Plan

FISHERS 2040 PLAN

The Fishers 2040 plan lists the future land use as Suburban Residential. The purpose of this category is for single-family detached residential at low densities ranging from two to four dwelling units per acre. For larger development, a variety of densities within the permitted range is encouraged to allow for

RZ-25-1

April 2, 2025

more diversity in housing types.

Development features should protect and enhance the natural environment, internal and external pedestrian and vehicular connectivity is required, and a mix of housing types and architecture is desired.



Future Land Use Map

ADDITIONAL ITEMS FOR CONSIDERATION

Architecture

This item will go before PUD Committee approval on April 2, 2025. This project includes five single-home models, with forty-five elevations in total.

Traffic

The entrance to this development will align with an opening in the landscaped median that is planned for the future Cumberland Rd. project. The City of Fishers Fire Department has approved one access point for this project.

NEIGHBORHOOD MEETINGS AND PUBLIC COMMENTS:

A neighborhood meeting was held on March 13, 2025, to discuss this project with neighbors. 21 residents, 1 Councilor, and 1 Planning Staff member attended the meeting. Pulte discussed the following topics: will be summarizing the neighborhood meeting.

- Buffers/landscaping
- Drainage
- Density/Lot Count
- Setbacks from proposed homes to adjacent homes
- Development Timeline
- Proposed home details

No public comments have been received at the time of writing this staff report.

STAFF RECOMMENDATION:

When making their decision, Plan Commission shall be reasonable regard to:

1. The Comprehensive Plan;
2. Current conditions and the character of structures and uses in each zoning district;
3. The most desirable use for which the land in each zoning district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

Staff has favorable recommendation for Plan Commission.

This item is anticipated to go to the City Council on April 21, 2025, for Final Reading.

STAFF RECOMMENDATION

Favorable Recommendation Unfavorable Recommendation No Recommendation

AMBERWOOD

3-5 Bedrooms | 2.5-3 Bathrooms | 2,323+ sq. ft.

Pulte Planning Center® | Ranch-Style Floorplan | Large, Eat-In Island



Amberwood Home Exteriors



GREENFIELD

4-7 Bedrooms | 2.5-5 Bathrooms | 3,021+ sq. ft.
Walk-In Bedroom Closets | Pulte Planning Center® | Loft/Game Room



Greenfield Home Exteriors





HILLTOP

4-7 Bedrooms | 2.5-5 Bathrooms | 2,899+ sq. ft.
Spacious, Walk-In Pantry | Everyday Entry® | Large Walk-In Closets



Hilltop Home Exteriors



RIVERTON

4-6 Bedrooms | 2.5-4 Bathrooms | 3,126+ sq. ft.
Garage with Storage Bay | Pulte Planning Center® | Spacious Loft



Riverton Home Exteriors



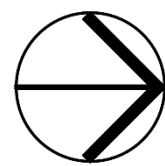
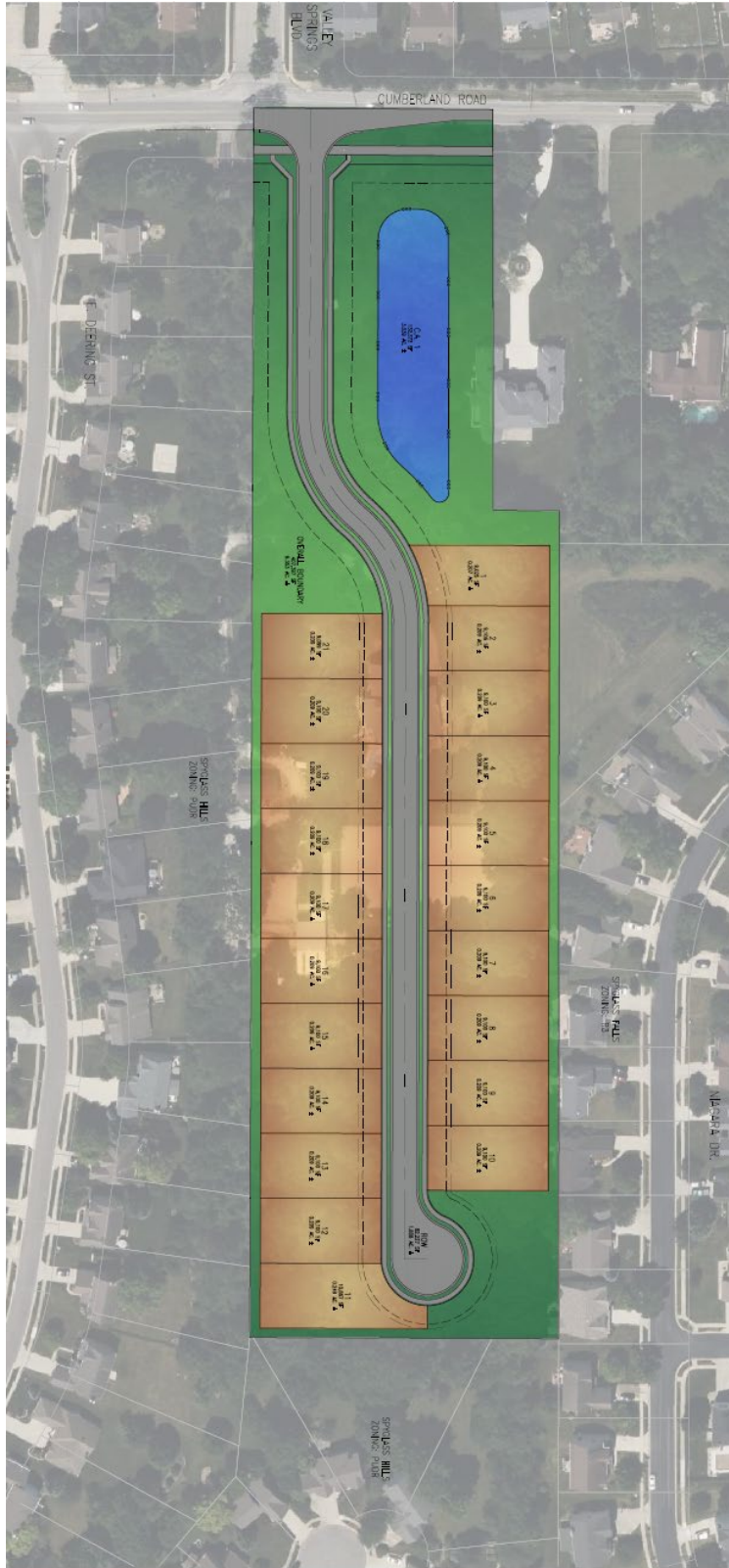
WESTCHESTER

4-7 Bedrooms | 2.5-5 Bathrooms | 3,300+ sq. ft.
Expanded Everyday Entry® | Pulte Planning Center® | Spacious Loft



Westchester Home Exteriors





ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE 9.1 +/- ACRES FROM R2 TO PUD-R FOR A PROJECT KNOWN AS GERARDOT PUD DISTRICT.

WHEREAS, this is an ordinance to amend the Official Zoning Map incorporated into Unified Development Ordinance, (“UDO”), for the City of Fishers (the “City”), previously enacted pursuant to Ind. Code § 36-7-4 *et seq.* as amended.

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. ___-___-__ as required by law in regard to the Rezone; and

WHEREAS, the Plan Commission at its _____, 2025 meeting sent a _____ recommendation to the Common Council by a vote of ____ () in favor and ____ () opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, MEETING IN REGULAR SESSION AS FOLLOWS:

SECTION 1. The City’s Official Zoning Map is hereby amended to designate the Real Estate, as described and shown in Exhibit A, to PUD-R.

SECTION 2. This Ordinance shall be in full force and effect from and upon its adoption and in accordance with Indiana law.

SECTION 3. The specific zoning standards, concept plans, and illustrative architectural exhibits shall be approved as shown in Exhibit B (“Petitioner’s Packet”), attached.

SO BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA this ____ day of _____, 2025.

ORDINANCE NO. _____

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY		NAY	ABSTAIN
	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecila Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson, Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2025, at _____ m.

ATTEST: _____
Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Rex Ramage, Vice President Land Planning & Entitlements, Pulte Homes of Indiana, LLC, 11595 N. Meridian Street, Suite 700, Carmel, Indiana, 46032

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." - Rex Ramage

Exhibit A – Real Estate Description and Depiction

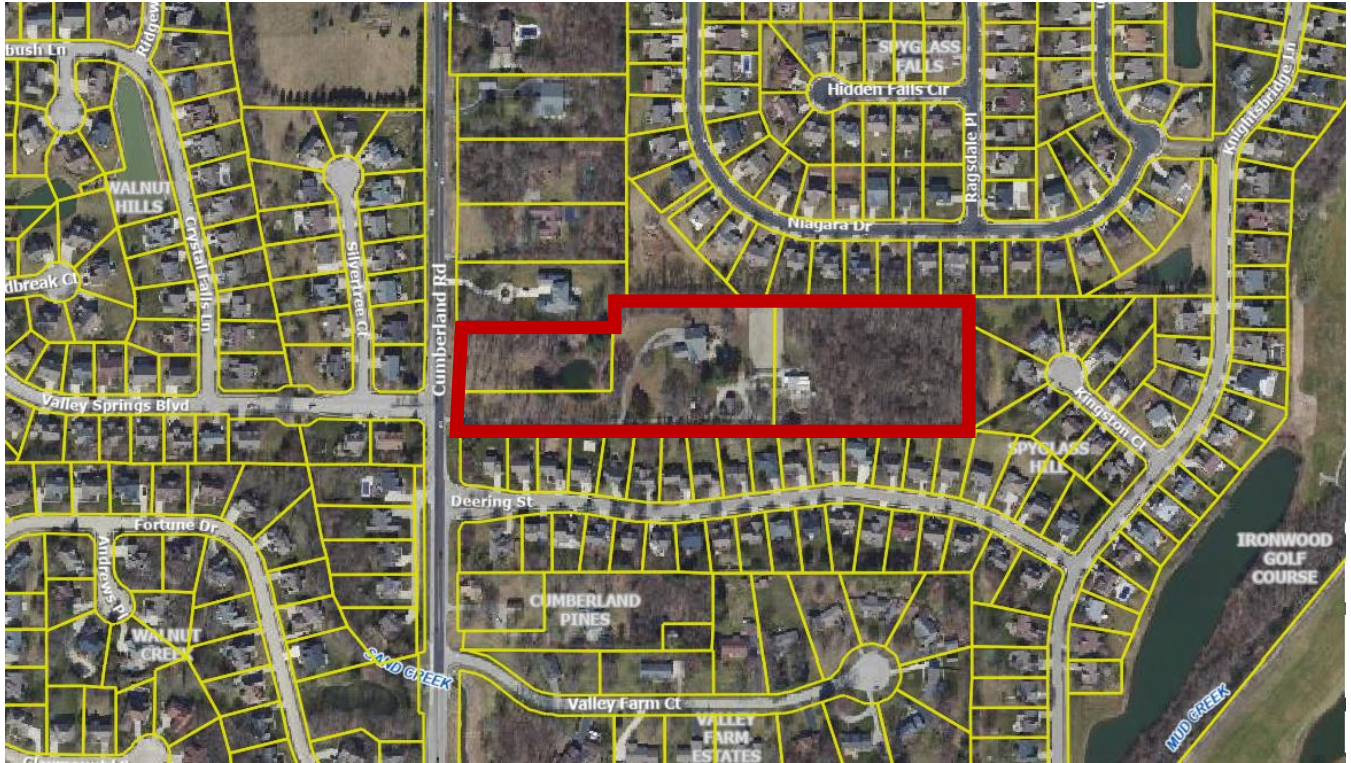
**Gerardot Property Legal Description
(per ALTA dated 3/11/25)**

Part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, in the City of Fishers, Fall Creek Township, Hamilton County, Indiana, based on an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering Job Number 2024-356-S, more particularly described as follows:

COMMENCING at the northwest corner of said Southwest Quarter, marked by a Harrison monument; thence South 00 degrees 29 minutes 37 seconds West (grid bearing, Indiana State Plane – East Zone, NAD 83, 2011, EPOCH 2010.0000) along the west line of said Southwest Quarter a distance of 71.80 feet; thence South 89 degrees 55 minutes 53 seconds East a distance of 40.00 feet to the east right-of-way of Cumberland Road, as described in Instrument Number 2022006638 in the Office of the Hamilton County Recorder, and the POINT OF BEGINNING, marked by a 5/8-inch rebar with yellow cap stamped “HWC ENGINEERING FIRM #0114”; thence South 00 degrees 29 minutes 37 seconds West along said east right-of-way a distance of 257.75 feet to the north line of Spyglass Hill, Section 4F, the plat of which is recorded in Plat Cabinet 1, Slide 404 as Instrument Number 9417841 in said Recorder’s Office; thence South 89 degrees 49 minutes 14 seconds East along the north line of said Spyglass Hill, Section 4 and along the north line of Spyglass Hill, Section 4D, the plat of which is recorded in Plat Cabinet 1, Slide 398 as Instrument Number 9409211 in said Recorder’s Office, a distance of 1280.21 feet to a southwest corner of Spyglass Hill, Section 4B, the plat of which is recorded in Plat Cabinet 1, Slide 391 as Instrument Number 9404480 in said Recorder’s Office; thence North 00 degrees 14 minutes 46 seconds East along the west line of said Spyglass Hill, Section 4B a distance of 332.34 feet to the south line of Spyglass Falls, Section Two-A, the plat of which is recorded in Plat Cabinet 2, Slide 583 as Instrument Number 200100023816 in said Recorder’s Office; thence North 89 degrees 58 minutes 15 seconds West along said south line; along the south line of Spyglass Falls, Section Three-A, the plat of which is recorded in Plat Cabinet 2, Slide 716 as Instrument Number 200100082796 in said Recorder’s Office; and along the south line of Spyglass Falls, Section Three-B, the plat of which is recorded in Plat Cabinet 3, Slide 100 as Instrument Number 200200089394 in said Recorder’s Office, and the westerly extension thereof, a distance of 888.43 feet; thence South 00 degrees 24 minutes 24 seconds West a distance of 71.50 feet; thence North 89 degrees 55 minutes 53 seconds West a distance of 390.47 feet to the POINT OF BEGINNING, containing 9.073 acres, more or less.

PIN:

- Parcel No. 13-15-05-00-00-035.001 (1.43 ac)
- Parcel No. 13-15-05-00-00-034.001 (3.97 ac)
- Parcel No. 13-15-05-00-00-034.000 (3.75 ac)



2025

Exhibit B – Gerardot PUD



Planning & Zoning Department

City of Fishers

Ordinance: _____



A. Declaration, Purpose and Intent, Applicability, and Allowed Uses

1. Declaration

- a. Ordinance No. _____ (this "Ordinance")
- b. Adopted: _____

2. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 071618F, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in **Exhibit B.1**, attached hereto and incorporated herein (the "Real Estate"), is hereby designated as Planned Unit Development - Residential District (PUD-R) and shall hereafter be known as the "Gerardot PUD".

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

3. Applicability

The standards of the UDO applicable to the *R5 Residential District* shall apply to the development of the Real Estate, as shown on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and *Sec. 1.3.6. Transition Ordinance* also shall apply to amendments.

4. Allowed Uses

All uses permitted in the *R5 Residential District* shall be permitted in the Real Estate.

B. Concept Plan

The Concept Plan, attached hereto as **Exhibit B.2**, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Gerardot PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

C. Standards for the District

1. Introductory Provisions

The regulations of *CHAPTER 1. INTRODUCTORY PROVISIONS* shall apply.

2. Administration

The regulations of *CHAPTER 2. ADMINISTRATION* shall apply.

3. Zoning Districts

The regulations of *CHAPTER 3. ZONING DISTRICTS* shall apply, except as modified by this Ordinance. The total maximum number of lots within the Gerardot PUD shall not exceed 21 lots.

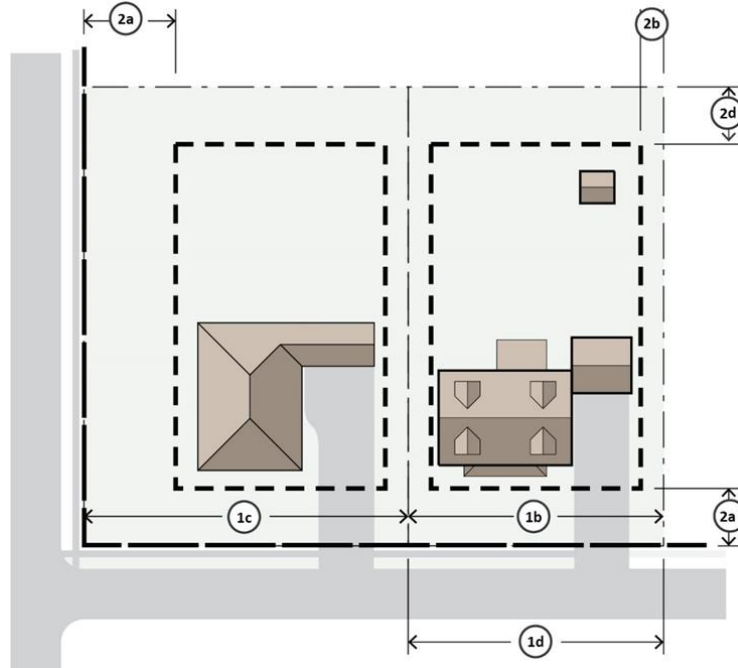
a. Article 3.1. Establishment of Zoning Districts: Shall apply.

b. Article 3.2. Residential Districts: Shall apply, except as modified below:

(1) *Sec. 3.2.6. R5 Residential District:* Shall not apply. Instead the following shall apply to the District:

District Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	8,750 sf
1b. Lot width at building line – standard	70'
1c. Lot width at building line – corner	Shall not apply
1d. Lot frontage	35'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	22' (min. 3' offset on adjacent lots)
2b. Side	7'
2c. Side, Aggregate	14'
2d. Rear	20'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	2,300 sf
4b. Living unit area, 2-story (min)	2,600 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	60%
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5d. Accessory structures	<i>Article 6.2. Accessory Structure Standards</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>
6. Maximum Lots Permitted	
6a. Maximum Number of Lots	21



- c. **Article 3.3. Nonresidential Districts:** Shall not apply.
- d. **Article 3.4. Other Districts:** Shall apply.

4. Overlay Zoning Districts

The regulations of *CHAPTER 4. OVERLAY ZONING DISTRICTS* shall apply.

5. Use Regulations

The regulations of *CHAPTER 5. USE REGULATIONS* shall apply.

6. Development Standards

The regulations of *CHAPTER 6. DEVELOPMENT STANDARDS* shall apply, except as modified by this Ordinance.

a. **Article 6.1. General Provisions:** Shall apply.

b. **Article 6.2. Accessory Structure Standards:** Shall apply.

c. **Article 6.3. Architectural Design Standards:** Shall apply, except as modified below:

- (1) The Illustrative Architectural Exhibit, attached hereto as **Exhibit B.3**, is hereby incorporated to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit; however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit.
- (2) *Section 6.3.4.A.2.e. Residential Design; Standards:* HOLD FOR ANTI-MONOTONY REVIEW
- (3) *Section 6.3.4.B.2.b. Residential Building Form; Façade Standards:* Shall not apply. Instead, the following shall apply:
 - (i) Homes on lots designated with a black circle on the Additional Architecture Exhibit, attached hereto as **Exhibit B.4**, shall satisfy this requirement provided that these homes incorporate both of the following features:

- i. A minimum of three (3) materials, colors, and/or patterns, one of which shall be a masonry wainscot a minimum of thirty inches (30”) in height or the bottom of the lowest window sill, on the home’s side elevation façade facing a Public View.
 - ii. A rear façade offset (a minimum of 4’ wide and 4’ feet deep), which may be selected from but not limited to the following:
 - 1. sunroom;
 - 2. covered porch;
 - 3. screened in porch;
 - 4. rear pergola;
 - (4) *Section 6.3.4.B.2.c. Residential Building Form; Facade Standards:* Shall apply, except as modified below:
 - (i) Homes on lots designated with a black circle on the Additional Architecture Exhibit, attached hereto as **Exhibit B.4**, shall be exempt from the 50% visibility over a permanent barrier provision.
 - (5) *Section 6.3.4.B.3.a. Residential Building Form; Roof Standards:* Shall apply, except as modified below:
 - (i) Side façade elevations facing a Public View for homes on lots designated with a black circle on the Additional Architecture Exhibit, attached hereto as **Exhibit B.4**, shall be exempt from this requirement. Instead, Section 6.3.c above shall apply.
 - (6) *Section 6.3.4.B.4.a. Residential Building Form; Automobile Storage Standards:* Shall apply, except as modified below:
 - (i) Front loaded garages shall comply with one (1) of the following criteria:
 - i. The garage door must be setback from the front façade plane (measured from the farthest forward point of the structure) a minimum of four (4) feet, or
 - ii. The front elevation of the home shall include a covered front porch a minimum of six (6) feet deep (measured at it’s deepest point) and shall span a minimum of 1/3 of the width of the front façade of the home, or
 - iii. The front elevation of the home shall include a covered front porch a minimum of seventy (70) square feet in area.
 - (7) *Section 6.3.4.B.4.c. Residential Building Form; Automobile Storage Standards:* Shall apply, except as modified below:
 - (i) A 3rd car garage bay shall qualify as additional storage area.
 - (8) *Section 6.3.4.B.4.d. Residential Building Form; Automobile Storage Standards:* Shall apply, except as modified below:
 - (i) A third car garage bay shall have a separate door and shall have a 2’ plane separation from adjacent garage door(s).
 - (9) *Section 6.3.4.B.4.e. Residential Building Form; Automobile Storage Standards:* Shall apply. Decorative garage doors shall be substantially similar in quality and character as illustrated in the Garage Door Exhibit, attached hereto as **Exhibit B.5**.
 - (10) *Section 6.3.4.D.2.d. Residential Building Form; Residential Materials Standards:* Shall apply, except as modified below:
 - (i) Façades facing a Public View shall use a cohesive color scheme featuring a minimum of two (2) field materials, colors, or patterns, plus (one) accent material, color, or pattern, plus one (1) trim color. Garage door colors must coincide with the scheme or other accents.
 - (11) *Section 6.3.4.D.2.e. Residential Building Form; Residential Materials Standards:* Shall not apply.
- d. Article 6.4. Entrance & Driveway Standards:** Shall apply.
- e. Article 6.5. Exterior Lighting Standards:** Shall apply.
- f. Article 6.6. Height Standards:** Shall apply.

- g. Article 6.7. Landscaping Standards:** Shall apply, except as modified below:
 - (1) *The* required landscaping in all common areas/open spaces shall be native species selected from the City of Fishers Planting Guide list of Approved Species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. This shall not apply to foundation plantings nor other on-lot landscaping. However, the initial installation of street trees planted in a front yard of an individual homeowner’s property shall be required to be native species.
 - (2) *Subsection 6.7.5.B. Lot & Foundation Plantings; Foundation Planting:* Shall apply, except B.2 and B.3 shall not apply. Instead, the following shall apply: All lots shall have a minimum of six (6) shrubs planted along the foundation facing a street.
 - (3) All boundaries of the Property shall provide a common area strip a minimum of ten (10) feet in width. The north, east, and south common areas where adjacent to the proposed lots shall consist of three (3) Canopy Trees a minimum of two inches (2”) caliper (DBH) at planting, and four (4) Evergreen Trees a minimum of six feet (6’) in height at planting, per one hundred (100) lineal feet. Any existing trees within these required common areas which are healthy, non-invasive, and a minimum of three inches (3”) caliper (DBH) may be preserved, and if preserved, shall qualify toward the planting requirements set forth above.
- h. Article 6.8. Lot Standards:** Shall apply, except as modified by this Ordinance.
 - (1) Minimum Front Setback: The minimum front setback shall be twenty-two (22) feet, but there shall be a minimum three (3) foot offset on all adjacent lots.
- i. Article 6.9. Non-Residential Open Space:** Shall not apply.
- j. Article 6.10. Outdoor Display & Storage Standards:** Shall apply.
- k. Article 6.11. Parking & Loading Standards:** Shall apply.
- l. Article 6.12. Pedestrian Accessibility Standards:** Shall apply, except as modified below:
 - (1) *Section 6.12.2. Residential:* Shall not apply. Instead, sidewalks and paths shall be provided as generally shown on the Pedestrian Connectivity Exhibit, attached hereto as **Exhibit B.2**, or as otherwise approved by the City’s Engineering Department at a narrower width than what is shown on **Exhibit B.2**. Alternatively, pedestrian improvements may be waived in exchange for a payment in lieu as determined by the Director of Engineering.
- m. Article 6.13. Permitted Non-residential Structure Standards:** Shall apply.
- n. Article 6.14. Property Identification Standards:** Shall apply.
- o. Article 6.15. Public Art Standards:** Shall not apply.
- p. Article 6.16. Setback Standards:** Shall apply, except as modified by this Ordinance.
- q. Article 6.17. Signage Standards:** Shall apply.
- r. Article 6.18. Wall & Fence Standards:** Shall apply.
- s. Article 6.19. Water & Sewer Standards:** Shall apply.
- t. Article 6.20. Vision Clearance Standards:** Shall apply.

7. Subdivision Regulations

The regulations of *CHAPTER 7. SUBDIVISION DISTRICTS* shall apply.

8. Subdivision & Planned Unit Development Design Standards

The regulations of *CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS* shall apply, except as modified by this Ordinance.

- a. Article 8.1. General Provisions:** Shall apply.
- b. Article 8.2. Block, Lot & Access Standards:** Shall apply, except as modified below:

- (1) *Subsection 8.2.3.C.2. Blocks; Block Perimeters; Block Standards:* Shall apply, except that, the maximum length for a dead-end street shall be 1,275 feet.
- (2) *Section 8.2.6. Pedestrian Network:* Shall apply, except that the location and width of sidewalks and paths shall be provided as *generally* shown on the Pedestrian Connectivity Exhibit, attached hereto as **Exhibit B.2**, or as otherwise approved by the City’s Engineering Department at a narrower width than what is shown on **Exhibit B.2**. Alternatively, pedestrian network improvements may be waived in exchange for a payment in lieu as determined by the Director of Engineering.

c. Article 8.3. Street & Alley Standards: Shall apply.

d. Article 8.4. Open Space, Common Area & Amenity Standards: Shall apply, except as modified below:

- (1) Section 8.4.6. Open Space: Shall not apply. Instead, Open Space shall be provided as generally shown on the Concept Plan.
- (2) The open space in the northeast corner of the Real Estate shall either be (i) a natural vegetation area with native “no mow” plantings or grasses, or (ii) a reforestation area with a mixture of deciduous or evergreen trees (min. if twenty (20) newly planted trees); provided, however, that except in the event of conflicts with anticipated road, trail, drainage or utility improvements or removal of dead, dying, or diseased vegetation or invasive species, the developer shall use its best efforts to preserve existing trees in the northeast corner of the Real Estate. This open space in the northeast corner of the Real Estate shall also incorporate a seating area which shall be shaded by trees (either new or existing) or a shade structure.
- (3) The open space in the southwest common area shall include a community-focused feature which may include any one of the following: public art, community gardens, community firepit, seating area shaded by trees (either new or existing) or shade structure, or any other feature as may be approved by the Director.

e. Article 8.5. Other Design Standards: Shall apply.

9. Floodplain Standards

The regulations of *CHAPTER 9. FLOODPLAIN STANDARDS* shall apply.

10. Procedures & Permits

The regulations of *CHAPTER 10. PROCEDURES & PERMITS* shall apply.

11. Enforcement & Penalties

The regulations of *CHAPTER 11. ENFORCEMENT & PENALTIES* shall apply.

ORDINANCE NO. _____

12. Definitions

The regulations of *CHAPTER 12. DEFINITIONS* shall apply.

13. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

Exhibit B.1 – Real Estate Description and Depiction

**Gerardot Property Legal Description
(per ALTA dated 3/11/25)**

Part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, in the City of Fishers, Fall Creek Township, Hamilton County, Indiana, based on an ALTA/NSPS Land Title Survey prepared by Michael G. Judt, Professional Surveyor Number 21500017, HWC Engineering Job Number 2024-356-S, more particularly described as follows:

COMMENCING at the northwest corner of said Southwest Quarter, marked by a Harrison monument; thence South 00 degrees 29 minutes 37 seconds West (grid bearing, Indiana State Plane – East Zone, NAD 83, 2011, EPOCH 2010.0000) along the west line of said Southwest Quarter a distance of 71.80 feet; thence South 89 degrees 55 minutes 53 seconds East a distance of 40.00 feet to the east right-of-way of Cumberland Road, as described in Instrument Number 2022006638 in the Office of the Hamilton County Recorder, and the POINT OF BEGINNING, marked by a 5/8-inch rebar with yellow cap stamped “HWC ENGINEERING FIRM #0114”; thence South 00 degrees 29 minutes 37 seconds West along said east right-of-way a distance of 257.75 feet to the north line of Spyglass Hill, Section 4F, the plat of which is recorded in Plat Cabinet 1, Slide 404 as Instrument Number 9417841 in said Recorder’s Office; thence South 89 degrees 49 minutes 14 seconds East along the north line of said Spyglass Hill, Section 4 and along the north line of Spyglass Hill, Section 4D, the plat of which is recorded in Plat Cabinet 1, Slide 398 as Instrument Number 9409211 in said Recorder’s Office, a distance of 1280.21 feet to a southwest corner of Spyglass Hill, Section 4B, the plat of which is recorded in Plat Cabinet 1, Slide 391 as Instrument Number 9404480 in said Recorder’s Office; thence North 00 degrees 14 minutes 46 seconds East along the west line of said Spyglass Hill, Section 4B a distance of 332.34 feet to the south line of Spyglass Falls, Section Two-A, the plat of which is recorded in Plat Cabinet 2, Slide 583 as Instrument Number 200100023816 in said Recorder’s Office; thence North 89 degrees 58 minutes 15 seconds West along said south line; along the south line of Spyglass Falls, Section Three-A, the plat of which is recorded in Plat Cabinet 2, Slide 716 as Instrument Number 200100082796 in said Recorder’s Office; and along the south line of Spyglass Falls, Section Three-B, the plat of which is recorded in Plat Cabinet 3, Slide 100 as Instrument Number 200200089394 in said Recorder’s Office, and the westerly extension thereof, a distance of 888.43 feet; thence South 00 degrees 24 minutes 24 seconds West a distance of 71.50 feet; thence North 89 degrees 55 minutes 53 seconds West a distance of 390.47 feet to the POINT OF BEGINNING, containing 9.073 acres, more or less.

PIN:

- Parcel No. 13-15-05-00-00-035.001 (1.43 ac)
- Parcel No. 13-15-05-00-00-034.001 (3.97 ac)
- Parcel No. 13-15-05-00-00-034.000 (3.75 ac)

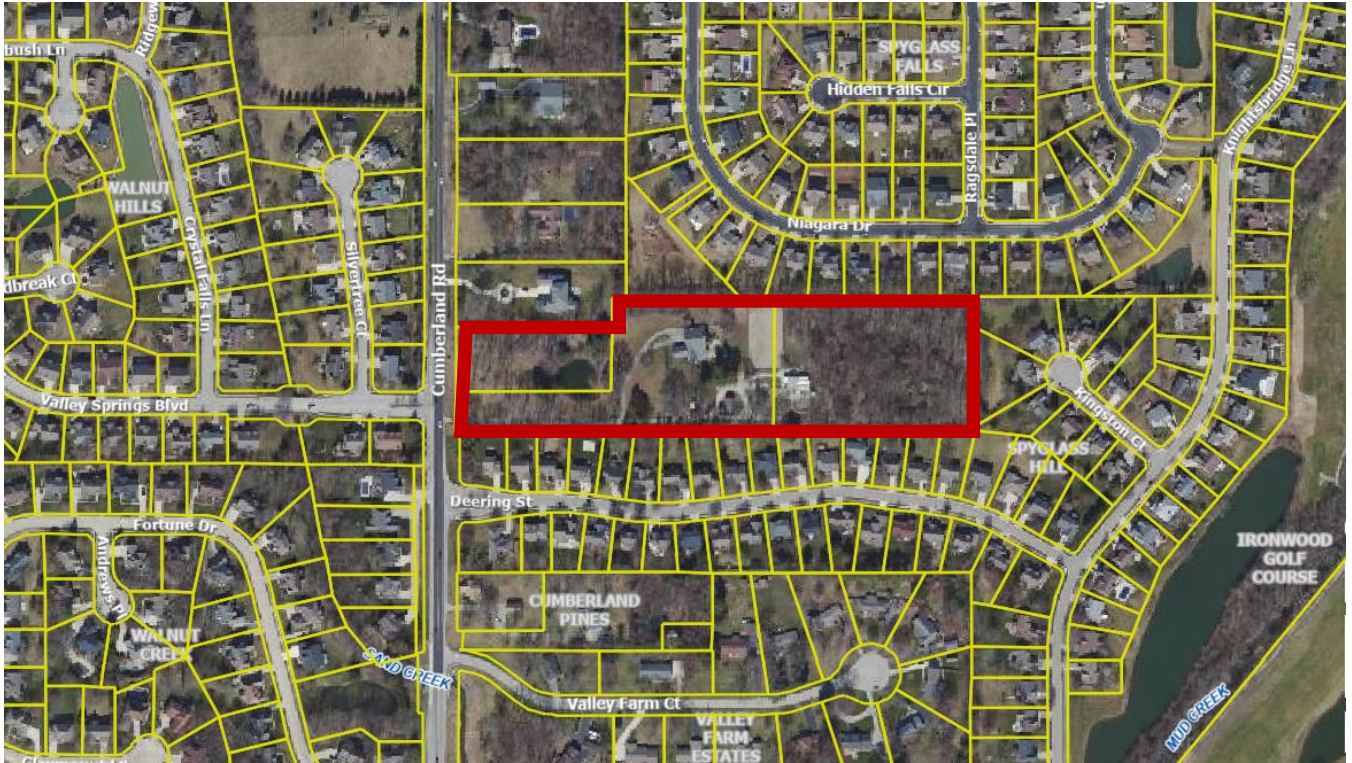


Exhibit B.2 – Concept Plan

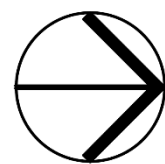


Exhibit B.3 – Illustrative Architectural Exhibit







Exhibit B.4 – Additional Architecture Exhibit



Exhibit B.5 – Garage Door Exhibit



CHAPTER 1. INTRODUCTORY PROVISIONS

Contents:

Article 1.1. Fishers Vision

Article 1.2. Legal Provisions

Article 1.3. Applicability

Article 1.4. Official Zoning Map

Article 1.5. Building Type

Article 1.1. Fishers Vision

Sec. 1.1.1. General

Fishers is widely recognized as a highly desirable community to raise a family and grow a business due to deliberate choices the community has made over time. To maintain Fishers as a highly desirable community, the City Council adopted a new comprehensive plan known as Fishers 2040. Fishers 2040 plan was adopted on June 20, 2016, and the purpose of the Unified Development Ordinance (UDO) is to implement the goals, actions items and desires of the Fishers 2040 plan into specific development standards.

In addition, this UDO has been developed to support the City's visions to be “a smart, vibrant, and entrepreneurial city”. This UDO establishes baseline development standards to continue to promote the City of Fishers as a premier city in which to live, work, play and raise a family.

None of the standards in this UDO are intended to limit unique, and creative planning, site design and architecture. The Planning & Zoning Department embraces creative and new development options, and it is available to discuss those options with any land owner, developer or investor.

Article 1.2. Legal Provisions

Contents:

Sec. 1.2.1. Title & Authority

Sec. 1.2.2 Purpose & Intent

Sec. 1.2.3 Compliance

Sec. 1.2.4 Severability

Sec. 1.2.1. Title & Authority

A. *Title*

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

B. *Authority*

This UDO is adopted by the City pursuant to its authority under the laws of the State of Indiana, [IC 36-7-4 et seq.](#) Whenever codes cited in this UDO refer to Indiana Code which has been amended or superseded, this UDO shall be deemed amended about the new or revised code.

C. *Relationship to the Comprehensive Plan*

The City Council has instituted a comprehensive planning program to ensure that the anticipated growth City of Fishers, IN



within the City is organized, planned, and coordinated in a manner that will not place undue burdens on the City in its ability to provide urban services and facilities. This planning program has culminated in the preparation and adoption of a comprehensive plan. The comprehensive plan maps and policies shall be consulted when land use decisions pursuant to this UDO are being made, and used as criteria in making decisions upon land use requests.

D. *Repealer*

This UDO repeals and replaces all prior Zoning Ordinances, Unified Development Ordinances, and Subdivision Control Ordinances, and is hereby incorporated by reference into the Code of Ordinances, Fishers, Indiana.

E. *Location of Ordinance*

In accordance with Indiana law, copies of any material incorporated by reference into the UDO are on file in the Clerk-Treasurer's office for public inspection. The office of the Clerk/Treasurer and the Department shall keep additional copies of this UDO for the purposes of sale or distribution. The UDO is also available on the City's website.

Effective on: 7/20/2018

Sec. 1.2.2. Purpose & Intent

The purpose of this UDO is to secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessen or avoid congestion on public streets; preserve, protect and promote the public health, safety and general welfare of residents and businesses in the City. More specifically, this UDO is adopted to achieve the following objectives:

- A. Implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan;
- B. Improve the built environment and human habitat;
- C. Protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts;
- D. Encourage environmentally responsible development practices;
- E. Promote development patterns that support safe, effective and multi-modal transportation options, including auto, pedestrian, bicycle and transit and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability and compact community form;
- F. Promote the greater health benefits of a pedestrian-oriented environment;
- G. Reinforce the character and quality of neighborhoods;
- H. Remove barriers to and provide incentives for walkable projects;
- I. Protect and promote appropriately located commercial and office activities to preserve and strengthen the City's economic base;
- J. Promote energy conserving and energy efficient development;
- K. Promote Salutogenic community amenities to strengthen community and individual well-being;
- L. Ensure adequate facilities are constructed to serve new development;
- M. Provide for orderly growth and development of suitable neighborhoods with adequate transportation networks, drainage and utilities and appropriate building sites;
- N. Save unnecessary expenditures of funds by requiring the proper initial construction of transportation networks, sidewalks, drainage facilities and utilities.

Sec. 1.2.3. Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, City of Fishers, IN



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 UDO and the permits and certificates required by this UDO have lawfully been issued. For information regarding nonconforming structures see [CHAPTER 2. ADMINISTRATION](#) of the UDO.

Sec. 1.2.4. Severability

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

Article 1.3. Applicability

Contents:

- Sec. 1.3.1 Jurisdiction & Exempt Entities
- Sec. 1.3.2. Effective Date
- Sec. 1.3.3. Ordinance Format
- Sec. 1.3.4. Interpretation & Rules of Language
- Sec. 1.3.5. Measurements and Calculations
- Sec. 1.3.6 Transition Ordinance

Sec. 1.3.1. Jurisdiction & Exempt Entities

- A. This UDO applies to all land, buildings, structures and uses located within corporate limits and the extraterritorial jurisdiction of the City of Fishers, Indiana, and any land within Townships that have entered joinder agreements with the City for the purposes of planning and zoning. To the extent allowed by law, the provisions of this UDO apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, County, State or Federal government agencies.
- B. The following governmental agencies and entities may be exempt from the UDO with approval by the City Council: The City of Fishers, Delaware and Fall Creek Townships, the County of Hamilton, the State of Indiana, Hamilton Southeastern Schools, Hamilton East Library, and regulated public utilities (hereinafter "Exempt Entities). This exemption shall not apply to any State or Federal Building or Fire code except for local ordinance requirements as applicable (see also [Sec. 10.2.12. Exempt Entities](#)) for permit process.

Sec. 1.3.2. Effective Date

This UDO was adopted on July 19, 2018 and became effective on July 20, 2018, by Ordinance No. 071618F.

Sec. 1.3.3. Ordinance Format

A. *Format*

The structure of the text of the UDO is as follows:



B. *Cross-References*

- 1. **Electronic Format.** If used in the electronic format, certain aspects of this document allow the user

to quickly navigate the document by clicking on hyperlinks and quick access chapter tabs

2. **Chapter Table of Contents.** The Article headings located in the table of contents at the beginning of each Chapter may be clicked to direct the user to that Article within the Chapter.
3. **UDO Cross-References.** In-line text cross-references to other Articles or Sections within this document are *colored and emphasized in italics*. Chapters are also emphasized in all capitals for example; *CHAPTER 3. ZONING DISTRICTS*. Clicking on the emphasized text will direct the user to the cross-referenced Article.
4. **Non-UDO Cross-References.** The UDO includes cross-references to documents and websites outside of this document. These cross-references are colored and underlined. The documents or websites are highlighted for cross-reference only.

Effective on: 7/20/2018

Sec. 1.3.4. Interpretation & Rules of Language

A. *Abbreviations*

The following phrases, personnel, and document titles are shortened in this code:

1. Advisory Plan Commission = Commission
2. Board of Zoning Appeals = Board
3. City Council = Council
4. City of Fishers = City
5. Planning and Zoning = Department
6. Director of the Department = Director
7. Technical Advisory Committee = TAC

B. *Minimum Requirements*

The provisions of this UDO are the minimum requirements for securing the provisions of [Sec. 1.2.2 Purpose & Intent](#).

C. *Conflict or Inconsistency*

1. **Internal.** Unless otherwise specifically stated within this UDO, if two (2) 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 UDO imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County or City ordinance or regulation.
 - b. Whenever a provision of any State or federal code or regulation, or other County or City ordinance or regulation imposes a greater restriction or a higher standard than is required by the UDO, the provision of the State or federal code or regulation, or other County or City ordinance or regulation shall apply, unless precluded by said code, ordinance or regulation, the provision of the UDO 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 UDO, the City is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements, or other similar regulations to which the City is not a party.

D. *Text*

If there are found to be differences between the text of this UDO and the meaning and implication of any

drawing, table, figure, title or section heading, then the text shall prevail.

E. *Graphics*

Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

F. *Time Frames*

Unless specifically noted otherwise, time frames stated within this UDO shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday when the City offices are closed, then the time frame will be extended to the end of the next business day.

G. *Delegation of Authority*

If a provision in this UDO requires the Director to perform an act or duty, that provision shall also include any person working under the Director's authority and supervision unless specified otherwise.

H. *Mandatory and Permissive Terms*

The words "shall," or "must" are always mandatory and "may" or "should" are always permissive.

I. *Words Used*

If words used in this UDO are not defined in [CHAPTER 12. DEFINITIONS](#), they shall be construed to be the common usage of the language. Any legal or technical words not defined in this UDO shall be construed to be as defined by appropriate lexicon or current and common [dictionary \(e.g., Merriam-Webster's Collegiate Dictionary\)](#).

J. *Tense*

If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.

K. *Singular/Plural Form*

If words are used in singular form then the plural form shall apply and vice versa, unless, in context, it clearly indicates one form or the other.

L. *Conjunctions*

"And" shall be construed to include all connected items in a series, conditions, and provisions, and "or" shall be construed to include one (1) or more of the items in a series, conditions, and provisions.

M. *Gender*

Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

Effective on: 7/20/2018

Sec. 1.3.5. Measurements and Calculations

A. ~~Where any provision of this UDO requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).~~

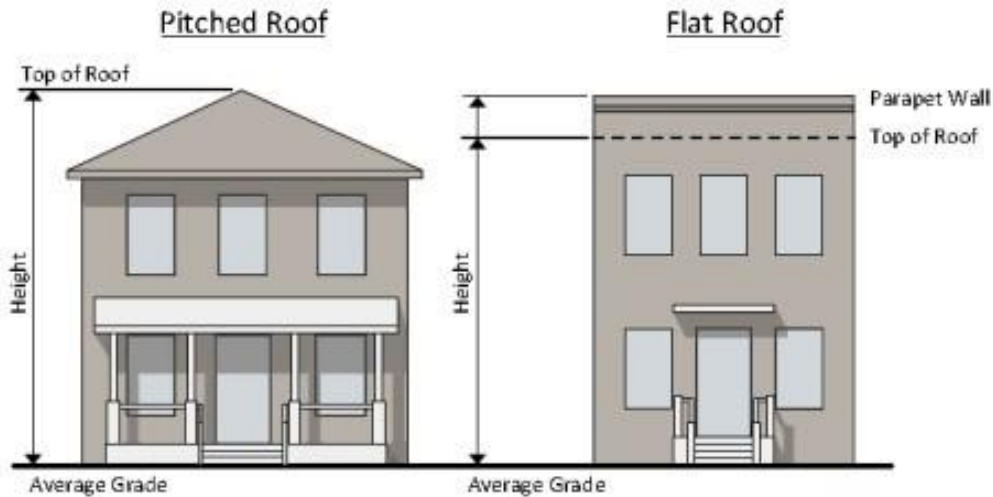
B. ~~Lot Measurements~~

1. ~~Lot Area. As defined, shall be set forth by the Zoning District or Overlay District.~~
2. ~~Lot Width for Interior and Through Lots. Lot width for Interior and Through lots is to be measured at the front setback required per zoning district.~~
3. ~~Lot Width for Corner Lots. Lot width for Corner Lots is to be measured based on the Lot Standards outlined in Sec. 8.2.4.B.4.~~
4. ~~Lot Width and Depth for Cul-de-Sacs Lots. Lot width and depths for cul-de-sac lots is to be measured based on Lot Standards outlined in Sec. 8.2.4.B.9.~~
5. ~~Impervious Area. As defined, shall be set forth by the Zoning District or Overlay District.~~

$$\text{Impervious Area} = \frac{\text{Sum of areas covered by impervious surface (sq. ft.)}}{\text{Lot Area (sq. ft.)}}$$

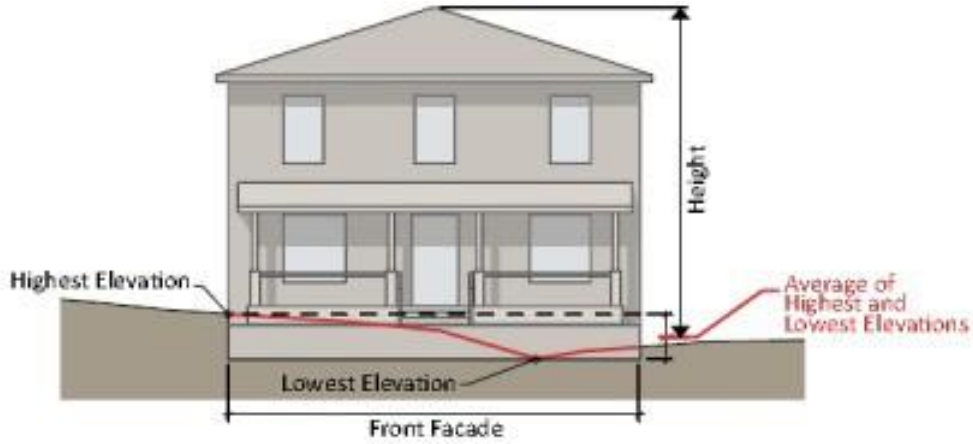
C. ~~Building Measurements~~

1. ~~The maximum structure height shall be determined in the applicable zoning district.~~
2. ~~Building Height Measurement. The height is measured from the average grade to the top of the highest point of a pitched roof or flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is six (6) feet (see image below).~~

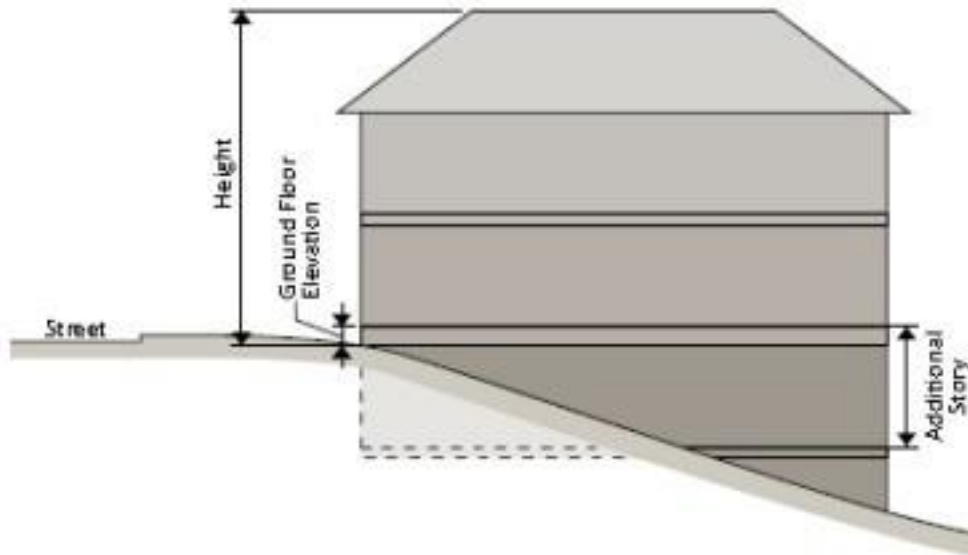


3. ~~Average Grade~~

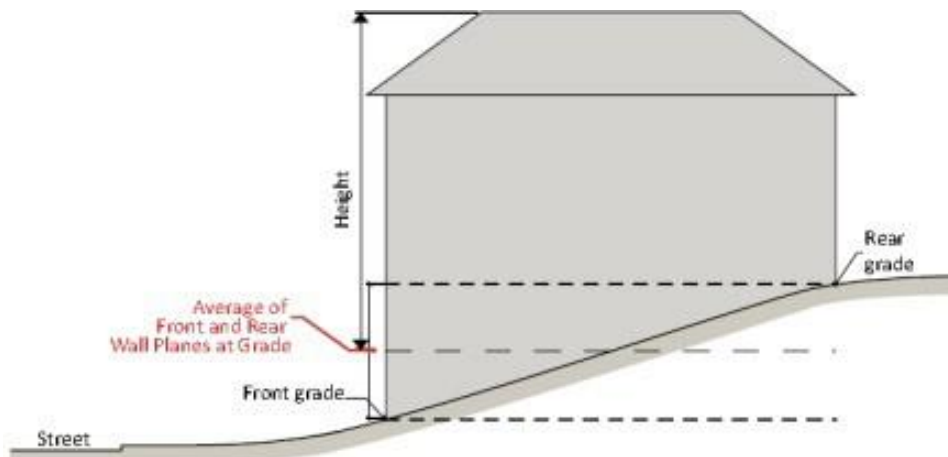
- a. ~~Average grade is determined by calculating the average of the highest and lowest elevation along pre-development or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass grading has been approved by the City, average grade shall be considered the improved grade following such mass grading (see the following image).~~



- b. Where a lot slopes downward from front the property line, one (1) additional story may be built on the lower portion of the lot with the overall height measured from the grade above (see the following image).



- c. Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane (see the following image)





- d. ~~A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounded by finished grade is not considered in the measurement of the overall height limit of a zoning district.~~

~~(Ord. 121922E, 01/17/2023)~~

~~Effective on: 1/17/2023~~

Sec. 1.3.65. Transition Ordinance

A. Applications

Any complete application that has been filed with the City, prior to the effective date of this UDO, shall be regulated by the terms and conditions of the Zoning Ordinance, Subdivision Control Ordinance or UDO that was in place at the time of filing. However, all administrative procedures and fees shall follow those set forth by this UDO.

B. Buildings

All new building sites shall meet the requirements of the UDO unless:

1. A complete Building Permit application was filed and is still valid; or
2. A complete Improvement Location Permit application was filed and is still valid; or
3. A parcel was approved as a buildable lot by the Commission (valid Primary or Secondary Plat) or the Board (valid Development Standards Variance) prior to the effective date of this UDO; or
4. A complete and valid Primary Plat application has been filed with the Department prior to the effective date of this UDO.

C. Pre-Existing Land Owned for a Current or Planned Place of Worship

A property owned on July 11, 2018, by the owner or its affiliate for a current or planned place of worship shall be exempt from the UDO's Special Exception requirement if the property owner submits in writing on or before January 11, 2019, to the Director a notice that identifies:

1. the property as being owned for a current or planned place of worship;
2. the property owner (along with a copy of the current deed); and
3. the property's common address and Hamilton County parcel number.

Article 1.4. Official Zoning Map

Contents:

Sec. 1.4.1 Purpose & Intent

Sec. 1.4.2 Establishment of Official Zoning Map

Sec. 1.4.3 Interpretation of Map Boundaries

Sec. 1.4.1. Purpose & Intent

This Article establishes the framework for zoning districts within the City and their relationship to the City's Comprehensive Plan Land Use categories. This chapter also establishes the zoning map as the official designation of zoning district boundaries

Sec. 1.4.2. Establishment of Official Zoning Map

- A. The boundaries of the zoning districts are hereby established on a map entitled, "City of Fishers Official Zoning Map", which is hereby incorporated into and made part of this UDO. Notations, references,

indications, and other matters shown on the Official Zoning Map are as much a part of this UDO as if they were fully described herein. The Official Zoning Map shall be formally known as the “Official Zoning Map” and it may be cited and referred to as the “Fishers Zoning Map” or the “Zoning Map.”

- B. The electronic zoning map is maintained as part of the City’s Geographic Information System (GIS) under direction of the Department and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the jurisdictional area

Sec. 1.4.3. Interpretation of Map Boundaries

- A. The zoning district boundaries shall be shown on the Official Zoning Map. If any uncertainty exists with respect to the intended boundaries as shown on the Official Zoning Map, the Director is authorized to interpret the boundaries.
- B. District boundaries on the Official Zoning Map shall be interpreted as follows:
 - 1. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
 - 2. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way at the boundaries of the planning jurisdiction shall be deemed to include the full width of such roads, easements, and transportation rights-of-way.
 - 3. Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or City corporation lines shall be construed as following or paralleling such lines.
 - 4. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines as they may naturally shift over time.
 - 5. Zoning district boundaries indicated as approximately following the parcel lines as established by the Hamilton County Office of Transfer and Mapping shall be construed to follow such parcel lines.
- C. The vacation of streets shall not affect the location of zoning district boundaries. Such boundaries must be reviewed, and, if necessary, a formal amendment shall be made to the Official Zoning Map.
- D. When the Director cannot determine the location of a zoning district boundary, the Board shall determine the location of the zoning district boundary.
- E. The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:
 - 1. An overlay district shall be depicted on the Official Zoning Map with a hatch or textured pattern and be identified as such on the map legend.
 - 2. A lot that is fully covered (bounded) by an overlay district shall be entirely subject to the overlay district standards found in [CHAPTER 4. OVERLAY ZONING DISTRICTS](#).

- A lot that is partially covered (transected) by an overlay district shall be subject to the overlay district to the extent that the lot area is covered by the overlay district.

Article 1.5. Building Type







Contents:

Sec. 1.5.1. Building Type Descriptions

Sec. 1.5.2. Building Type Allowed by Districts

Sec. 1.5.1. Building Type Descriptions

The following building types have been established to allow for detailed regulation of the form within each zoning district. All graphic depictions of building types are for illustrative purposes only.







		
<p>Detached House. A building constructed to accommodate one (1) dwelling unit on a single lot.</p>	<p>Attached House. A building constructed to accommodate two (2) principal dwelling units on a single lot.</p>	<p>Townhouse. A building constructed to accommodate two (2) or more dwelling units that are horizontally integrated where each dwelling unit is separated vertically by a party wall.</p>
		
<p>Apartment. A building constructed to accommodate 3 or more dwelling units that are vertically or horizontally integrated. A common kitchen is allowed. A limited set of nonresidential uses may be allowed in ground floor corner units in a Mixed-Use District.</p>	<p>General Building. A building constructed to accommodate nonresidential uses on all floors.</p>	<p>Mixed-Use Building. A multi-story building constructed to accommodate commercial uses on the ground floor and uses in addition to commercial uses on the upper floors.</p>

Effective on: 7/20/2018

Sec. 1.5.2. Building Type Allowed by Districts

Building types are allowed by district as set forth below.

1.5.2 Building-Type-Allowed-by Districts

						
Zoning District	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed-Use Building
Residential Districts						
ER Estate Residential	●	—	—	—	—	—
R1 Residential	●	—	—	—	—	—
R2 Residential	●	—	—	—	—	—
R3 Residential	●	—	—	—	—	—
R4 Residential	●	⊖	—	—	—	—
R5 Residential	●	⊖	—	—	—	—
TCR Town-Center Residential	●	●	●	●	—	—
M1 Multi-Family	●	●	●	●	—	—
M2 Multi-Family	●	●	●	●	—	—
Nonresidential Districts						
C1 Commercial	—	—	—	—	●	●
C2 Neighborhood District	—	—	—	—	●	●
C3 Commercial	—	—	—	—	●	●
EN Employment Node	—	—	—	—	●	●
I1 Industrial	—	—	—	—	●	●
Special Districts						
AG Agricultural	●	●	—	—	●	—
MA Municipal Airport	—	—	—	—	●	●
OS Open Space	—	—	—	—	—	—
PUD Planned Unit Development	<i>Per approved Planned Unit District Ordinance</i>					
Key: ● Building Type Allowed ⊖ Building Type Allowed as Part of an Approved Conservation Development — Building Type Not Allowed						

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 3. ZONING DISTRICTS

Contents:

- Article 3.1. Establishment of Zoning Districts Article
- 3.2. Residential Districts
- Article 3.3. Nonresidential Districts Article
- 3.4. Other Districts

Article 3.1. Establishment of Zoning Districts

Contents:

- Sec. 3.1.1 Purpose & Intent Sec.
- 3.1.2 Legacy Districts
- Sec. 3.1.3 District Transition Table

Sec. 3.1.1. Purpose & Intent

Each of the standard zoning districts in the UDO stand alone and are not a part of a hierarchy or pyramidal system of zoning. For example, what is permitted in the R1 zoning district is not necessarily permitted in the R3 zoning district. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

Sec. 3.1.2. Legacy Districts

(RESERVED FOR FUTURE USE)

Sec. 3.1.3. District Transition Table

(RESERVED FOR FUTURE USE)

Article 3.2. Residential Districts

Contents:

- Sec. 3.2.1. ER Estate-Rural Residential District Sec.
- 3.2.2. R1 Residential District
- Sec. 3.2.3. R2 Residential District
- Sec. 3.2.4. R3 Residential District
- Sec. 3.2.5. R4 Residential District
- Sec. 3.2.6. R5 Residential District
- Sec. 3.2.7 MP Manufactured Home Park District Sec.
- 3.2.8 M1 Multi-Family Residential
- Sec. 3.2.9. M2 Multi-Family Residential
- Sec. 3.2.10. TCR Town Center Residential District

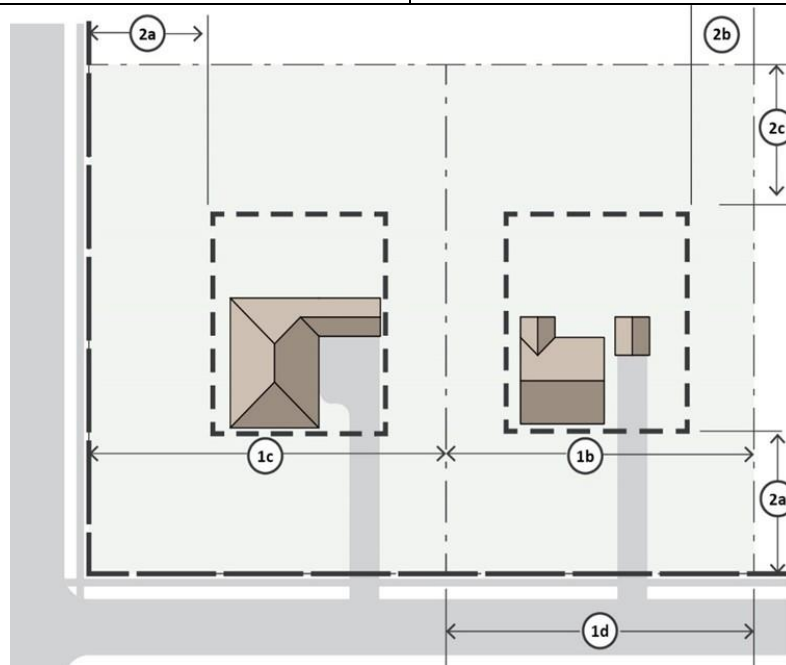
Sec. 3.2.1. ER Estate-Rural Residential District

A. Purpose & Intent

The ER District is intended to provide for larger residential lots that are at least one (1) acre in size, and/or rural lots that have low impact development on the environment. This mixture is intended to allow residential development in areas adjacent to developed infrastructure. This district should be used to provide unique rural housing options in areas with mature vegetation, topography, drainage and wildlife. Conservation subdivision type development on smaller lot sizes in exchange for preserving common open space may be permitted in this district (see also [Sec. 8.4.7B. Conservation Area](#)). See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	1 acre (43,560 sf)
1b. Lot width at building line – standard	125'
1c. Lot width at building line – corner	150'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	All streets: 60'
2b. Side, primary structure	30'
2c. Rear, primary structure	50'
3. Maximum Building Height	
3. Primary structure	35' or 3.5 stories, whichever is greater
4. Building Floor Area	
4a. Living unit area, 1-story (min)	2,000 sf
4b. Living unit area, 2-story (min)	2,200 sf
5. Other	
5a. Does not require municipal water or sewer hookup	
5b. Impervious area of lot (max)	35%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1.G. Structures Per Lot



Sec. 3.2.2. R1 Residential District

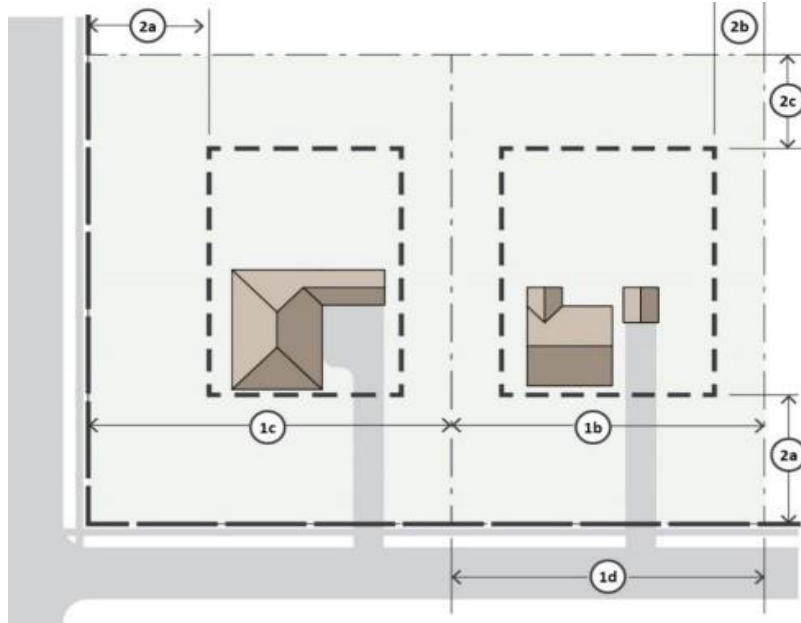
A. District Intent

The R1 District is intended to provide for single-family detached homes in a low-density range of 1.0 to 1.5 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	20,000 sf
1b. Lot width at building line – standard	125'
1c. Lot width at building line – corner	150'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type:	<u>340'</u> / <u>455'</u>
<p><u>I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.</u></p> <p><u>II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.</u></p>	
2b. Side, primary structure	20'
2c. Rear, primary structure	40'
3. Maximum Building Height	
3. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	35%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1G. Structures Per Lot

* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50 %.



Sec. 3.2.3. R2 Residential District

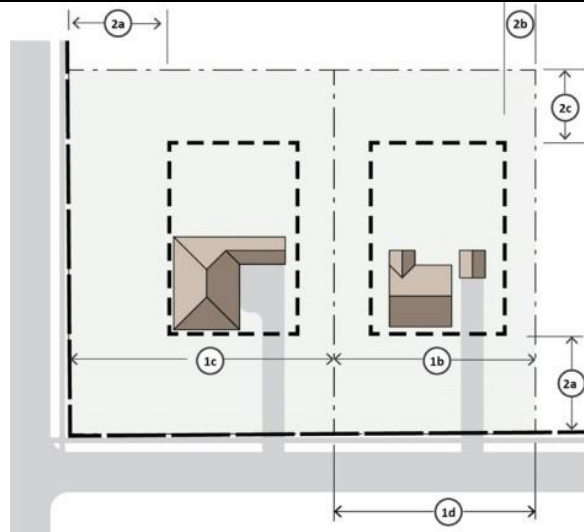
A. District Intent

The R2 District is intended to be provide for single-family homes in a lower density range of approximately 1.0 to 1.7 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	15,000 sf
1b. Lot width at building line – standard	100'
1c. Lot width at building line – corner	120'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type:	40' / 55' 25' / 40'
<p>I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.</p> <p>II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.</p>	
2b. Side, primary structure / Dwelling with attached side-load or rear-load garage	15' / 10'
2b. Side, Aggregate	30'
2c. Rear, primary structure	40'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,600 sf
4b. Living unit area, 2-story (min)	1,800 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	35%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Accessory structures	Article 6.2. Accessory Structure Standards
5e. Total structures per lot	Sec. 6.8.1G. Structures Per Lot

* If the lot abuts Geist Reservoir , then the maximum impervious area may be up to 50 %.



Sec. 3.2.4. R3 Residential District

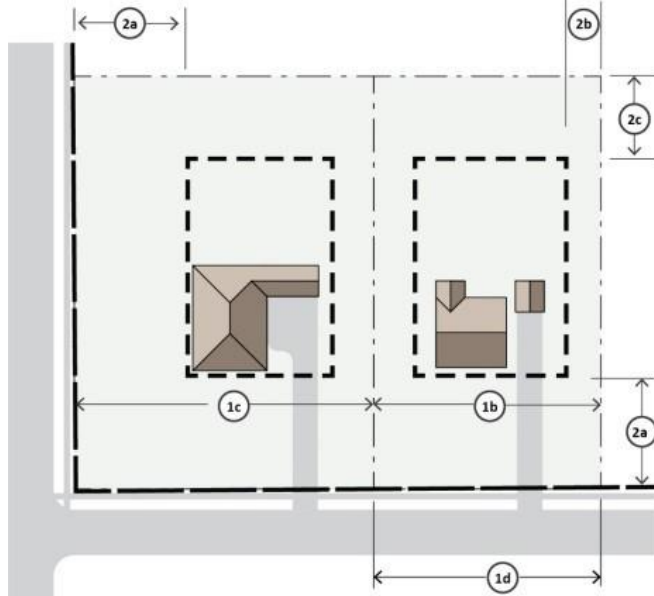
A. District Intent

The R3 District is intended to provide for single family detached homes in a medium density range of approximately 1.0 to 2 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	12,000 sf
1b. Lot width at building line – standard	90'
1c. Lot width at building line – corner	108'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type:	30' / 45' 25' / 40'
<p>I. If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.</p> <p>II. In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.</p>	
2b. Side, primary structure / Dwelling with attached side-load or rear-load garage	10' / 5'
2b. Side, Aggregate	20'
2c. Rear, primary structure	30'
3. Maximum Building Height	

3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,250 sf
4b. Living unit area, 2-story (min)	1,400 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	40%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1G. Structures Per Lot
* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.	



Sec. 3.2.5. R4 Residential District

A. District Intent

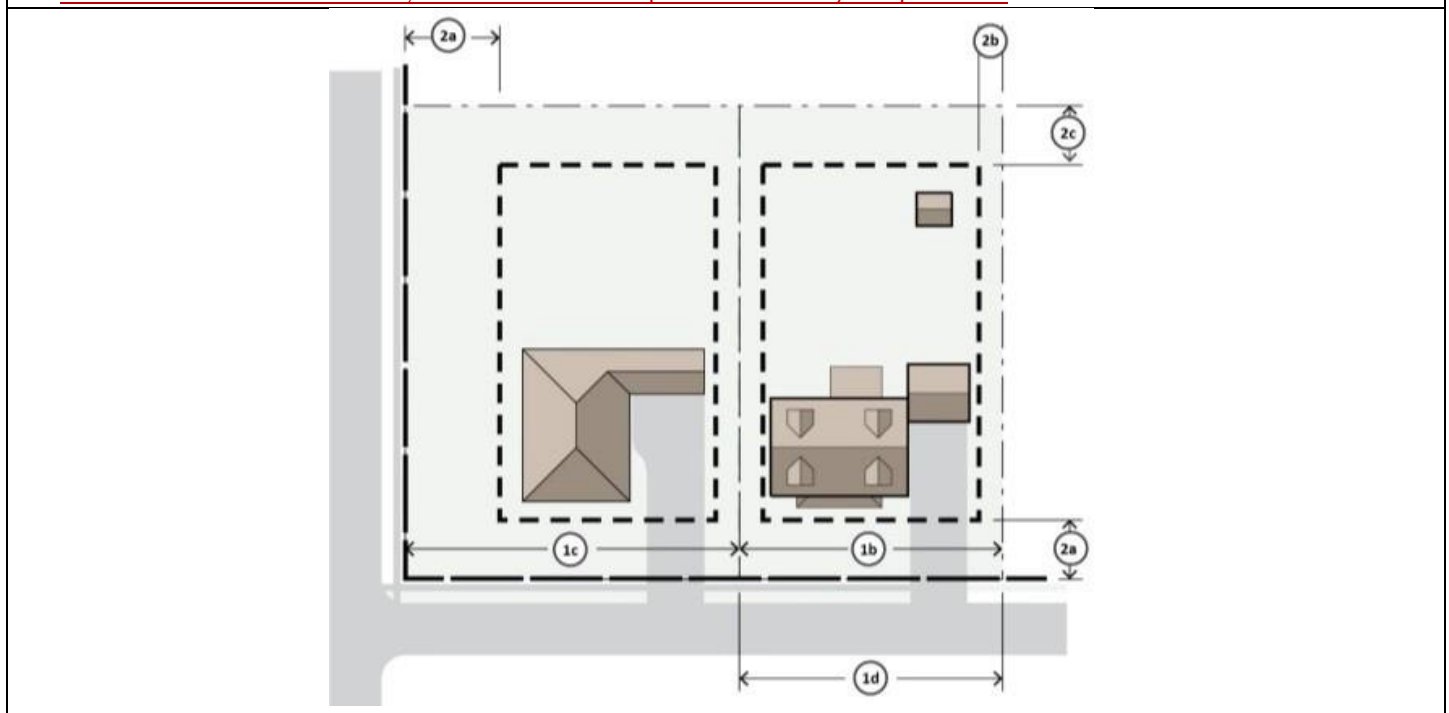
The R4 District is intended to provide for the development of single-family homes in a higher density range of approximately 1.0 to 2.5 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	10,000 sf
1b. Lot width at building line – standard	80'
1c. Lot width at building line – corner	96'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
I. <u>If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.</u> II. <u>In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.</u>	

2b. Side, primary structure	10'
2c. Rear, primary structure	25'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,100 sf
4b. Living unit area, 2-story (min)	1,350 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)*	40%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1G. Structures Per Lot

* If the lot abuts Geist Reservoir, then the maximum impervious area may be up to 50%.



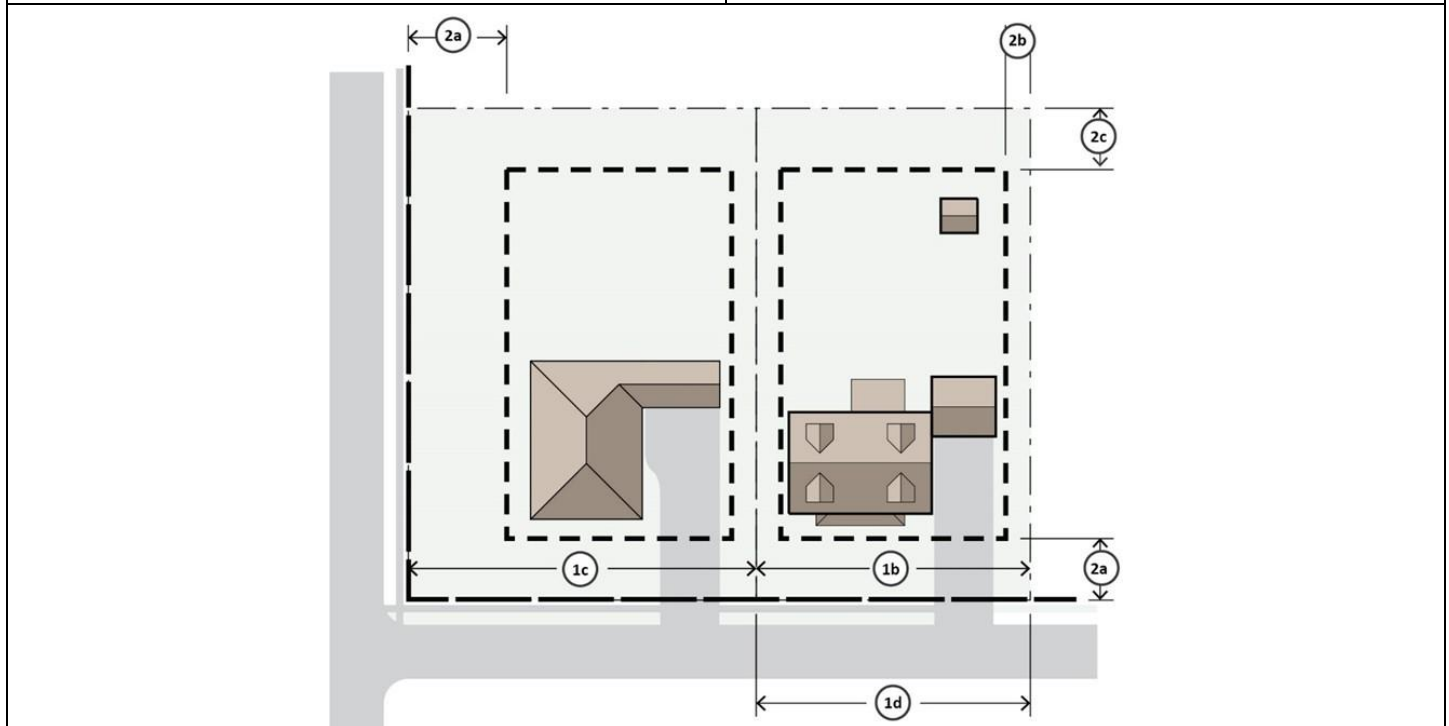
Sec. 3.2.6. R5 Residential District

A. District Intent

The R5 District is intended to provide for the development of single-family in a density range of approximately 1.0 to 3.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	7,500 sf
1b. Lot width at building line – standard	70'
1c. Lot width at building line – corner	84'
1d. Lot frontage	50'
2. Minimum Building Setbacks	
2a. Front - local street / other street type:	25' / 40'
I. <u>If a lot is located in a recorded subdivision, the required setback stated on the recorded secondary plat shall apply.</u> II. <u>In the absence of a setback on a recorded plat or if the lot is not in a recorded subdivision, the greatest of the following options apply: the average of the setbacks established by the nearest primary buildings on either side of the proposed structure on the subject site OR the setback listed in this table.</u>	
2b. Side	10'
2c. Rear	25'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,000 sf
4b. Living unit area, 2-story (min)	1,200 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	50%
5c. Alternative standards	Sec. 8.4.7. Conservation Development
5d. Total structures per lot	Sec. 6.8.1G. Structures Per Lot



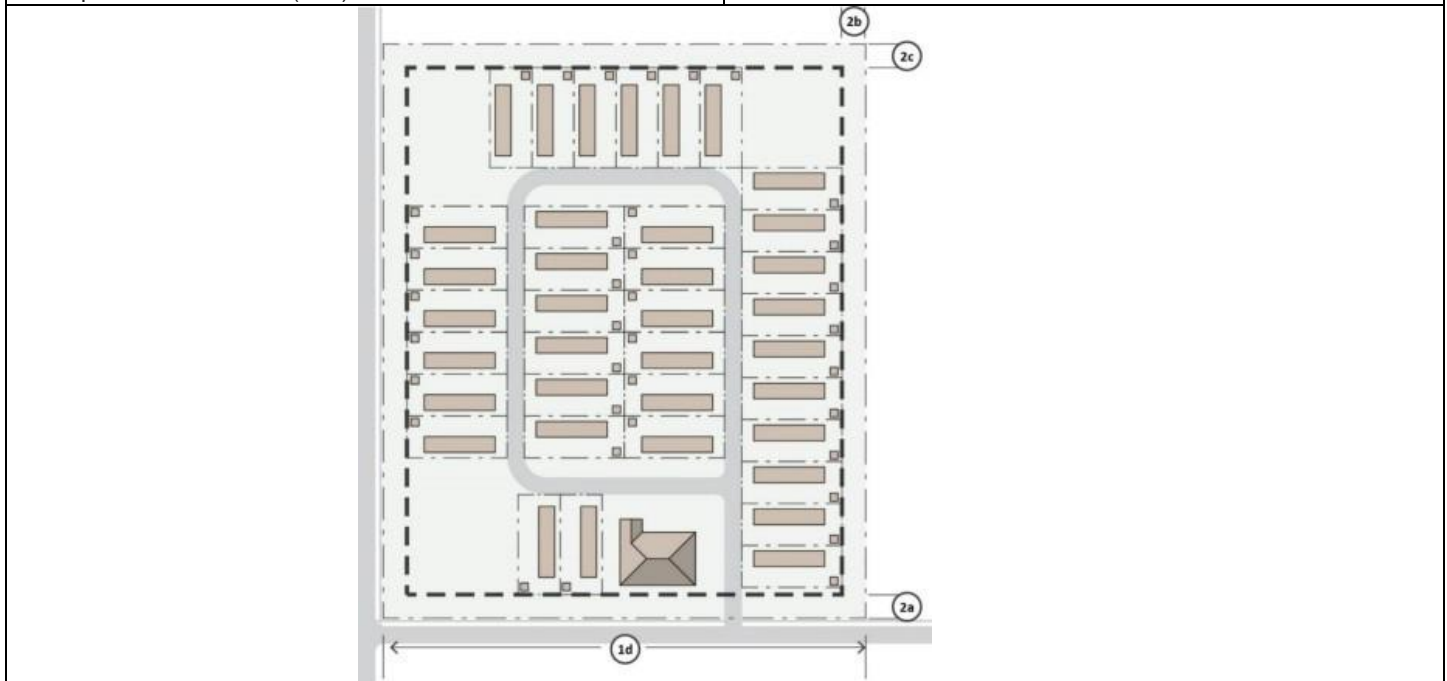
Sec. 3.2.7. MP Manufactured Home Park District

A. District Intent

The MP District is intended to provide a land use category for housing districts (typically mobile or manufactured home) where dwelling sites are leased. Manufactured home or mobile home parks shall be in accordance with State Law and their subsequent amendments. Additionally, all developments in this zoning district are subject to State Board of Health requirements and the requirements of the UDO. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Project Lot frontage	200'
1e. Dwelling site size	4,000 sf
1f. Dwelling site depth	200'
2. Minimum Building Setbacks	
2a. Front - local street / other street type	All streets: 30'
2b. Side*	30'
2c. Rear* <i>*Note: additional Buffer Yard requirements may apply</i>	30'
2e. Front, dwelling site	15' from edge of pavement of interior roads
2f. Side, dwelling site, primary structure	7'
2g. Side, dwelling site, accessory structure	3'
2h. Rear, dwelling site, primary structure	10'
2i. Rear, dwelling site, accessory structure	5'
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	750 sf per primary structure on a dwelling site
5. Other	
5a. Requires municipal water or sewer hookup	
5b. Impervious area of lot (max)	80%



Sec. 3.2.8. M1 Multi-Family Residential

A. District Intent

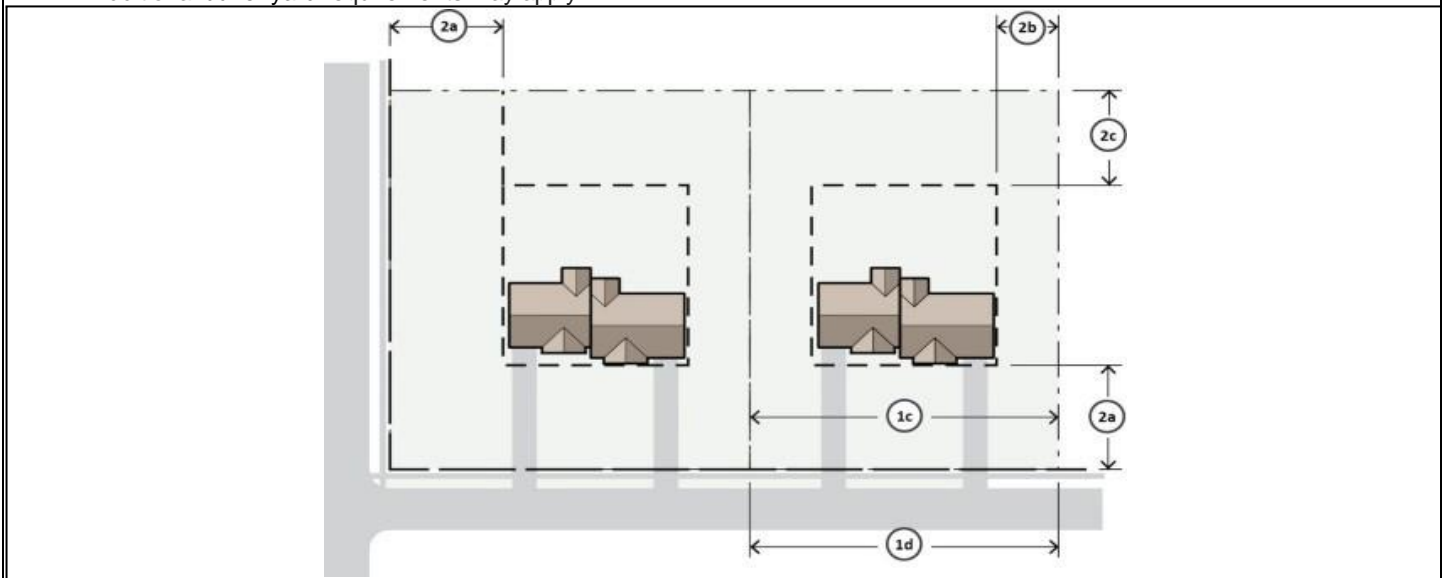
The M1 District is intended to provide for and encourage the development of detached single-family cluster homes or attached multi-family homes in a density range of approximately 1.05 to 5.0-dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	Attached House	Townhouse / Apartment Building
1a. Lot area – one-bedroom / two-bedroom / three-bedroom	1,500 sf (all)	6,500 / 7,500 / 8,500 sf/unit ¹
1b. Lot width at building line	20'	n/a ¹
1c. Lot width at building line – corner	25'	
1d. Lot frontage	20'	150' ¹
2. Minimum Building Setbacks		
2a. Front - local street / other street type	15' / 30'	25' / 40' ¹
2a. Front, Internal	18'	
2b. Side ²	0'	30' ¹
2c. Rear	18'	50' ¹
2d. Building separation (min)	20'	
3. Maximum Building Height		
3. Primary structure	35'	
4. Building Floor Area		
4a. Living unit area, one-bedroom (min)	950 sf	
4b. Living unit area, two-bedroom (min)	1,200 sf	
4c. Living unit area, three-bedroom (min)	1,400 sf	
4d. Maximum number of attached dwelling units	4	
5. Other		
5a. Requires municipal water and sewer hookup		
5b. Impervious area of lot and project site (max)	65%	
5c. Alternative standards	Sec. 8.4.7. Conservation Development	

Notes:

1. Refers to site, rather than individual lots for individual units
2. Additional buffer yard requirements may apply



Sec. 3.2.9. M2 Multi-Family Residential

A. District Intent

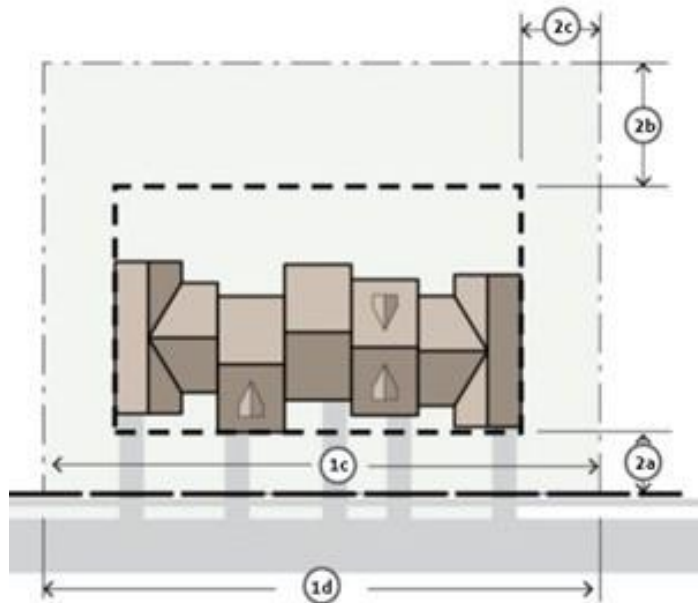
The M2 District is intended to provide for and encourage the development of attached multi-family homes in a moderate density range of approximately 1.0 to 8.0 dwelling units per acre. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area – 1-bedroom / 2-bedroom / 3-bedroom	4,500 / 5,500 / 6,500 sf./unit ¹
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Lot frontage – on public street with access from	150' ¹
2. Minimum Building Setbacks	
2a. Front - local street / other street type	25' / 40'
2b. Front – Internal	25'
2c. Side ²	50'
2d. Rear ²	50'
2e. Building separation (min)	30'
3. Maximum Building Height	
3.a Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min) – 1-bedroom / 2-bedroom / 3-bedroom	850 / 1,100 / 1,300 sf
5. Other	
5a. Requires municipal water or sewer hookup	
5b. Impervious area of lot (max)	75%

Notes:

1. Refers to site, rather than individual lots for individual units
2. Additional buffer yard requirements may apply



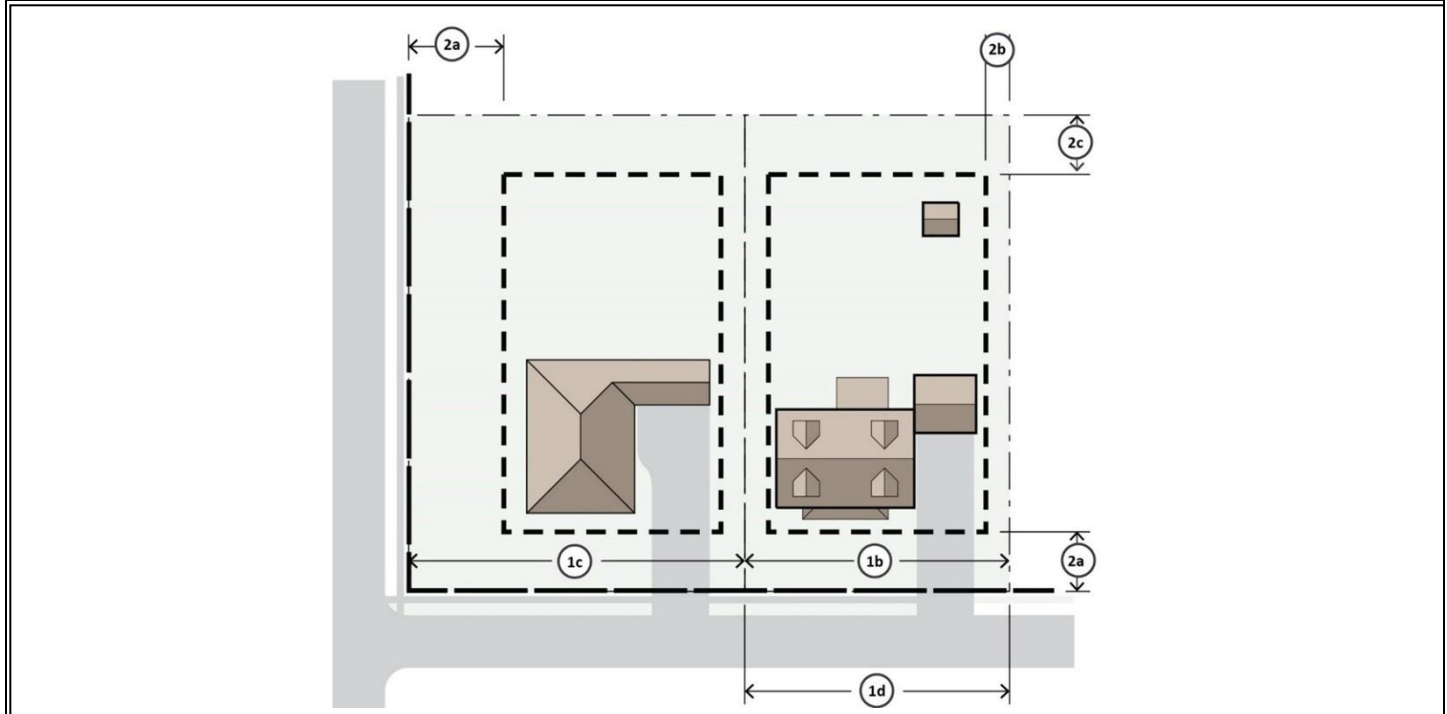
Sec. 3.2.10. TCR Town Center Residential District

A. District Intent

The TCR District is established to provide a land use category for residential areas in the Town Center. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width at building line – standard	n/a
1c. Lot width at building line – corner	n/a
1d. Lot frontage	n/a
2. Minimum Building Setbacks	
2a. Front - local street / other street type	15', or the average of existing setbacks for infill lots
2b. Side, primary structure / Two-family dwellings	5' / zero
2c. Aggregate side setback	10'
2d. Rear, primary structure	20'
3. Maximum Building Height	
3a. Primary structure	25'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	80%
5d. Accessory structures	Article 6.2. Accessory Structure Standards



Article 3.3. Nonresidential Districts

Contents:

Sec. 3.3.1 C1 Commercial District

Sec. 3.3.2. C2 Neighborhood Business District Sec.

3.3.3 C3 Commercial District

Sec. 3.3.4. EN Employment Node District

Sec. 3.3.5. I1 Industrial District

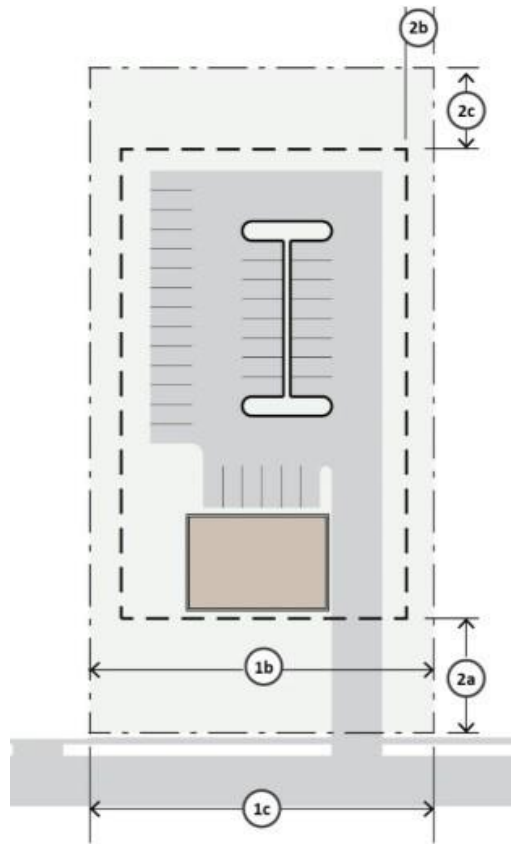
Sec. 3.3.1. C1 Commercial District

A. District Intent

The C1 District is established to provide for the development of professional and office type businesses which may serve as buffer areas between residential and more intense commercial districts. It is intended that the C1 District will result in the development of office buildings arranged in a park type environment, with structures that would be compatible with neighboring residential uses. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	100'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	35' / 3 stories
4. Building Floor Area	
4a. Main floor area (min)	n/a
4b. Floor area per unit (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional buffer yard requirements may apply	



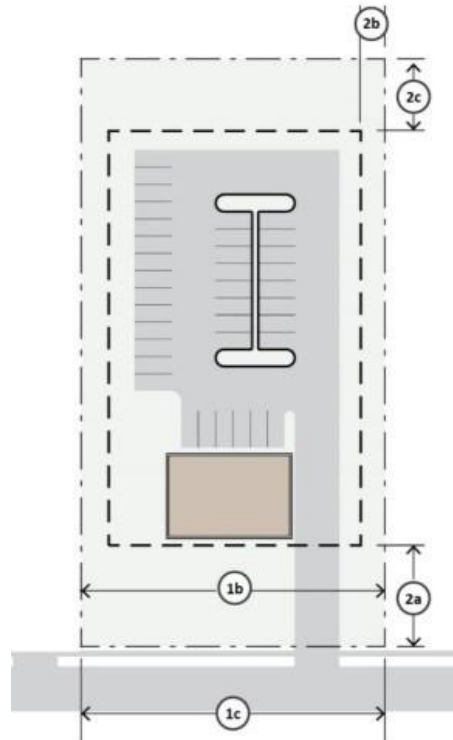
Sec. 3.3.2. C2 Neighborhood Business District

A. District Intent

The C2 District is established to provide for the development of commercial and frequently used businesses associated with the shopping, service and family needs of adjacent or local residential areas. The C2 District is intended to provide for the establishment of smaller shops or stores serving a localized area rather than larger businesses serving regional areas. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	1 acre (43,560 sf)
1b. Project area	n/a
1c. Lot width	n/a
1d. Lot frontage	150'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	10'
2c. Rear ¹	20'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	35' / 2 stories
3b. Freestanding structure	25' / 1 story
4. Building Floor Area	
4a. Gross Floor Area (min)	n/a
4b. Floor area ratio (max for site)	0.2
4c. Floor area (max per building / site)	55,000 sf / 90,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%
Notes:	
1. Additional buffer yard requirements may apply	



Sec. 3.3.3. C3 Commercial District

A. District Intent

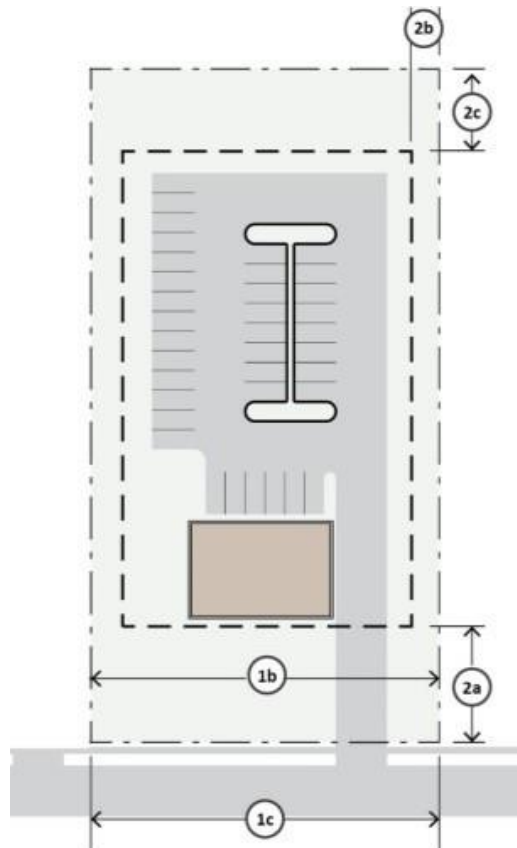
The C3 District is established to provide for the development of a broad spectrum of commercial and business uses. These uses are expected to serve the regional area commercial, business, and service needs. Consequently, the C3 District is expected to cause more traffic demands, and is, therefore, to be located or situated only along or adjacent to thoroughfares, major thoroughfares or expressways at interchanges with thoroughfares. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	n/a
1b. Lot width	n/a
1c. Lot frontage	200'
2. Minimum Building Setbacks	
2a. Front ¹	50'
2b. Side ¹ / aggregate	15' / 30'
2c. Rear	30'
2d. Internal	Zero
3. Maximum Building Height	
3a. Primary Structure	65'
3b. Adjacent to residential zones or uses	35'
4. Building Floor Area	
4a. Main Floor Area (min)	n/a
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%

Notes:

1. Additional buffer yard requirements may apply



Sec. 3.3.4. EN Employment Node District

A. District Intent

1. The EN District is provided for the development of large office buildings providing regional employment opportunities integrated with a mix of uses, open space and trail connectivity. This District will provide premier office space and employment centers whose viability, quality, and character are important to the community, adjacent residents, employees, business owners, and taxing districts.
2. The purpose of this District is to promote sustainable economic development in this area that will serve as an economic driver for the City, providing additional business tax base and employment opportunities for residents in and around the City.
3. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area (min)	n/a
1b. Lot width (min)	n/a
2. Building Setbacks and Build-to Area (BTA)	
2a. Front, BTA (min / max)	15' / 30'
2b. Side interior lot line (min) ¹	0 or 15'
2c. Side street BTA (min / max)	10' / 30'
2d. Rear ¹	20'
2e. Building width within the front build-to area (min)	50%

2f. Building width within the side build-to area (min)	25%
3. Parking Setbacks	
3a. Front (min)	20'
3b. Side lot line (min)	0'
3c. Side street (min)	10'
3d. Rear lot line (min)	5'
4. Height	
4a. Along I-69 (min)	38' and 3 occupiable floors
4b. Along other streets (max)	30' and 2 occupiable floors
4c. Adjacent to residential zones (max)	30'
5. Floor Area	
4a. All primary buildings, finished floor area (FFA) (min)	15,000 sf
4b. First floor FFA, second floor FFA along I-69 (max)	40%, 35%
4c. First floor FFA along other streets (max)	60%
6. Other	
5a. Impervious area of lot (max)	75%
Notes	
1. Additional buffer yard requirements may apply	

Sec. 3.3.5. I1 Industrial District

A. District Intent

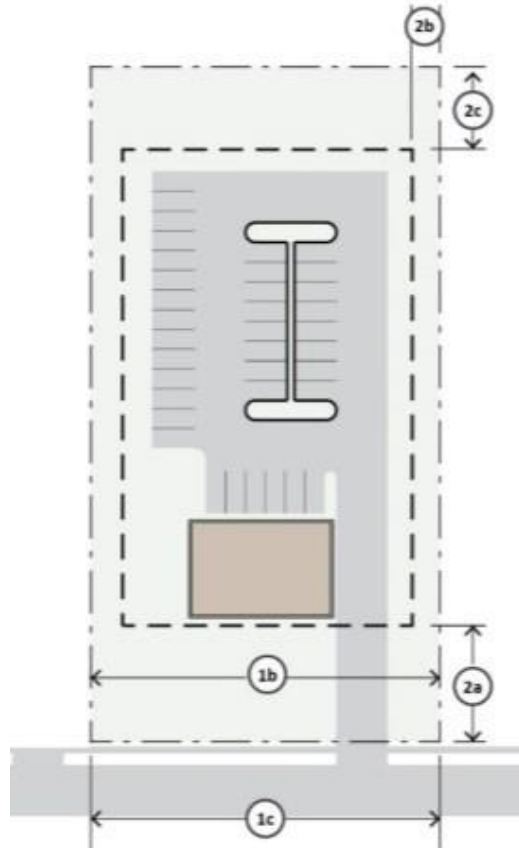
The I1 District is established for the development of light industrial uses which are totally enclosed within a building or structure. This district shall be located adjacent to the C3 District. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	150'
2. Building Setbacks	
2a. Front	100'
2b. Side interior lot line (min) ¹ Side street (min) ¹	0' 15'
2c. Rear ¹	50'
3. Parking Setbacks	
3a. Front (min)	10'
3b. Side lot line (min)	0'
3c. Side street (min)	10'
3d. Rear lot line (min)	5'
4. Height	
4a. Primary Structure (max)	42' / 3 stories
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	75%

Notes

1. Additional buffer yard requirements may apply



Article 3.4. Other Districts

Contents:

- Sec. 3.4.1 AG Agriculture District
- Sec. 3.4.2. MA Municipal Airport District
- Sec. 3.4.3 NPD Nickel Plate District Sec.
- 3.4.4 OS Open Space District
- Sec. 3.4.5. PUD Planned Unit Development District

Sec. 3.4.1. AG Agriculture District

A. District Intent

The intent of the AG District is to conserve agricultural land and undeveloped natural amenities while preventing the encroachment of incompatible land uses on farm land and other undeveloped areas. The types, area and intensity of land uses in an AG District are designed to encourage and protect agricultural uses and for the conservation of undeveloped areas. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	10 acres (435,600 sf)
1b. Lot width (min)	150'
1c. Lot frontage (min)	50'
2. Building Setbacks	
2a. Front (min)	60'
2b. Side (min)	50'
2c. Rear	100'
3. Height	
3a. Primary Structure (max)	35' / 2.5 stories
3b. Accessory structures (max)	22' (agriculture-related accessory structures are exempt)
4. Other	
4a Does not require municipal water and sewer hookup	
4b. Impervious area of lot (max)	15%

Sec. 3.4.2. MA Municipal Airport District

A. Intent

The MA District is designed to provide land for the operation of public airports. Such airports shall be operated in compliance with all applicable safety and operational standards and regulations of the Federal Aviation Administration and other aviation regulatory authorities. Said airports shall be deemed in compliance with the requirements of the UDO as applied to navigation and flight operational uses. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	n/a
2. Building Setbacks	
2a. Front (min) ¹	50'
2b. Side interior lot line (min) ¹	0'
Side street (min) ¹	25'
2c. Rear (min) ¹	25'
3. Height	
3a. Primary Structure (max)	Per FFA restrictions
4. Other	
4a Requires municipal water and sewer hookup	
4b. Impervious area of lot (max)	85%
Notes	
1. Additional buffer yard requirements may apply	

Sec. 3.4.3. NPD Nickel Plate District

The following zoning categories are regulated by an independent regulator document entitled [City of Fishers Nickel Plate District Code](#):

- A. Downtown Core (DC)
- B. Highway Center (HC)
- C. Municipal Center (MC)
- D. Village Center (VC)
- E. Technology Center (TC)

In the event of any conflict between any provision of the NPD Code and any other provision of the UDO, the NPD Code shall provide the ultimate control within the NPD District. In the event the NPD Code is silent as to fees, permits, sign regulations, or any other similar provision relating to development standards, the applicable provision of the UDO shall control.

Sec. 3.4.4. OS Open Space District

A. Intent

The OS District is intended to provide for permanent open space areas that will be preserved as undeveloped or open land and developed land for use as parks, playgrounds, recreational areas, buffer zones between commercial or industrial uses and adjacent residential districts. The open space may be developed into single or multipurpose use areas, and these uses may be managed or operated by the City, County, school systems, parks board, or others. See [CHAPTER 5. USE REGULATIONS](#) for permitted uses within the District.

B. Development Standards

1. Lot / Site Dimensions	
1a. Lot area / site area (min)	n/a
1b. Lot width (min)	n/a
1c. Lot frontage (min)	None; except if more than one curb cut entrance/exit is required, the site shall have at least 200' of frontage
2. Building Setbacks	
2a. Front (min)	100'
2b. Side interior lot line (min)	100'
2c. Rear	100'
3. Height	
3a. Primary Structure (max)	35'
3b. Accessory structures (max)	18'
4. Other	
4a. Requires municipal water and sewer hookup	
4b. More than one primary structure shall be permitted on one tract of land.	
4c. Impervious area of lot (max)	30%

Sec. 3.4.5. PUD Planned Unit Development District

A. Intent

The intent of the PUD District is to provide a relief mechanism from the prescriptive standards of a general use zoning district. The PUD District is intended to be used to achieve a higher quality of project design than could be accomplished through the strict application of a general use district or set of general use districts, without adversely impacting the adequate facilities required to serve the property and surrounding area. A PUD District is established through Council approval with a specific PUD District Ordinance establishing the development standards and use standards for each PUD District (see [Sec. 10.2.16. Planned Unit Development](#)).

B. Prerequisite Base Zoning

The prerequisite base zoning shall be as indicated in the PUD District Ordinance. If a parent tract has multiple zoning districts, each of those zoning districts must be on the prerequisite listing.

C. Minimum Project Size

The minimum project size for a PUD District shall be two (2) acres or more.

D. Minimum Parent Tract

The minimum parent tract area shall be as indicated in the PUD District Ordinance.

E. Development Requirements

A PUD District shall comply with the provision of the UDO. In addition, a proposed PUD District should include concepts and development and design standards that generally offer the following advantages over a standard zoning district:

1. Address the policies included in the Comprehensive Plan specific to the neighborhood to encourage consistency with the community's vision as presented in the Comprehensive Plan.
2. Use design to provide compatibility between areas of different land uses and development intensities within the PUD District.
3. Buffer different types of land uses and development intensities outside of the PUD District from those within the PUD District to increase compatibility or minimize any adverse impact which new development may have on existing or zoned development.
4. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces and provide enhanced [Salutogenic](#) amenities and open space.
5. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.
6. Promote architecture that complements the surroundings.
7. Counteract urban monotony and congestion on streets.



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 5. USE REGULATIONS

Contents:

- Article 5.1. Allowed Property Uses & Maintenance Standards
- Article 5.2. Residential Uses
- Article 5.3. Public & Institutional Uses
- Article 5.4. Commercial Uses
- Article 5.5. Industrial Uses
- Article 5.6. **Open Agricultural and** Animal Uses
- Article 5.7. Accessory Uses
- Article 5.8. Temporary Uses

Article 5.1. Allowed Property Uses & Maintenance Standards

Contents:

- Sec. 5.1.1. Classification of Uses
- Sec. 5.1.2. Prohibited Uses
- Sec. 5.1.3 Use Determination
- Sec. 5.1.4. Key to Use Table
- Sec. 5.1.5. Permitted Use Table
- Sec. 5.1.6. General Health & Maintenance Standards

Sec. 5.1.1. Classification of Uses

A. Applicability

No building, structure or land shall be used and no building or structure shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a zoning district in which such a building, structure or land is located.

B. Permitted Uses

Permitted uses by district are listed in [Sec. 5.1.5. Permitted Use Table](#). Permitted uses are grouped into categories of uses.

C. Special Exception

Special Exceptions by district are listed in [Sec. 5.1.5. Permitted Use Table](#). See also [Sec. 10.2.19. Special Exception](#).

D. Accessory Uses

Accessory uses are allowed in conjunction with a permitted primary use as set forth in [Article 5.7. Accessory Uses](#).

E. Temporary Uses

Temporary uses, in conjunction with a primary use, are allowed as set forth in [Article 5.8. Temporary Uses](#).

F. Use Standards

Certain use standards are allowed with specific standards as set forth in this Chapter. The use standard



is cross-referenced in [Sec. 5.1.5. Permitted Use Table](#).

G. Change of Tenant - Large Scale Tenant Spaces

For any tenant space with a floor area of 25,000 square feet or greater, a change of one tenant to a different tenant with a COMMERCIAL or PUBLIC & INSTITUTIONAL use listed under [Sec. 5.1.5. Permitted Use Table](#), excluding medical or office, shall be required to obtain approval from City Council as set forth in [Sec. 10.2.26. Change of Tenant - Large Scale Tenant Spaces](#).

(Ord. 062121B, 07/19/2021)

Effective on: 7/19/2021

Sec. 5.1.2. Prohibited Uses

Except for uses determinations made pursuant to [Sec. 5.1.3 Use Determination](#), any use not explicitly allowed as a permitted use by right, accessory use, limited use, Special Exception, or a Temporary Use in the zoning district allowed in [Sec. 5.1.5. Permitted Use Table](#), is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:

- A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in a zoning district ;
- B. Any use prohibited by an applicable Special Exception;
- C. Any use prohibited by an applicable overlay zoning district;
- D. Manufactured home or travel trailer except in the MP Zoning District or allowed in a PUD Zoning District;
- E. Open dump;
- F. Signs erected in violation of [Article 6.17. Signage Standards](#); and
- G. Storage of unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles except as temporarily allowed in towing yards for vehicles or stored in a garage.

Effective on: 7/20/2018

Sec. 5.1.3. Use Determination

A. Interpretation by the Director

The Director is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar in character, intensity, and impact to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is like a listed use, the following criteria will be considered:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties; and
12. Whether the activity is likely to be found independent of the other activity on the site.



B. Uses Not Specifically Listed

A use not specifically listed in *Sec. 5.1.5. Permitted Use Table* is prohibited, unless the Director determines the use to be part of a use category as described in *Sec. 5.1.3 Use Determination*.

C. Director Action

Following a determination by the Director, a written record shall be kept by the Department (see also *Sec. 10.2.2. Administrative Determination*).

Sec. 5.1.4. Key to Use Table

Sec. 5.1.5. Permitted Use Table identifies uses permitted in each zoning district. The use table key is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted by right in the District.

B. Special Exception (S)

Indicates that it is a permitted use, subject to a review by the Board of Zoning Appeals and conditions and limitations imposed by the Board.

C. Accessory (A)

Indicates that the use is permitted as an accessory use to an established primary use.

D. Temporary (T)

Indicates that the use is permitted as a temporary use.

~~E. Limited Use (L)~~

~~Indicates that the use is permitted on a limited basis with additional standards.~~

Use Not Permitted (-)

Indicates that a use is not permitted in that District.

~~F. Conditional Use (C)~~

~~Indicates a use permitted that requires approval of the Board due to its nature.~~

(Ord. 011822, 02/21/2022)

Effective on: 7/20/2018




Sec. 5.1.5. Permitted Use Table

5.1.5 Permitted Use Table																		
USE	Residential									Nonresidential					Other		Use Standards	
	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG		OS
P - Permitted, S - Special Exception Permit Required, A - Accessory, T - Temporary, * - Zoning-specific standards and limitations apply																		
RESIDENTIAL																		
Household Living, as listed below:																		Sec. 5.2.1.A
Single-unit living	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	-	Sec. 5.2.1B.
Two-unit living	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	Sec. 5.2.1C.
Multi-unit living	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	Sec. 5.2.1D.
Cottage court (IN PROGRESS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 5.2.1E.
Conservation development	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	Sec. 5.2.1F.
Compact development (IN PROGRESS)																		
Manufactured home development	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	Sec. 5.2.1G
Group Home Living, as listed below:																		Sec. 5.2.2.A.
<u>Assisted living facility / memory care</u>	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	<u>Sec. 5.2.2.B.</u>
Group home	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.GB.
Special Care Facility	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.DC.
Special care facility, as listed below:																		Sec. 5.2.2.DC.
Residential facility for the developmentally disabled	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.DC.
Residential facility for the mentally ill	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	Sec. 5.2.2.DC.
<u>Senior Living, as listed below:</u>																		<u>Sec. 5.2.3.A.</u>
<u>Senior Living Community</u>	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	<u>Sec. 5.2.3.B.</u>
<u>Assisted Living</u>	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	<u>Sec. 5.2.3.C.</u>
<u>Independent Living</u>	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	<u>Sec. 5.2.3.D.</u>
<u>Nursing Home</u>	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	<u>Sec. 5.2.3.E.</u>

PUBLIC & INSTITUTIONAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
CIVIC, except as listed below:	S	S	S	S	S	S	S	S	-	S	S	S	S	S	-	S	S	Sec. 5.3.1A. & E.
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.3.1A. & B.
Hospital	-	S	S	S	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.3.1A
Place of Worship	S	S	S	S	S	S	S	S	-	S	S	S	-	S	-	S	S	Sec. 5.3.1A. & C.
Schools, Pro-K and Nursery	S	S	S	S	S	S	S	S	-	S	S	S	-	S	-	S	P	Sec. 5.3.1A. & D.
Schools, Primary and Secondary	S	S	S	S	S	S	S	S	-	S	S	S	-	S	-	S	P	Sec. 5.3.1A. & D.
Schools, trade, business or commercial	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	Sec. 5.3.1A.
Parks, Open Space and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.2A.
Outdoor Living History Museum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 5.3.2B.
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.3A.
Major utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 5.3.3B.
Telecommunication tower	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	Sec. 5.3.3C.
Micro (small cell) tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 5.3.3D.
Wind turbines	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	Sec. 5.3.3A.
EDUCATION	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School, Preschool through K-12	S	S	S	S	S	S	S	S	-	S	S	S	-	S	-	S	P	Sec. 5.3.1A. & D.
School, Trade/Business	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	Sec. 5.3.1A.
HEALTHCARE FACILITIES	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hospital	-	S	S	S	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.3.1A
PARKS & OPEN SPACE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Parks, Open Space and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.2A.
Outdoor Living History Museum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	Sec. 5.3.2B.
UTILITIES AND COMMUNICATION	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.3.3A.
Major utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 5.3.3B.
Telecommunication tower	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	Sec. 5.3.3C.
Micro (small cell) tower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 5.3.3D.
Solar Energy System (SES)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES, Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	Sec 5.3.3.E

<u>SES, Freestanding</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>Sec 5.3.3.E</u>	
<u>SES, Parking Lot Canopy</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sec 5.3.3.E</u>	
<u>SES, Roof-Mounted</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sec 5.3.3.E</u>	
<u>SES, Wall-Mounted</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sec 5.3.3.E</u>	
Wind Energy System (WES)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<u>WES, Small</u>	<u>A</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sec 5.3.3.F</u>	
<u>WES, Large</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>Sec 5.3.3.F</u>	
Battery Energy Storage System (BESS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<u>BESS, Tier I</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Sec 5.3.3.G</u>	
<u>BESS, Tier II</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>S</u>	<u>-</u>	<u>S</u>	<u>-</u>	<u>Sec 5.3.3.G</u>	
COMMERCIAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS		
Child Care, as listed below:																		<u>Sec. 5.4.1A.</u>	
Child care center	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	<u>Sec. 5.4.1B.</u>	
Child care home	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	-	-	-	-	-	-	<u>CS</u>	<u>Sec. 5.4.1C.</u>	
<u>Child care ministry</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	<u>A</u>	<u>-</u>	<u>A</u>	<u>S</u>	<u>Sec 5.4.1.E</u>
Indoor Entertainment and Recreation, except as listed below	-	-	-	-	-	-	-	-	-	-	P	P	-	P	S	-	P	<u>Sec. 5.4.2A.</u>	
Adult entertainment establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	<u>CS</u>	-	-	-	<u>Sec. 5.4.2B.</u>	
Medical, except as listed below	-	-	-	-	-	-	-	-	-	-	P	P	<u>LP*</u>	P	<u>P*</u>	-	-	<u>Sec. 5.4.3A. & B.</u>	
Clinic	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	<u>Sec. 5.4.3C.</u>	
Office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	<u>Sec. 5.4.4A.</u>	
Outdoor Recreation	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	<u>Sec. 5.4.5.</u>	
Overnight lodging, except as provided below:	-	-	-	-	-	-	-	-	-	-	-	P	-	<u>LP*</u>	-	-	-	<u>Sec. 5.4.6A. & C.</u>	
Bed and breakfast	P	P	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	<u>Sec. 5.4.6B.</u>	
<u>Short-term rentals</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>L</u>	<u>-</u>	<u>Sec. 5.4.6D.</u>	
<u>Short-term rentals, owner-occupied</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>A</u>	<u>-</u>	<u>Sec. 5.4.6D.</u>	
<u>Short-term rentals, not owner-occupied</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>S</u>	<u>-</u>	<u>Sec. 5.4.6D.</u>	
Personal Service, except as listed below:	-	-	-	-	-	-	-	-	-	P	P	P	<u>LP*</u>	-	<u>LP*</u>	-	-	<u>Sec. 5.4.7A. & D.</u>	
<u>Animal care (indoor)</u>	-	-	-	-	-	-	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>Sec. 5.4.7B.</u>	

Animal care (outdoor)	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	Sec. 5.4.7C.
Restaurant/bar, as listed below:	-	-	-	-	-	-	-	-	-	-	P	P	-	-	L	P	-	Sec. 5.4.8.A.
Bar, tavern, lounge	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-	Sec. 5.4.8.B.
Eating establishments	-	-	-	-	-	-	-	-	-	-	P	P	LP*	-	LP*	-	-	Sec. 5.4.8.C.
Fast food/quick service	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	Sec. 5.4.8.D.
Retail sales, except as provided below:	-	-	-	-	-	-	-	-	-	-	P	P	LP*	-	-	-	-	Sec. 5.4.9A. & F.
Brewery, low intensity	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-	Sec. 5.4.9.B.
<u>Electric Vehicle Charging Station</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>5.4.9.C</u>
<u>Electric Vehicle Charging Facility</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>S</u>	<u>S</u>	<u>;</u>	<u>S</u>	<u>;</u>	<u>;</u>	<u>;</u>	<u>5.4.9.C</u>
Grocery	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	Sec. 5.4.9.D
Special handling	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	Sec. 5.4.9.E
Vehicle fuel sales	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	Sec. 5.4.9.F
Vehicle sales/rentals	-	-	-	-	-	-	-	-	-	-	-	LP*	-	P	-	-	-	Sec. 5.4.10. A & B
INDUSTRIAL	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	
Light industrial	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	P	P	Sec. 5.5.1A. & B.
Light manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	-	Sec. 5.5.2A. & B.
Research & Development	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	Sec. 5.5.3A.
Self-service storage	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.5.4A. & B.
Car wash	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.5.5.B.
Vehicle repair (minor)	-	-	-	-	-	-	-	-	-	-	P*	P	-	P	-	-	-	Sec. 5.5.5.C.
Vehicle repair (major)	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	Sec. 5.5.5.D.
Vehicle repair (commercial vehicle)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	Sec. 5.5.5.E.
Warehouse & distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 5.5.6A. & B
Wholesale trade	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 5.5.7.A
OPEN	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	-
Agricultural, except as provided below:	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.6.1A.
Community garden	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P	Sec. 5.6.1B.
Produce stand	L	L	L	L	L	L	L	L	L	L	L	L	L	-	-	L	L	Sec. 5.8.2C.
Plant nursery	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	Sec. 5.6.1C.
Urban farm	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P	Sec. 5.6.1D.
AGRICULTURAL & ANIMAL USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	-
Beekeeping	A	A	A	A	A	A	A	A	A	;	;	;	;	;	;	A	;	Sec 5.6.2.A
Community garden	;	;	;	;	;	;	;	;	;	P*	P*	P*	;	;	;	P*	P*	Sec. 5.6.1.B
Domestic Pets	A	A	A	A	A	A	A	A	A	;	;	;	;	;	;	A	;	

																			Sec 5.6.2.C
 Domestic Farm Animals	A	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	Sec 5.6.2.B
Kennel	-	-	-	-	-	-	-	-	-	-	-	P*	-	P*	-	-	P*	P*	Sec 5.6.2.D
Personal Garden	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	A	-	Sec. 5.6.1.C
Pet Grooming	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	P*	P*	Sec 5.6.2.E
Plant nursery	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	Sec. 5.6.1.D
Produce stand	T*	T*	T*	T*	T*	T*	T*	T*	T*	T	T	T	T	-	-	-	T	T	Sec. 5.6.1.E
Urban farm	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P	Sec. 5.6.1.F
Veterinary Clinic	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	P*	P*	Sec 5.6.2.F
Other agricultural uses as defined in this UDO	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	Sec. 5.6.1.A
ACCESSORY USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	-	
Accessory uses, general	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec 5.7.1
Caretaker's residence	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	Sec 5.7.2.A
Drive-through	-	-	-	-	-	-	-	-	-	-	A	A	A	-	A	A	-	-	Sec 5.7.2.B
Home Occupation	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	Sec 5.7.2.C
Outdoor Dining	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-	A	-	-	Sec 5.7.2.E
Recreational Use related to a Residential Development	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	-	Sec 5.7.2.F
Residential Accessory Service	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	Sec 5.7.2.G
TEMPORARY USES	ER	R1	R2	R3	R4	R5	MF	TCR	MP	C1	C2	C3	EN	I1	MA	AG	OS	-	
Temporary uses, general	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec 5.8.1
Construction Trailer	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec 5.8.2.A
Event Tents	T	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	T	-	Sec 5.8.2.G.2
Garage/Yard Sale	T	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	T	-	Sec 5.8.2.G.1
Institutional	T	T	T	T	T	T	T	T	T	-	T	T	T	-	T	-	T	T	Sec 5.8.2.B
Sales Office for Model Home	T	T	T	T	T	T	T	T	T	-	-	-	-	-	-	-	-	-	Sec 5.8.2.C
Special Event	-	-	-	-	-	-	-	-	-	-	T	T	T	T	T	T	T	T	Sec 5.8.2.D
Temporary off-street parking	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec 5.8.2.E
Temporary trash receptacle	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec 5.8.2.F
Temporary storage unit (POD)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec 5.8.2.F

(Ord. 111620B, 12/21/2020; Ord. 011822, 02/21/2022)

Effective on: 12/21/2020

Sec. 5.1.6. General Health & Maintenance Standards

A. **Obnoxious 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 this UDO shall be so altered or modified to conflict with these standards.

B. **Fire Protection**

Firefighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, 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.

C. **Electrical Disturbance**

No use shall cause electrical disturbance adversely affecting radio, television or other telecommunication equipment in the vicinity.

D. **Noise**

No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. Also, refer to [City of Fishers Code of Ordinances, Chapter 98 Noise](#).

E. **Vibration**

No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

F. **Odor**

No use shall emit across the lot lines malodorous gas or matter in such quantity as to be detectable at any point along the lot lines.

G. **Air Pollution**

No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.

H. **Heat and Glare**

No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

I. **Water and Solid Waste Pollution**

1. No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
2. No authorization of a use under this UDO includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law ([Acts 1943, Chapter 214](#), as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities shall be approved by the Stream Pollution Control Board and any federal, State, County, and/or local authorities that may also have jurisdiction.
3. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

J. **Waste 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 may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water. Also, refer the [City of Fishers Code of Ordinances, Chapter 153 Stormwater Management](#).

K. Fuel Storage

No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal may be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel. Fuel for heavy equipment used during grading and construction may be stored on site for the duration of the project subject to all applicable State and local regulations.

L. Debris/Refuse

1. Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood shall not be present or accumulate on any property; or
2. The storage or parking of any inoperable vehicle or junk vehicles as those terms are defined in [CHAPTER 12. DEFINITIONS](#).
3. **Exemption.** This subsection shall not be construed as prohibiting any of the following:
 - a. The outdoor storage of bona fide farm equipment, farm implements, or farm vehicles; provided such items are being used for ongoing farm operations and are otherwise in compliance with all other applicable ordinances,
 - b. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for sale or delivery; or
 - c. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, if the repair shop or impoundment facility has all licenses or registrations required by the State of Indiana

M. Light Pollution

All lighting shall comply with requirements of [Article 6.5. Exterior Lighting Standards](#) to not be detrimental to adjacent and surrounding properties to an extent to cause a nuisance or disturb a local habitat.

(Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

Article 5.2. Residential Uses

Contents:

Sec. 5.2.1 Household Living

Sec. 5.2.2. Group Home Living

Sec. 5.2.1. Household Living

A. Household Living Use Category

Residential occupancy of a dwelling unit by a household. Household living includes the following uses.

1. Single-unit living, two-unit living, multi-unit living.
2. Cottage court.
3. Conservation development.
4. Compact development.
5. Manufactured home development.

B. Single-Unit Living

One (1) dwelling unit in a single primary structure.

C. Two-Unit Living

Two (2) dwelling units in a single primary structure.

D. Multi-Unit Living

Three (3) or more dwelling units in a single primary structure. Multiple primary buildings are allowed on the same lot.

E. Cottage Court

A group of small detached houses centered around a common open space or courtyard.

F. Conservation Development

A conservation development allows smaller lot sizes (with smaller setbacks) and additional density in exchange for protecting a significant amount of open space.

G. Manufactured Home Development

A site which contains or is intended for the long-term location of manufactured homes that may include services and facilities for the residents. Includes both manufactured home park (with leased or condominium spaces) and manufactured home subdivision (individually platted spaces). Manufactured home developments must meet standards in [CHAPTER 3. ZONING DISTRICTS](#).

Sec. 5.2.2. Group Home Living

A. Group Living Use Category

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. ~~Assisted living facilities.~~
2. Group home.
3. ~~Nursing home.~~
4. Special care facilities.

B. ~~Assisted Living Facility~~

~~A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provided 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.~~

C. Group Home

A facility that houses not more than 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](#).
3. 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 because they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by [State Law](#) and must be a licensed facility with the State,

meeting fire codes, building codes, and specific group home regulations.

D. Special Care Facility

1. Residential Facility for the Developmentally Disabled.

- a. Large: A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in [IC 12-28-4](#). This use is allowed in all Residential Districts.
- b. Small: A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in [IC 12-28-4](#).

2. Residential Facility for the Mentally Ill. A residential facility which provides residential services for mentally ill individuals as described in [IC 12-28-4](#). This use is allowed in Residential Districts, however, no two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of each another within the City's planning jurisdiction as stated in Indiana Code.

Sec. 5.2.3. Senior Living

A. Senior Living Use Category

Residential occupancy of an individual or multi-family dwelling unit that may not meet the definition of household living. Generally, senior living communities are for those aged 55 and over. They offer a variety of housing and care options, which are listed below. Assisted Living

- 1. Senior Living Community
- 2. Independent Living
- 3. Assisted Living
- 4. Nursing Home

B. Senior Living Community

A residential community that offers a variety of housing and care options consisting of independent living, assisted living and memory care on a single lot. The spectrum of options allows seniors aged 55 and over to age in place. These communities are under common ownership. Residents may live in single family or multi-family housing with units only rented or leased and not sold.

C. Assisted Living

A residential community for those who require long-term assistance with activities of daily living including limited on-site rehabilitation and medical care. The building does not contain equipment for surgical care or for treatment of disease or injury and is not primarily designed for residents needing 24-hour monitoring and medical assistance by trained medical staff and treatment for mental illness or alcohol or drug addiction. Assisted living communities primarily have apartment-like private rooms that are not shared by non-related persons. They may provide memory care services for those with Alzheimer's or dementia. In the memory care wing or floor, residents may share rooms with non-related persons.

D. Independent Living

A residential community for those who do not need assistance with activities of daily living but would like services that may include daily meals, housekeeping and laundry services, wellness team, security, transportation, access to on-site activities, amenities and events, etc. Residential units associated with senior living communities are only rented or leased and not sold. These units may consist of single-family homes, duplexes, apartments, condos, townhomes, etc.

E. **Nursing Home**

A residential community for those who require either short- or long-term assistance with activities of daily living including 24-hour monitoring and medical assistance by trained medical staff, in-house rehabilitation services and specialized care. They do not provide care or treatment to those with a serious illness like a hospital. Nursing homes primarily have dorm – style living that may be private or shared with non-related persons. They may provide memory care services for those with Alzheimer’s or dementia and mental health services.

Article 5.3. Public & Institutional Uses

Contents:

Sec. 5.3.1. Civic

Sec. 5.3.2. Parks, Open Space & Greenways

Sec. 5.3.3 Utilities

Sec. 5.3.1. Civic

A. **Civic Use Category**

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the public, as well as meeting areas for religious practice. Buildings and structures for civic uses shall comply with [Article 6.13. Permitted Non-residential Structure Standards](#). Non-profit civic uses are not permitted within the I-69 Overlay District (see also [CHAPTER 4. OVERLAY ZONING DISTRICTS](#)). Civic uses include, but are not limited to, the following uses as examples:

1. Cemetery.
2. Civic Club
3. Hospital
4. Museum, library.
5. Places of worship including church, mosque, synagogue, temple.
6. Police, fire, EMS station.
7. School, public or private (K-12).
8. School, Trade or Business

B. **Cemetery**

Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. Cemeteries shall comply with the following standards.

1. **Wall and Fence Standards:** All cemeteries shall incorporate a perimeter fence or wall that is at least 48 inches tall but no taller than 72 inches. Fencing shall not be chain-link.
2. **Setback Standards:**
 - a. Any burial space shall be set back at least 100 feet from any existing or proposed easement or right-of-way.
 - b. Any permanent structure erected for the interment, entombment, or inurnment of human remains shall be set back at least 100 feet from the nearest property line.

C. **Place of Worship**

A building set apart and/or consecrated for religious purposes and public worship.

D. **School, Public or Private (K-12)**

A public or private (including charter or religious) school at the primary, elementary, middle, junior high or

high school level that provides basic academic education.

Effective on: 7/20/2018

Sec. 5.3.2. Parks, Open Space & Greenways

A. Parks, Open Space and Greenways Use Category

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures. Parks, open space and greenway uses include, but are not limited to, the following uses as examples:

1. Botanical garden, nature preserve, recreational trail, greenway.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field. A public park may contain civic uses such as a community center, museum or library.
4. Reservoir, control structure, water supply, water well.

B. Outdoor Living History Museum.

The Outdoor Living History Museum established to provide for the education of the public regarding the life and times of the first generation of Indiana settlers. The use standards for the Outdoor Living History Museum is provided below:

1. **Approval.** Development Plan approval required for all developments.
2. **Height.** One (1) primary structure not to exceed 50 feet; all other structures not to exceed 35 feet; exhibits/attractions related to the outdoor living history museum exempt from these height standards.
3. **Minimum Lot Area.** 150 acres.
4. **Minimum Lot Width at Building Line.** 1,000 feet.
5. **Minimum Lot Frontage.** 500 feet.
6. **Sewer and Water.** Requires municipal water or sewer hookup.
7. **Minimum Front Setback.** 100 feet.
8. **Minimum Side Setback.** 50 feet
9. **Minimum Rear Setback.** 100 feet
10. **Buffer Yard.** Additional Buffer Yard requirements may apply that increases the setbacks. See also [Sec. 6.7.4. Buffer Yards.](#)
11. **Maximum Impervious Surface Coverage.** 40%
12. **Primary/Accessory Structures.** More than one Primary Structure and more than one accessory structure shall be permitted on one tract of land.
13. **Access.** Entrances and exits shall be located to minimize any adverse effect on adjacent properties.
14. **Parking.** Off-street parking spaces shall be provided on site for any use and shall consist of not fewer than 620 improved parking spaces.
15. **Storage.** Outside storage, where necessary, shall be in a manner which will minimize its visibility from areas adjoining the project site.

Effective on: 7/20/2018

Sec. 5.3.3. Utilities

A. Minor Utilities Use Category

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include, but are not limited to, the following uses as examples:

1. On-site stormwater retention or detention facility.
2. Neighborhood-serving cable, telephone, gas or electric facility.
3. Sustainable energy system.
4. Water and wastewater pump station or lift station.
5. Electrical substation.
6. Utility service.

B. Major Utilities Use Category

Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities include the following uses.

1. Electric or gas generation plant.
2. Water or sanitary sewer treatment plant.

C. Telecommunication Facilities

A land based facility, consisting of towers, antennas, accessory buildings and structures or other structures intended for use as it relates to commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions Telecommunication facilities are allowed in nonresidential zoning districts and shall comply with the following use standards:

1. Setbacks.

- a. All telecommunication towers shall be set back from any property line a distance equal to at least 80% of the height of the tower;
- b. A telecommunication tower shall be 500 feet from any residential structure; and
- c. Telecommunication towers are generally not permitted in established front yards, except where evidence provided by the petitioner demonstrates that placement in an established front yard would provide the best camouflage for the tower.

2. Design. All telecommunication towers shall be a monopole design.

- a. Buffer Requirements. The location of the tower and equipment buildings shall comply with all local, State and federal natural resource protection standards. The following buffer planting shall be located around the outermost perimeter or security fence of a telecommunication facility:
 - i. An eight-foot (8') high wood fence or brick masonry wall shall completely surround the entire telecommunications facility, excluding guy wires.
 - ii. A live evergreen screen consisting of a hedge, planted five (5) feet on center maximum, or a row of evergreen trees planted a maximum of 10 feet on center shall be planted outside the fence around the entire telecommunication facility and each of the guy wires and anchors, if used, and the height of all plants at the time of planting shall be no less than five (5) feet;
 - iii. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible on the entire site;
 - iv. Existing evergreen vegetation outside the fence or wall may be counted toward the evergreen screen.

3. Access. Proposed telecommunication towers and antennas shall meet the following access requirements:

- a. Vehicular access to the tower and equipment building shall be provided along any existing driveways, whenever feasible; and
- b. The telecommunication facility shall be fully automated and unattended daily, and may be visited only for periodic maintenance, emergencies, installations or equipment removal.

4. **Design.** Proposed telecommunication towers and antennas shall meet the following design requirements:
 - a. Telecommunication towers and antennas shall be designed to blend into the surrounding environment using camouflaging, color and architectural treatment, except in an instance where the color is dictated by federal or State authorities such as the Federal Aviation Administration (FAA).
 - b. The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. If the facility is screened 100% during all seasons with an eight-foot (8') tall wood privacy fence and evergreen screen, other materials may be approved.
 - c. Lighting for safety or security reasons, or required by the FAA or other federal or State authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding residential properties.
5. **Collocation Requirements.**
 - a. At a minimum, a monopole shall be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with this UDO.
 - b. Minimum number of additional antenna sites to be provided on an 80-foot tower is two (2).
 - c. The site of the initial telecommunication tower and telecommunication facility shall be of sufficient area to allow for the location of additional equipment.
 - d. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial use and the additional users as required in accordance with this UDO. Telecommunication towers shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower and to accept cellular communication equipment and antennas mounted at varying heights.
6. **Siting Requirements.** A proposal for a new telecommunication tower shall not be approved unless the petitioner submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one (1) or more of the following reasons:
 - a. The planned telecommunication equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost.
 - b. The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
 - c. The existing or approved towers, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved tower, building or structure.
 - e. The petitioner has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings or structures.
 - f. Additional land area is not available at the base of existing towers, buildings or structures to accommodate the proposed telecommunication facility.

7. **Construction Requirements.** All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Commission's jurisdiction shall comply with the following requirements:
 - a. All applicable provisions of this UDO and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
 - b. All telecommunication towers and telecommunication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
 - c. Except for necessary electric and telephone service and connection lines approved by the Board, no part of any telecommunication equipment, telecommunication tower, lines, cables, equipment, wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.
 - d. All telecommunication towers and telecommunication equipment shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
 - e. All telecommunication towers and telecommunication equipment shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA).
 - f. All signal and remote-control conductors of low energy extending substantially horizontally above the ground between a tower and other telecommunication equipment, or between towers, shall be at least 10 feet above the ground at all points, unless buried underground.
 - g. All telecommunication towers and telecommunication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
 - h. An engineer's certification shall be submitted for all telecommunication towers and all other telecommunication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, strength requirements to withstand natural forces such as ice, wind, earth movements, etc.
 - i. All telecommunication towers and telecommunication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half ($\frac{1}{2}$) inch of ice and to accommodate all collocation sites as required by this UDO.
8. **Existing Structures.** The following shall apply to existing antennas, telecommunication towers and telecommunication equipment:
 - a. Existing structures may continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this UDO.
 - b. All requests to install any telecommunication equipment on an existing approved or "grandfathered" tower, building or structure shall be submitted to the Department for approval. All such requests will only require an electrical permit, Department zoning approval, and the contract between the petitioner and the owner of the existing tower, building or structure, unless other approvals are required as set out in this UDO.
9. **Inspection of Towers.** The following shall apply to the inspection of telecommunication towers:
 - a. All telecommunication towers may be inspected at least once every year - or more often as needed to respond to complaints received - by the Department, the Director of Engineering, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which any permit was obtained constitutes a violation of this UDO.

- b. Notice of Violation will be sent by registered mail to the owner and the owner will have 30 days from the date the notification is issued to make repairs. The owner is required to notify the Department of Community Development that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

10. **Abandoned Towers.** Any telecommunication tower unused or left abandoned for six (6) months will be removed by the tower owner at its expense. Should the owner fail to remove the telecommunication tower after 30 days from the date a Notice of Violation is issued, the City may remove the telecommunication tower and bill the owner for the costs of removal and cleanup of the site.

D. Micro (Small Cell) Towers

1. **Purpose.** The purpose of this Section is to provide for sensible and reasonable land use standards to allow for the provision of adequate reliable public and private telecommunication service and small cell facilities for telecommunications to serve the telecommunications needs of the area and undesirable visual effects of such small cell facilities and to provide for the reasonable location of such facilities in the City.
2. **Limitation to JURIS-OL.** Small cell facilities for telecommunications are limited to placement in the JURIS-OL zoning district. Small cell facilities for telecommunications are not permitted within JURIS-OL right-of-way having "Local" functional classification as defined in the City's Transportation Plan.
3. **Definitions.** For purposes of this Section, the following words are consistent with [State Law](#), the words and phrases below are defined as follows:
 - a. **Antenna:** Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.
 - b. **Base Station:** A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.
 - c. **Collocation:** The placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
 - d. **Construction Plan (1):** When referring to a new wireless support structure means a written plan for construction that demonstrates the aesthetics of the wireless support structure is substantially similar to the street lights located nearest the proposed location; includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing antennas, including a geotechnical report and calculations for the foundation's capacity; the identity and qualifications of each person directly responsible for the design and construction; and signed and sealed documentation from the applicant that shows the proposed location of the wireless facility and wireless support structure and all easements and existing structures within 1,000 feet of such wireless facility or wireless support structure.
 - e. **Construction Plan (2):** When referring substantial modification of an existing wireless facility or wireless support structure means a plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
 - f. **Electrical Transmission Tower:** A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
 - g. **Equipment Compound:** The area that: (1) surrounds or is near the base of a wireless support structure; and (2) encloses wireless facilities.
 - h. **Existing Structure:** Does not include a utility pole or an electrical transmission tower.
 - i. **Permit Authority:** The staff of the City and the applicable Board appeals within the jurisdiction

of the City.

- j. **Person:** A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.
 - k. **Small Cell Facility:** (i) A personal wireless service facility as defined by the Act or (ii) a wireless service facility that satisfies the following requirements: (a) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (b) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; and (c) the primary equipment enclosure located with the facility has a volume of 40 cubic feet or less.
 - l. **Small Cell Network:** A collection of interrelated small cell facilities designed to deliver wireless service.
 - m. **Substantial Modification of a Wireless Support Structure:** The mounting of a wireless facility on a wireless support structure in a manner that: (i) increases the height of the wireless support structure by the greater of: (a) 10% of the original height of the wireless support structure; or (b) 20 feet; (ii) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (a) 20 feet; or (b) the width of the wireless support structure at the location of the appurtenance; or (iii) increases the square footage of the equipment compound in which the wireless facility is located by more than 2,500 square feet. The term substantial modification does not include the following: (i) increasing the height of a wireless support structure to avoid interfering with an existing antenna; (i) increasing the diameter or area of a wireless support structure to: (a) shelter an antenna from inclement weather; or (b) connect an antenna to the wireless support structure by cable.
 - n. **Utility Pole:** A structure that is: (i) owned or operated by: (a) a public utility; (b) a communications service provider; (c) a municipality; (d) an electric membership corporation; or (e) a rural electric cooperative; and (ii) designed and used to: (a) carry lines, cables, or wires for telephone, cable television, or electricity; or (b) provide lighting.
 - o. **Wireless Facility:** The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.
 - p. **Wireless Support Structure:** A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.
4. **General Standards.**
- a. **Permits:** A person that provides wireless communications service or otherwise makes available infrastructure for wireless communications services may apply for a permit to (a) locate a wireless facility or wireless support structure, (b) perform a substantial modification or (c) collocate wireless facilities on existing structures in the JURIS-OL. An applicant shall demonstrate that the proposed wireless facility, wireless support structure or substantial modification thereof complies with the requirements of this JURIS-OL.
 - b. **Collocation Preference:**
 - i. At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.
 - ii. The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one (1) additional wireless facility.
 - iii. Any proposed wireless support structure shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.
 - iv. A proposal for a new wireless support structure shall not be approved unless the person submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or

electrical transmission tower or other structure due to one (1) or more of the following reasons:

- a) The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved utility pole or electrical transmission tower, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost, or
 - b) The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or
 - c) The existing or approved utility pole or electrical transmission tower, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
 - d) Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved utility pole or electrical transmission tower, building or structure; or
 - e) The person has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings or structures.
- c. Specifications: Beginning on the effective date of August 1, 2015, new wireless facilities and wireless support structures shall meet the following specifications:
- i. *Overall Maximum Antenna and Tower Height:* 50 feet from AGL (at grade level).
 - ii. *Minimum Tower Separation:* 1,000 feet between any other support structure primarily used for telecommunications, measured in any direction between support structures, not necessarily a dimension measured parallel to a road right-of-way.
 - iii. Support structures must be metal or fiberglass poles matching the City's street light poles, per engineering specifications as may be amended from time to time by the Fishers Board of Public Works and shall be "Fishers Green" which is commonly called Lilly Industries "Holiday Green" RAL 6004. Support structures shall include luminaires that match the City's specifications for lighting and be maintained in good working order at the cost of the applicant, including the cost of electricity. Any antenna equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure.
 - iv. All facility equipment at a single facility, except for the antenna itself, shall be ground mounted in a cabinet having an area not to exceed 40 cubic feet and no greater than 48 inches tall. Under special circumstances based on an agreement, the permit authority may allow a pole mounted cabinet with dimension not exceeding 20" x 20" x 6", ground mounted cabinet not to exceed 2' x 2' x 1' and other considerations, such as, but not limited to, the addition of shrouding and landscaping to mitigate the visual impact of the equipment. If an agreement cannot be reached, then the City Board of Public Works shall intervene and decide.
 - v. All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, said plaque shall not exceed 0.25 square feet.
 - vi. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the support structure are aerial then service lines to the support structure can also be aerial, except for any service drop crossing a street or roadway which would need to be bored

and placed under such street or roadway.

vii. Wireless support structures and facilities shall be designed to blend into the surrounding environment using color, camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities shall be in accordance with standards established by the City Board of Public Works, from time to time.

d. Continued Operation: A person receiving a permit for a new (i) construction of a new wireless support structure; (ii) substantial modification of a wireless support structure; or (iii) collocation of wireless facilities on an existing structure explicitly agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facilities owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after 30 business days from the date a Notice of Violation is issued by the City, the City may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. The owner of any facility shall annually file a copy of any inspections completed on such wireless support structure or wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities.

e. Confidential Information: All confidential information submitted by an applicant shall be maintained to the extent authorized by [Indiana Code 5-14-3 et. seq.](#)

5. **New Wireless Support Structures.**

a. Contents of Application: An application for a permit shall include the following:

i. The name, business address, and point of contact for the applicant.

ii. The location address, and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within 1,500 feet of the proposed new support structure.

iii. A construction plan, as defined herein, that describes the proposed wireless, support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment sufficient to determine compliance with these standards.

iv. Evidence supporting the choice of location, including, without limitation.

a) Maps or plats showing the proposed location(s) of applicant's proposed wireless support structure; and

b) A sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option.

b. Single Application: An applicant may submit one (1) application for multiple wireless service facilities that are located within JURIS-OL. The Department may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

c. Variances: If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance.

d. Procedure:

i. Determination of Completion/Defects: Within 10 business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If

the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within 30 business days of receiving the notice. If an applicant is unable to cure the defects within the 30-day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

- ii. *Decision by Permit Authority:* Not more than 14 business days after the permit authority makes an initial determination of completeness, the permit authority shall: (i) review the application to determine if it complies with applicable requirements of this Section (ii) review the application to determine if it complies with standards required as established by the permit authority, and (iii) notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the 14 business days shall be extended for a corresponding, reasonable amount of time.
 - e. Written Determinations: A written determination shall state clearly the basis for the decision to approve or deny an application. If the permit authority denies an application, the written determination must include substantial evidence in support of the denial. If a use variance is needed, a determination is considered written if it is included in the minutes of a public meeting of the permit authority.
6. **Substantial Modification.** A substantial modification shall result in a new application and shall follow the same process for a New Wireless Support Structures described above.
 7. **Collocation.** An application for a permit for collocation shall follow the same process as a New Wireless Support Structures described above.
 8. **Construction Requirements.** All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Commission jurisdiction shall comply with the following requirements:
 - a. All applicable provisions of this UDO and the Building Code of the State of Indiana, as amended, and the FCC when applicable.
 - b. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
 - c. All wireless facilities and support structures shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
 - d. All wireless facilities and support structures shall be constructed to conform with the requirements of the OSHA.
 - e. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the ANSI manual, as amended.

E. **Solar Energy Systems**

1. **Applicability.**

- a. The requirements of this Section shall apply to all solar energy systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.
- b. Solar energy systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- c. Modifications to, retrofits or replacements of an existing solar energy system that increase the total energy output shall be subject to this Ordinance.

2. **Use Standards.**

- a. **Solar, Building-Mounted.** The standards of this subsection apply to roof-mounted and wall-mounted solar energy systems.

- i. **Output.** The system shall not produce more than one megawatt of electricity.
- ii. **Location on the structure.**
 - 1. SES is permitted to be on any primary and accessory structure.
 - 2. Roof-mounted SES may be located on any roof plane.
 - 3. Wall-mounted SES may not be located on a Front Façade, unless designed to be integrated with the walls.
- iii. **Height.** Solar energy system may exceed the permitted maximum height of the underlying zoning district per primary or accessory structure that the system is affixed to by a maximum of:
 - 1. **Residential zoning districts.** Thirty-six (36) inches.
 - 2. **Mixed-Use and Non-Residential zoning districts:** Sixty (60) inches.
- iv. **Projections.**
 - 1. Roof-mounted SES may not project horizontally further than the existing roof footprint or overhang.
 - 2. Wall-mounted SES may project horizontally into the side and rear yards only but shall also meet the requirements of Sec. 6.16.3.A Setback Encroachments, Building Features.
- v. **Signs.** Signage or writing of any kind is not permitted on any portion of system, other than required manufacturer plates and safety labeling.
- b. **Solar, Freestanding.** The standards of this subsection apply to freestanding solar energy systems, other than Parking Lot Canopy SES.
 - i. **Output.** An accessory freestanding SES shall produce less than one megawatt of electricity. A primary use freestanding SES may produce one megawatt of electricity or more.
 - ii. **Location.** Freestanding SES shall not be located in the established front yard and are permitted only in the side and rear yards.
 - iii. **Size.** Freestanding SES square footage shall not count towards the total accessory structures or building floor area.
 - iv. **Height.** An accessory freestanding SES shall meet the maximum permitted height requirement for accessory structures of the underlying zoning district. A primary use freestanding SES shall meet the maximum permitted height requirement for a primary structure of the underlying zoning district.
 - v. **Setbacks.** Accessory freestanding SES shall meet the setback requirements for accessory structures of the underlying zoning district. Primary use freestanding SES shall meet the applicable primary structure setback requirements of the underlying zoning district.
 - vi. **Lot Coverage.** The portions of the freestanding SES that do not touch the ground shall not be counted towards the lot coverage requirement.
 - vii. **Signs.** Signage or writing of any kind is not permitted on any portion of the system, other than required manufacturer plates and safety labeling.
- c. **Solar, Parking Lot Canopy.** The standards of this subsection apply to the Parking Lot Canopy Solar Energy Systems as defined in this UDO.
 - i. **Output.** The system shall not produce more than one megawatt of electricity.
 - ii. **Location.** The system may be located in the established front, side, or rear yard over the existing or proposed parking lot structure.
 - iii. **Setbacks.**
 - 1. The system shall meet the required front building setback of the underlying zoning district.
 - 2. Any portion of the system, including overhangs, shall be set back from the side and rear lot lines a minimum of ten (10) feet.

- iv. **Signage.** Signage or writing of any kind is not permitted on any portion of any parking lot canopy solar energy system, other than required manufacturer plates or safety labeling.
- d. **Commercial Solar Energy System.** The standards of this subsection apply to Commercial SES as defined in this UDO.
 - i. **Adopted state code.** Under the provisions of I.C. 8-1-42, et seq., the City of Fishers adopts Commercial Solar Energy Systems regulations, specifically sections IC 8-1-42-10 through IC 8-1-42-20 with the following amended standards:
 - a) **Location.** The system is permitted to be located on the lot as allowed per specific type of SES (freestanding, building-mounted, roof-mounted, parking lot canopy).
 - b) **Setbacks.** In addition to meeting state setback and minimum distances from certain rights-of-way requirements, the Commercial SES shall meet the minimum setback requirements per zoning district and per specific type of SES (freestanding, building-mounted, roof-mounted, parking lot canopy).
 - c) **Landscape buffer.** Commercial SES shall meet the landscape buffer requirements pursuant to this UDO.

F. **Wind Energy Systems**

1. **Applicability**

- a. **The requirements of this Section shall apply to all wind energy systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.**
- b. **Wind energy systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.**
- c. **Modifications to, retrofits or replacements of an existing wind energy system that increase the total energy output shall be subject to this Ordinance.**

2. **Use Standards**

a. **General Standards**

- i. **Signs.** Signage or writing of any kind is not permitted on any portion of any wind turbine, other than required manufacturer plates or safety labeling.
- ii. **Lighting.** Small wind energy systems shall provide lighting per Federal Aviation Administration (FAA) regulations. Lighting shall be red and may not be of the incandescent variety, unless FAA regulations otherwise allow or require.
- iii. **Clearance.** Minimum clearance between the lowest tip of the rotor or blade and the ground is 10 feet.
- iv. **Access.** Climbing access (rungs or foot pegs) to the tower shall not start until 12 feet above grade to prevent unauthorized access.
- v. **Installation.** Small wind energy systems shall be installed only by professional installers certified to install wind turbines, and only pursuant to manufacturer specifications.

b. **Wind Energy System, Large**

- i. **Adopted state code.** Under the provisions of I.C. 8-1-41, et seq., the City of Fishers adopts Wind Energy Systems regulations, specifically sections IC 8-1-41-10 through IC 8-1-41-16.

c. **Wind Energy System, Small**

- i. **Height.**
 - a) **In Residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 10 feet.**
 - b) **In Mixed-Use zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.**
 - c) **In Non-residential zoning districts, an accessory small wind energy system may exceed the maximum building height of the applicable zoning district by 40 feet.**

- ii. **Setback.** Each accessory small wind energy system shall be set back from each property line at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.
- d. **Location.** The system is permitted to be placed only in the established side and rear yards.

G. Battery Storage Energy Systems

- 1. **Purpose.** The Battery Energy Storage System standards are adopted to advance and protect the public health, safety, welfare, and quality of life of the City by creating regulations for the installation and use of battery energy storage systems (BESS), with the following goals:
 - a. To designate properties suitable for the location, construction and operation of BESS.
 - b. To ensure compatible land uses in the vicinity of the areas affected by BESS.
 - c. To create synergy between battery energy storage system development and other stated goals of the community pursuant to the City's Comprehensive Plan.
- 2. **Applicability.**
 - a. The requirements of this Section shall apply to all battery energy storage systems permitted, installed, or modified in the City after the effective date of this Ordinance, excluding general maintenance and repair.
 - b. Battery energy storage systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
 - c. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Ordinance.
- 3. **Other standards.** Battery energy storage systems shall comply with all applicable national and state safety, fire, building, and electric codes, including the latest edition of NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and NFPA 70.
- 4. **Use Permission.**
 - a. **Tier I BESS.** Tier I BESS shall be permitted in all zoning districts as an accessory use and shall be subject to the standards in this UDO.
 - b. **Tier II BESS.** Tier II BESS shall be permitted in certain zoning districts as stated in *Chapter 5. Uses*, through the issuance of a Special Exception Permit.
- 5. **Permit Requirements.**
 - a. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
 - b. A site plan review shall be required for any part of the battery storage energy system installed outside of a building for consistency with the requirements in this UDO.
- 6. **General Standards.**
 - a. **Floodplain.** Battery energy storage systems are prohibited in any designated floodplain and floodway.
 - b. **Utility lines and electrical circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, except for the main service connection at the utility company easement or right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
 - c. **Floor Area.** Battery energy storage systems shall not be counted towards the maximum floor area requirement.
 - d. **Height.** If located outside, BESS shall not exceed seven (7) feet in height.
 - e. **Screening.** When BESS is located outside, it shall comply with the following screening standards:
 - i. **Fence/wall.** Battery energy storage systems, including all mechanical equipment, installed outside shall be screened by an opaque fence or wall around the entire perimeter and shall have a self-locking gate to prevent unauthorized access.

- vi. The method by which the decommissioning cost will be kept current.
 - vii. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - viii. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- b. **Decommissioning Fund.** The applicant, or successors, shall continuously maintain a fund, bond, or security payable to the City, in a form approved by the City, for the removal of the battery energy storage system, in an amount to be determined by the City, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.
9. **Permit submittal requirements.** In addition to the documents required by this UDO for any building, electrical, and Improvement Location Permits, the following shall be submitted:
- a. An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
 - b. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
 - c. **Decommissioning Plan and Fund documents.**
 - d. **Fire Safety Compliance Plan.** The plan shall show compliance with the local and state fire safety requirements.
 - e. **Operation and Maintenance Manual.** Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information.
 - f. **Emergency Operations Plan.** A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - ii. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - iii. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - iv. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - v. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - vi. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel

- qualified to safely remove damaged battery energy storage system equipment from the facility.
- vii. Other procedures as determined necessary by the [Village/Town/City] to provide for the safety of occupants, neighboring properties, and emergency responders.
 - viii. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
10. **Permit time frame and abandonment.** The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the City may, at its discretion, utilize the available bond and/or security for the removal of a Tier II battery energy storage system and restoration of the site in accordance with the decommissioning plan.
11. **Ownership Changes.** If the owner of the battery energy storage system changes or the owner of the property changes, the Special Exception approval shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the Special Exception, ILP and building permit approval(s), and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Director in writing of such change in ownership or operator within 60 days of the ownership change. The Special Exception and all other local approvals for the battery energy storage system shall be considered void if a new owner or operator fails to provide written notification to the Director in the required time frame. Reinstatement of a void Special Exception will be subject to the same review and approval processes for new applications under this section.

H. Use Standards for All Other Civic Uses

A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all property lines abutting a residential use.

Article 5.4. Commercial Uses

Contents:

- Sec. 5.4.1 Child Care
- Sec. 5.4.2 Indoor Entertainment
- Sec. 5.4.3 Medical
- Sec. 5.4.4 Office
- Sec. 5.4.5 Outdoor Recreation
- Sec. 5.4.6. Overnight Lodging
- Sec. 5.4.7 Personal Service
- Sec. 5.4.8. Restaurant/Bar
- Sec. 5.4.9. Retail Sales
- Sec. 5.4.10 Vehicle Sales/Rental

Sec. 5.4.1. Child Care

- A. **Child Care Use Category**
 - 1. **Child Care Center**
 - 2. **Child Care Home**
 - 3. **Child Care Institution**
 - 4. **Child Care Ministry**
- B. **Child Care Center**

1. **Use Standard.** Regarding [IC 12-17.2](#), a nonresidential structure where at least one (1) child receives 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 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.

C. **Child Care Home**

1. Use Standard. Regarding [IC 12-17.2](#), a residential structure in which at least six (6) children (not including the children for whom the provider is a 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 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays.
 - d. This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed 12 children at any one time; and Class II Child Care Homes that serve more than 12 children but not more than any combination of 16 full-time and part-time children under the age of seven (7) at any one time.

D. **Child Care Institution**

1. A residential facility that provides child care on a 24-hour basis for more than 10 children; or
2. A residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; or
3. All the following:
 - a. Operates under a license issued under [IC 12-17.4](#);
 - b. Provides for delivery of mental health services that are appropriate to the needs of the individual; and
 - c. Complies with the rules adopted under [IC 4-22-2](#) by the Division of Family and Children.
4. A child care institution does not include a juvenile detention facility.

E. **Child Care Ministry**

1. Pursuant to IC 12-17.2, a child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code. It's a use accessory to a primary Place of Worship use.

Sec. 5.4.2. Indoor Entertainment and Recreation

A. **Indoor Entertainment and Recreation Use Category.**

Commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting. Indoor entertainment includes the following uses.

1. Adult establishment.
2. Amusement center, game arcade, children's amusement center.
3. Billiard hall, pool hall.
4. Bingo hall.
5. Bowling alley.

6. Convention center, arena.
7. Dance, martial arts, music studio or classroom.
8. Event venue
9. Health club.
10. Performance venue
11. Shooting range.
12. Sports academy.
13. Miniature golf facility.
14. Motor track.
15. Movie theater or other indoor theater.
16. Skating rink.

B. Adult Entertainment Establishment.

1. Defined.

- a. **Adult Bookstore:** An establishment having more than 10% of its stock in trade and/or sales area in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.
- b. **Adult Business:** Any commercial activity whether conducted intermittently or full time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Such businesses shall include but not be limited to:
 - i. Adult bookstore;
 - ii. Adult mini-motion picture theater;
 - iii. Adult motel;
 - iv. Adult motion picture arcade;
 - v. Adult motion picture theater;
 - vi. Cabaret;
 - vii. Massage parlor; and
 - viii. Model studio.
- c. **Adult Entertainment:** An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

2. **Location.** Adult Entertainment businesses are only allowed in the I1 Zoning District.

3. **Prohibitions.** The establishment, enlargement, reconstruction, resumption, or structural alteration of any adult business shall be prohibited if such business is within:

- a. 1,320 feet of any place of worship, public or private elementary or secondary school, private or public preschool or day care center, or public park.
- b. 1,320 feet of any residential zoning district or mobile home park zoning district.

4. **Proximity.** The distance between an adult business and any place of worship, school, park, day care center, residential zoning district, or mobile home park zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult business to the nearest property line of the church, day care center, school, park, residential zoning district. If any adult business is part of or included within an integrated center, the portion of such center or leased space occupied by such adult business shall be included in determining the closest exterior

structural wall of such establishment.

5. **Exterior Display.** No adult business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

Sec. 5.4.3. Medical

A. Medical Use Category

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical uses include, but are not limited to, the following uses as examples:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.

B. Use Standard

1. Medical in the EN Zoning District is limited to medical dental office or chiropractor, osteopath, physician, medical practitioner. Hospitals, surgery centers, clinics, and the like are not allowed in the EN and MA Districts.

C. Clinics

1. **Defined.** An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists or chiropractors and other medical practitioners are provided.
2. **Use Standard.** Clinics are not a medical office, and are held to higher parking standards and not allowed in all the same zones as medical office use.

Sec. 5.4.4. Office

A. Office Use Category

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office uses include, but are not limited to, the following uses as examples:

1. Business services including, but not limited to, advertising, business management consulting, data processing or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, sales office or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. Counseling in an office setting.
6. City, county, state, federal government office.
7. Radio, TV or recording studio, utility office.
8. ~~Trade, vocational, or business school.~~

Sec. 5.4.5. Outdoor Recreation

A. Outdoor Recreation Use Category

Uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take

place predominately outdoors or within outdoor structures. Outdoor recreation uses include, but are not limited to, the following uses as examples:

1. Camp, campground, travel trailer park, recreational vehicle park.
2. Drive-in theater.
3. Golf course, Commercial.
4. Extreme sports facility such as paintball, BMX or skateboarding.
5. Outdoor sports-related commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Racetrack.
10. Shooting range.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

Sec. 5.4.6. Overnight Lodging

A. Overnight Lodging Use Category

Accommodations arranged for short term stays. Overnight lodging includes the following uses:

1. Bed and breakfast
2. Hotel, motel.

B. Bed and Breakfast

1. **Defined.** An operator-occupied historic residence or expanded historic residence that:
 - a. Provides sleeping accommodations to the public for a fee;
 - b. Has no more than 14 guest rooms;
 - c. Provides breakfast to its guests as part of the fees; and,
 - d. Provides sleeping accommodations for no more than 30 consecutive days to a guest.
 - e. The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.
2. **Use Standards.** A bed and breakfast shall be permitted in the ER, R1, R2, C1, OS, and AG Districts if the use complies with all requirements of these standards. The following general standards are applicable to any person, group, firm, business or organization engaging in the use of any property for a bed and breakfast:
 - a. The uses and operations shall be conducted within enclosed buildings. All on-site vehicular circulation and traffic patterns shall be approved by the Commission.
 - b. No show windows or other exterior display, displaying, promoting or advertising services retained, offered, promoted or advertised by the use occupying the premises shall be permitted.
 - c. No person, group, firm, business or organization shall engage in the use of any property for a bed and breakfast without first:
 - i. Obtaining the necessary permits and approvals, as required in the underlying zoning district;
 - ii. Complying with all required conditions and standards of development and operation;
 - iii. Complying with all standards adopted by the Indiana State Board of Health, and/or the Hamilton County Health Department, for food preparation and handling and sanitation in bed

- and breakfast establishments;
 - iv. Complying with all fire safety standards as established by the Fire Prevention and Building Safety Commission for bed and breakfast establishments; and
 - v. Obtaining the necessary tourist facility licensing by the appropriate agency.
- d. It is the express intent of this Section to limit permitted uses in a bed and breakfast inn to provide sleeping accommodations to the public for a fee, and to providing breakfast to guests as part of that fee. Therefore, no accessory use subordinate to a bed and breakfast inn is permitted. By way of illustration, and not by way of limitation, bed and breakfast inns may not:
- i. Operate beauty and barber shops;
 - ii. Provide recreation facilities to serve the public, guests and employees;
 - iii. Provide facilities for conferences and meetings to anyone other than registered guests;
 - iv. Operate a commercial restaurant business;
 - v. Operate a clothes and cleaning pick-up business; or
 - vi. Obtain an Alcoholic Beverage Permit.
- e. It is the intent of this Section to limit each lot area to one (1) historic residence or one (1) expanded historic residence. Historic residences and/or expanded historic residences cannot be combined or attached by way of architectural addition or otherwise.
- i. The location of a bed and breakfast in a residential zoning district is not intended nor should it be construed as changing the character of the residential zoning district. Such location in a residential zoning district may not serve as the basis for the granting of a variance or rezone for commercial or industrial development in the residential zoning district.
 - ii. Hours of operation shall not interfere with the use and enjoyment of adjacent residential properties.
- f. Bed and breakfast inns shall have a minimum lot area of two (2) acres. nonresidential zoning districts shall meet the lot area requirements of the underlying zoning district.
- g. Bed and breakfast inns shall provide one (1) parking space per guest room, plus one (1) parking space for each employee.
- h. All front, side, and rear setbacks shall comply with the underlying zoning district requirements.

C. Extended Stay Motel/Hotel/Inn

1. **Defined.** A facility that contains one (1) or more rooms for overnight guests containing registration facilities, on-site management, cleaning services and combined utilities.
2. **Use Standards.** In the I1 Zoning District, any extended stay motel, hotel or inn shall be within 3,000 feet of the centerline of the I-69 interchange at its intersection with the centerline of 96th Street.

D. Short-term Rentals

1. **Defined.** ~~Short-term rental means the rental of any of the following property types for less than 30-day periods:~~
 - a. Short-Term Rental. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling unit, a duplex, a multi-family dwelling, or a condominium, or a unit within the stated residential buildings, for terms of less than thirty (30) days at a time through a short-term rental platform.
 - b. Short-Term Rental, Owner-Occupied. In accordance with IC 36-1-24-3, means property that is the owner's primary residence and is offered to the public as a short-term rental.
 - c. Short-Term Rental, Not Owner-Occupied. Is a short-term rental property that is not property owner's primary residence.
- a. ~~A single-family home;~~

- ~~b. A dwelling unit in a single-family home~~
- ~~c. A detached accessory structure, including a guest house or other living quarters that are intended for human habitation,~~
- ~~d. A dwelling unit in a two-family or multifamily dwelling; or~~
- ~~e. A dwelling unit in a condominium, cooperative, or time share;~~

2. Use Standard.

- a. A short-term rental of an owner occupied short-term rental property is a permitted residential use without a permit.
- b. For short-term rental properties that are not owner occupied, a Special Exception is required in accordance with [Sec. 10.2.19. Special Exception](#).
- c. Short-term rentals shall be operated in accordance with [Indiana State Law](#), and shall be enforced in the same manner that is consistent with similar properties that are not short-term rentals.
- d. If three (3) or more citations from the City are issued to an owner for a permitted property within a calendar year, the City may revoke the permit for that permitted property for a period of not more than one (1) year after the date the permit is revoked. The City shall provide notice and hold a hearing for revocation in accordance with [Article 10.1. Procedures](#).
- e. An owner may apply for a permit for a short-term rental for which a previous permit of the owner was revoked. However, a new permit may not be issued until any outstanding fines are paid.

Effective on: 7/20/2018

Sec. 5.4.7. Personal Service

A. Personal Service Use Category

Facilities involved in providing personal or repair services to the public. Personal service uses include, but are not limited to, the following uses as examples:

~~1. Animal care.~~

- 1. Beauty/hair salon.
- 2. Catering establishment.
- 3. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat.
- 4. Copy center.
- 5. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
- 6. Locksmith.
- 7. Massage therapy or day spas.
- 8. Nail salons.
- 9. Optometrist.
- 10. Palmist, psychic, medium, fortune telling.
- 11. Repair of appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch.
- 12. Tailor, milliner, upholsterer.
- 13. Wedding chapel.

~~B. Animal Care (Indoor)~~

- ~~1. **Defined.** Any building or land used, designed or arranged for the care of animals with limited outdoor activity. Uses include, but are not limited to, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.~~

~~2. Use Standards.~~

- ~~a. No overnight outdoor activity associated with care of animals is allowed.~~
- ~~b. Outdoor activity, including but not limited to, walking and bathing of animals, is permitted during the day, if no more than six (6) animals are engaged in outdoor activity at a time.~~

~~3. **Animal Care (Outdoor)**~~

- ~~4. **Defined. Any building or land used, designed or arranged for the care of animals that includes overnight outdoor activity. Uses include, but are not limited to, animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.**~~

~~5. **Use Standards.**~~

- ~~a. All exterior exercise areas and runs must be fenced for the safe confinement of animals.~~
- ~~b. A buffer yard must be established along any exterior areas used to exercise, walk, or keep animals that abut a residential use.~~
- ~~c. No part of any building, structure or run in which animals are housed shall be closer than 150 feet from any property line, except property owned or occupied by an owner or operator; provided, that the minimum distance referred to above shall not apply if all portions of the facility in which animals are enclosed is located wholly within a building.~~

C. Use Standards for All ~~Other~~ Personal Service Uses

~~1. **Use Standards.**~~

- 1. A personal service use in an EN Zoning District is subject to the following:
 - a. Must be within or attached to a multi-tenant building, cannot be in a standalone building.
 - b. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

Sec. 5.4.8. Restaurant/Bar

A. Restaurant/Bar Use Category

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant uses include, but are not limited to, the following uses as examples:

- 1. Bar, nightclub, tavern, lounge.
- 2. Eating establishment.
- 3. Fast food/quick service.

B. Bar, Nightclub, Tavern, Lounge

- 1. **Defined.** A facility that prepares and sells food and drink that has alcoholic beverage sales more than 70% of the business's total annual sales.

C. Eating Establishment

- 1. **Defined.** A facility that prepares and sells food and drink that may or may not have alcoholic beverage sales. If allowed in no case can alcoholic beverage sales exceed 70% of the business's total annual sales.
- 2. **Use Standards.**
 - a. An eating establishment in an EN Zoning District is subject to the following:
 - i. Must be within or attached to a multi-tenant building, cannot be in a standalone building.
 - ii. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.

- iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- iv. Drive-thru or drive-in facilities are not allowed.
- v. Must be located at least 150 feet from an abutting residential zoning district (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the abutting residential district).

D. Fast Food/Quick Service

1. **Defined.** Restaurant where food is prepared and available before an order is placed, the meal is paid for prior to consumption, customers often order from a menu board, are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or may be taken to a table or counter to be consumed.
2. **Use Standard.**
 - a. A take-out restaurant under 2,000 square feet gross floor area which sells prepared food shall be entitled to two (2) serving tables or a maximum of eight (8) seating without reclassification as a restaurant for zoning purposes. These tables may be located indoors or on an outdoor patio. When three (3) or more tables are provided, the use shall be deemed a restaurant.
 - b. Drive-up windows, exterior menu boards, and speakers, associated with a restaurant or coffee house, shall be located no closer than 400 feet to any building that is zoned or used for residential purposes.
 - c. Drive-up windows, exterior menu boards, and speakers, associated with a commercial service, that is not a restaurant or coffee house, shall be located no closer than 200 feet to any building that is zoned or used for residential purposes.

Sec. 5.4.9. Retail Sales

A. Retail Sales Use Category

Facilities involved in the sale, lease, or rental of new or used products. Retail sale uses include, but are not limited to, the following uses as examples:

1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, fuel (including gasoline and diesel fuel), furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package good stores (alcohol), package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
2. Art gallery.
3. Brewery, low intensity.
4. Check cashing, payday loan.

B. Brewery, Low Intensity

1. **Defined.** Brewery, low-intensity: An establishment in which the brewing of beer is the ancillary use commonly associated with tap-rooms, tasting-rooms, and/or dining areas which allow on-site consumption. Limitations for manufacturing and distribution of beer are defined by Indiana Law, which may change from time to time. Example business include: brewpub, microbrewery, and nanobrewery.

C. Electric Vehicle Charging

1. **Defined.**

- a. **EV Charging Station (EVCS).** A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The most common verbiage to describe different levels of charging are Level 1, 2, and 3, and include the following specifications:
 - i. Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
 - ii. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
 - iii. Level 3 and higher or DCFC (Direct Current Fast Charging) is considered “fast” or “rapid” charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.
 - b. **EV Charging Facility (EVCF).** A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. EV Charging Facility may have a combination of different levels of charging. An Electric Vehicle Charging Facility may also retail minor accessories but may not provide other types of vehicle fuel, such as gasoline.
2. **Applicability.** Any new development or redevelopment shall provide the minimum required accessory EV Charging Stations pursuant to Section 6.11.11 of the parking development standards.
3. **Permitting.**
- a. The following uses are exempt from applying for a permit for EVCS installation: residential dwelling units that use Level 1 charging or plug Level 2 EVSE equipment into an existing electric outlet inside or outside of the garage. All other developments and redevelopments shall apply for an applicable permit.
 - b. All electric upgrades necessary for installing EVCS on site shall be permitted per applicable building and electric code standards.
4. **EVCS Use standards:**
- a. The accessory EVCS shall be located on the same lot as the primary use.
 - b. **Location.** The EVSE accessory equipment may be located in any yard.
 - c. **Setbacks.** Any EVCS equipment and accessory equipment shall meet the minimum setbacks of the underlying zoning district.
 - d. **Encroachment.** The chargers, accessory equipment, and protective barriers (e.g., bollards) cannot be located more than 2 feet into required landscape area.
 - e. **Signage.** EVCS shall be signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles.
 - i. **Exemption.** A parking space or garage devoted for the use of a specific dwelling unit and located on the same lot as the dwelling unit is exempt from this requirement.
 - f. **Screening.**
 - i. The EVSE accessory equipment must be screened in the same manner as mechanical and utility equipment per Section 6.2.6.
 - ii. Where the screening wall/fence span is longer than 40 feet, then in addition to the screening requirements per Sec. 6.2.6, 1 evergreen small tree per 10 lineal feet of the screening wall shall be provided.

- iii. **Exemption.** These screening standards are not applicable when EVCS is installed inside of a parking garage.
 - g. **EV Parking Space Design Standards.** These standards are outlined in Section 6.11.11 of the parking development standards.
 - h. **Electric Utility Sign-Off.** For EVCS spaces that use Level 3 (DCFC) charging, a sign-off letter from an electric utility is required to be submitted with the permit application to show that the utility can provide necessary electric power to the chargers.
5. **EVCF Use standards.** In addition to the standards for each individual EV charging station stated in this section under Sec 5.4.9.C.4, the following shall apply to the EV charging facility:
- a. The circulation of vehicle movement on site shall be designed in a safe way to accommodate vehicle movement without having to go through an EVCS space/bay as well as provide for a safe way for vehicles to move in and out of the EVCS space/bay.
 - b. Each entrance to, and exit from, an EVCS space/bay shall be clearly marked to show the direction of traffic flow by signs and/or pavement markings or raised curbs.
 - c. The width of each charging bay shall be at least 12 feet.
 - d. The length of each charging bay shall be enough to accommodate parking of a vehicle of appropriate size (e.g., semi-truck, bus, etc.).
 - e. Landscaping requirements:
 - i. The landscape requirements pursuant to Article 6.7 apply to EVCF.
 - ii. The parking lot landscaping standards shall apply as required per Section 6.11.4 except for the following:
 - a) The interior, terminal, and median landscape islands for the regular-sized EVCS parking spaces shall be provided pursuant to Sec 6.11.4.
 - b) The interior, terminal, and median landscape islands for the oversized EVCS bays do not need to follow the requirements listed in Sec 6.11.4 as they relate to the required number, arrangement, and spacing of the said islands. However, landscape islands shall be provided throughout the site to help achieve the required Tree Canopy requirement.

D. Grocery

- 1. **Defined.** A self-serve retail market selling foods and household merchandise.

E. Special Handling

- 1. **Defined.** Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

F. Vehicle Fuel Sales

- 1. **Defined.** Facility where fuel is dispensed and/or other light maintenance activities take place within the building on customer vehicles such as battery replacement, tire installation/repair, and other minor mechanical repairs.
- 2. **Use Standard.**
 - a. Vehicle fuel sales shall have no more than eight (8), double-sided, vehicle fueling dispensers.
 - b. Vehicle fuel sales shall be screened in accordance with the parking lot landscaping standards cited in [Article 6.7. Landscaping Standards](#).
 - c. Vehicle fuel sales shall be associated with a convenience store with a maximum building footprint of 4,000 square feet.
 - d. Vehicles being serviced shall not be stored outside overnight.

- e. Kiosks of any kind are prohibited.
- f. Canopies shall be no taller than 14 feet and shall be architecturally compatible with the primary structure.
- g. Illuminance under the canopy shall be no more than 300 lucas.

G. Use Standards

- 1. A retail sales use in an EN Zoning District is subject to the following:
 - a. Must be within or attached to a multi-tenant building, cannot be in a standalone building.
 - b. The floor area of the retail use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - d. Drive-thru or drive-in facilities are not permitted.
 - e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.

(Ord. 111620B, 12/21/2020)

Effective on: 12/21/2020

Sec. 5.4.10. Vehicle Sales/Rental

A. Vehicle Sales Use Category

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle sale uses include, but are not limited to, the following uses as examples:

- 1. Boats and other recreational vehicle sales.
- 2. Vehicle sales, rental or leasing.

B. Use Standards

- 1. All vehicular display area with frontage on any portion of a street right-of-way (not including an alley) must be screened along the street edge by a 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.
- 2. Vehicle displays shall not be artificially elevated above the general topography of the site.
- 3. In a C3 Zoning District, the sales and leasing of motor vehicles for display shall be conducted within a fully enclosed building. The outdoor display and storage of vehicles for sale or rental is not permitted.

Article 5.5. Industrial Uses

Contents:

Sec. 5.5.1 Light Industrial

Sec. 5.5.2 Light Manufacturing

Sec. 5.5.3 Research & Development

Sec. 5.5.4. Self-Service Storage

Sec. 5.5.5. Vehicle Service

Sec. 5.5.6 Warehouse & Distribution

Sec. 5.5.7 Wholesale Trade

Sec. 5.5.1. Light Industrial

A. Light Industrial Use Category

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Light industrial uses include, but are not limited to, the following uses as examples:

1. Bottling.
2. Brewery, winery.
3. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
4. Food and beverage products except animal slaughter, stockyards.
5. Lawn, tree or garden service.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Manufactured or modular housing sales.
9. Outdoor storage yard for vehicles.
10. Sheet metal, welding, machine, tool repair shop or studio.
11. Stone, clay, glass, and concrete products.
12. Trailer leasing, auction vehicle, broker vehicle.
13. Woodworking, including cabinet makers and furniture manufacturing.

B. Use Standards

1. **Sales Office and Showrooms.** Sales offices and showrooms for permitted uses shall comply with the following:
 - a. Sales offices and showrooms shall be in the primary structure;
 - b. Used for the sale or display of products manufactured and/or warehoused on site; and
 - c. Clearly incidental, accessory and subordinate to the operation of the primary use of the lot.
2. **Limited Use.** In the EN Zoning District, any light manufacturing shall comply with the following:
 - a. Shall be associated with a secondary use that incorporates light industrial as part of the use of the lot.
 - b. Loading bays and doors are screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match facade systems).

- c. Any materials shipped from facilities in the District must be manufactured within the District.
- d. The use is not within 1,000 feet of a residential zone.
- e. The use may not emit sound from the manufacturing operation beyond the walls of the structure.

Sec. 5.5.2. Light Manufacturing

A. Light Manufacturing Use Category

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing uses include, but are not limited to, the following uses as examples:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid-state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Office showroom/warehouse.
4. Printing, publishing, and lithography.
5. Medical equipment
6. Production of artwork and toys, graphic design sign-making, movie production facility, photo- finishing laboratory.
7. Repair of scientific or professional instruments and electric motors.

B. Use Standards

1. Limited Use. In the EN Zoning District, any light manufacturing shall comply with the following:
 - a. Shall be associated with a secondary use that incorporates light industrial as part of the use of the lot.
 - b. Loading bays and doors are screened from public rights-of-way or utilize architecture consistent with the other buildings on the site (i.e. glass or steel to match facade systems).
 - c. Any products shipped from facilities in the District must be manufactured within the District.
 - d. The use is not within 1,000 feet of a residential zone.
 - e. The use may not emit sound from the manufacturing operation beyond the walls of the structure.

Sec. 5.5.3. Research & Development

A. Research & Development Use Category

A facility focused primarily on the research and development of new products. Research and development uses include, but are not limited to, the following uses as examples:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

Sec. 5.5.4. Self-Service Storage

A. Self-Service Storage Use Category

Facilities providing separate storage areas for personal or business use designed to allow private access by the

tenant for storing or removing personal property. Self-service storage uses include, but are not limited to, the following uses as examples:

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Use Standard

A self-storage facility in the I1 Zoning District is subject to the following:

1. The minimum size of the site is at least two (2) acres.
2. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#).
3. A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all shared property lines, except for an adjacent self-service storage, light industrial use, or waste-related service.
4. A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all property lines abutting a residential use.
5. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.

Effective on: 7/20/2018

Sec. 5.5.5. Vehicle Service

A. Vehicle Service Use Category

Repair and service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service uses include, but are not limited to, the following uses as examples:

1. Vehicle repair (minor)
2. Vehicle repair (major).
3. Vehicle repair (commercial vehicle).
4. Car wash.

B. Car Wash

1. **Defined.** Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.
2. **Use Standards.**
 - a. Car wash facilities located within 200 feet of a Residential District (determined by a straight line from the property line to the District boundary line) shall meet the following requirements:
 - i. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) except for vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.
 - ii. No vehicular openings providing access to the enclosed building shall face a residential zoning district. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from a residential zoning district line.

- iii. All vacuuming and compression machines located outside of the enclosed building shall be of a design that does not exceed a noise level reading of 45 dB(A), as measured from the property line, between the hour of 6 AM to 7 AM and 55 dB(A) at all other lawful hours of operation.
 - iv. Operation of the establishment shall be prohibited prior to 6 AM and after 11 PM on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all the establishment's car wash equipment shall be rendered inoperable always other than during its hours of operation.
- b. Accessory car wash facilities shall be prohibited unless one (1) or more of the following exist:
- i. Operation of the facility is after 6:00 AM and before 11:00 PM on all days of the week.
 - ii. The car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process, and all other outdoor on-site customer activities such as vacuuming is prohibited.

C. Vehicle Repair (Minor)

1. **Defined.** A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation and glass repair or replacement.
2. **Use Standards.**
 - a. A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. The outdoor overnight storage of vehicles may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - c. There shall be no dismantling of vehicles for salvage.
 - d. The storage of impounded vehicles is not permitted.
 - e. No outside speaker system is permitted.
 - f. In the C2 Zoning District, a maximum of two (2) service bay doors no more than 24 feet in width each are permitted on two (2) sides of the building.
 - g. Service doors shall be closed except for entry and exit of automobiles.

D. Vehicle Repair (Major)

1. **Defined.** A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. Major vehicle repair may include minor vehicle repair as an accessory use.
2. **Use Standards.**
 - a. A 10-foot wide buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.
 - c. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - d. There shall be no dismantling of vehicles for salvage.
 - e. The storage of impounded vehicles is not permitted.

- f. No outside speaker system is permitted.

E. Vehicle Repair (Commercial Vehicle)

1. **Defined.** Repair, service, washing, or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.
2. **Use Standards.**
 - a. A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all property lines abutting a residential use.
 - b. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with [Article 6.10. Outdoor Display & Storage Standards](#). Operable vehicles may be parked on-site during business hours.
 - c. There shall be no dismantling of vehicles for salvage.
 - d. The storage of impounded vehicles is not permitted.
 - e. No outside speaker system is permitted.

Effective on: 7/20/2018

Sec. 5.5.6. Warehouse & Distribution

A. Warehouse & Distribution Use Category

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution uses include, but are not limited to, the following uses as examples:

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Bus barn.
3. Commercial packing for fruits and vegetables.
4. Distribution facility, central postal facility.
5. Freight, service facility.
6. Parcel services.
7. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
8. Trailer storage, drop off lot.
9. Warehouse.

B. Use Standards

1. A buffer yard in accordance with [Sec. 6.7.4. Buffer Yards](#) must be established along all shared property lines, except for an adjacent self-service storage, light industrial use, or waste-related service.
2. A 10-foot wide landscape area with a minimum of 30 shrubs every 100 feet must be established along all property lines abutting a public right-of-way. Shrubs must be a minimum of 3 feet 6 inches tall when planted. A decorative block wall equal to the height of the shrubs may be planted in lieu of the shrub plantings.

Sec. 5.5.7. Wholesale Trade

A. Wholesale Trade Use Category

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the public, but sales to the public are not permitted. Products may be picked up on-site or delivered to the customer. Wholesale trade uses include, but are not limited to, the following uses as examples:

1. Mail-order house.
2. Sale or rental of machinery, equipment, heavy equipment, building
3. Materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
4. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

Article 5.6. Open Uses Agricultural and Animal Uses

Contents:

Sec. 5.6.1 Agriculture

Sec. 5.6.2 Animal Uses

Sec. 5.6.1. Agriculture

A. Agriculture Use Category

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals for animal products, animal propagation, or value increase. Agriculture uses include, but are not limited to, the following uses as examples:

1. Animal raising including horses, chickens, ducks, goats, sheep, cows, or other animals as determined by the Director.
2. Community garden.
3. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
4. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silvicultural, sale of agriculture products.
5. Grain, fruit, field crop and vegetable cultivation and storage.
6. Livestock, horse, dairy, poultry and egg products.
7. Plant nursery.
8. Urban farm.

B. Community Garden

1. **Defined.** Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.
2. **Use Standards.**
 - a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.
 - b. On-site sales are not permitted in the Residential Districts. On-site sales may be permitted in the Mixed-Use Districts.
 - c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the [Article 6.2. Accessory Structure Standards](#).

- d. If security fencing is installed, such fencing shall be of an open design.
- e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.
- f. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.

C. Personal Garden Use

1. Defined. A private facility or area for the cultivation of vegetables, grasses, fruits, flowers, shrubs, vines, and trees as an accessory use by a resident or occupant of the site whether it be for purposes of producing food or materials. This definition does not include high weeds and grass, nor does it include farming or beekeeping for commercial purposes.

D. Plant Nursery

1. **Defined.** A facility where horticultural and agricultural products produced on the premises are sold.
2. **Use Standards.**
 - a. Sales shall be limited to agricultural products produced on the premises, hand-held garden tools, bags of fertilizer, mulch, and similar items normally associated with nursery or gardening operations.
 - b. Sales offices shall be limited to 100 square feet of gross floor area per acre of land area, but in no case, can the sales office exceed 1,000 square feet of gross floor area.
 - c. No more than one (1) on premise sign not to exceed 12 square feet in area and 3½ feet in height.

E. Produce Stand

1. Defined. A produce stand permits the itinerant sale of agricultural produce and home-made food goods on a property without a permanent structure or improvements.
2. Use Standards.
 - a. Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, up to 25% of the produce stand area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes. For produce stands not removed from the lot daily, the use shall be limited to a maximum of eight (8) months per calendar year.
 - b. Produce stands locating within a Residential District shall be required to locate on the property with an institutional building or use (such as a place of worship or school), or within the common area of an apartment building.
 - c. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall comply Article 6.20. Vision Clearance Standards.
 - d. One (1) off-street parking space shall be provided for every 200 square feet of area devoted to the produce stand activities, but no less than three (3) parking spaces. Areas devoted to off-street parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle. Produce stands shall be exempt from the parking surfaces requirements and the required landscaping regulations.
 - e. Signage for all produce stand activities on the premise shall be limited to one (1) unlit sign not to exceed 12 square feet in area and 3½ feet above the ground elevation.
 - f. All activities shall be discontinued by 8:00 PM when located in a Residential District.
 - g. No code-required landscape planting areas shall be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way shall be permitted.

- h. A plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for approval, and a Temporary Use Permit shall be issued prior to any event taking place.

F. Urban Farm

1. **Defined.** The raising and harvesting of trees (excluding forestry), vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals for animal products, animal propagation, or value increase when located in an urbanized (developed) area. An urban farm may be owned by an individual, group or organization and may include intensive agriculture, typical large-scale farm equipment, and animal husbandry.

Sec. 5.6.2. Animal Uses

A. Beekeeping.

1. **Intent.** The intent of this Section is to regulate beekeeping in accordance with State Law IC 36-1-28-1.
2. **Use Standards.** Beekeeping for personal use and not for agricultural use shall comply with the following standards:
 - a. The maximum number of hives permitted per property shall be as follows:
 - i. Two (2) hives for properties that are up to 6,000 square feet.
 - ii. Four (4) hives for properties greater than 6,000 square feet up to 16,000 square feet.
 - iii. Six (6) hives for properties greater than 16,000 square feet up to 25,000 square feet.
 - iv. Eight (8) hives for properties greater than 25,000 square feet.
 - b. No bee colony shall be kept in a hive that exceeds 12 cubic feet.
 - c. Bee hives may be located on the ground or on the roof of any building with a permanent foundation.
 - d. Hives on the ground may not be located in the front yard.
 - e. Hives must be setback a minimum of 15 feet from any property line.
 - f. For any colony exhibiting overly-defensive behavior, the beekeeper should take immediate mitigating action(s). The beekeeper should also take mitigating action(s) to prevent swarming. This may require a beekeeper to split a hive. This split may be kept temporarily in one (1) additional nucleus hive in case the parent hive fails to make a new queen or in case the parent hive fails during winter.
 - g. It is highly recommended that at least one (1) swarm trap be provided where bees are kept.
 - h. If the hives are clearly seen from sidewalks, pathways, or adjacent neighbors, it is highly recommended that a 6-foot barrier such as a fence or landscaping hedge be installed.
 - i. If the hives cannot be concealed from sight or easy access, it is highly recommended that each hive have a sticker placed on them or sign installed indicating that there are live bees inside them.

B. Keeping of Domestic Farm Animals

1. **Purpose.** The intent of this Section is to permit the use and enjoyment of horses and farm animals at rates that are appropriate for the health, welfare, and safety of the animals, neighboring property owners, and the public. This type of agriculture use should also be conducted in a manner that protects the values and aesthetic of the community.
2. **Defined.** Any animal commonly used, raised, and maintained for, or in support of, the production of food or other products. Domestic farm animals shall not include domestic pets as defined elsewhere in this Ordinance. Examples of domestic farm animals shall include, but are not limited to cows, sheep, goats, pigs, chickens, llamas, etc. Domestic farm animals are also referred to "farm animals" in the UDO
3. **Use Standards.**
 - a. Horses: The keeping of horses is permitted in the AG, ER, OS, and R1 Zoning Districts only,

provided the following requirements are met:

- i. The keeping of horses requires a minimum lot area of two (2) acres for the first horse and one (1) additional acre per horse is required thereafter.
- ii. Pasture area shall comply with the following:
 - a) All pasture areas shall be properly fenced, to prevent the escape of animals from the property.
 - b) Pasture areas may be in the front yard provided the fence height does not exceed five (5) feet.
 - c) No horse shall be allowed to run at large except within a fenced pasture area.
- b. Domestic Farm Animals:
 - i. The keeping of farm animals such as chickens, ducks, goats, sheep, cows, or other animals as determined by the Director, may be permitted on a property of at least five (5) acres in the AG, ER and OS Zoning Districts. Properties in the ER Zoning District are permitted farm animals at a rate of three-fourths (0.75) farm animal unit (FAU) per acre. Properties in the AG and OS Zoning District are permitted farm animals at a rate of one (1) FAU per acre. Following any per acre calculation for a property any fractional FAU maximum shall be rounded down for fractional units ending in .49 or less and rounded up for fractional units ending in .5 or higher.
 - ii. Farm animals shall be divided into two (2) categories, large farm animals and small farm animals. Each large farm animal shall be equivalent to one (1) FAU. Three (3) small farm animal shall be equivalent to one (1) FAU. Farm animals who are or have not reached mature adulthood shall not count against the farm animal quantity regulations of this section.
 - iii. Structures, kennels, stalls, coops, pens, and other elements that house farm animals and the immediate surrounding property controlling the movement of those farm animals shall be considered confinement areas and limited in size. Confinement areas shall be limited to 10% coverage of the total lot area of the property. Confinement areas shall not be in an established front yard. Grazing areas or pastures for controlling the movement of large grazing type farm animals and horses shall not be regulated by these requirements. Fence requirements shall be the same as required by in *Article 6.18. Wall & Fence Standards*.
 - iv. Confinement areas in the AG Zoning District shall be a minimum of 200 feet from the property line, confinement areas in the ER Zoning District shall be a minimum of 100 feet from the property line, unless the subject property is located adjacent to a similar land use, in which case the minimum setback requirements for the zoning district apply. In a case where a lot was in existence at the time of adoption of this UDO, and, when that property cannot meet such setback requirements, due to lot width, lot shape, and/or lot configurations, the Director may consider a less stringent setback. This determination may be made in exchange for additional screening measures, when it is determined that there will not be a negative effect on the neighboring residential properties. Following a decision to approve, the Director shall give notice to all adjacent properties via first class mail. Any resident may appeal the decision to the Board. Pastures containing large grazing type farm animals and horses shall not be considered confinement areas and may be located no closer than 10 feet from an adjacent residentially zoned property (this does not apply to pastures in existence at the time of adoption of this UDO). The Director may make determinations concerning the classifications of farm animal species which are not directly noted in this ODO. However, under no circumstance shall swine or poultry be considered large grazing type farm animals.
 - v. The Director may approve an exemption from this section to allow the keeping of chickens or other fowl animals for public or private schools as part of an educational curriculum. The number of chickens or fowl animals shall be reviewed and approved by the Director. The chickens or fowl animals must be located on school property and shall be removed if the City

determines there is a public nuisance due to this exemption.

C. **Keeping of Domestic Pets**

1. **Defined.** 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.
2. **Use Standards.**
 - a. The keeping of domestic pets shall not be done for profit.
 - b. The keeping of domestic pets shall not be construed as a kennel.

D. **Kennel**

1. **Defined.** A facility where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals with some activities. This use does not include any operation meeting the definition of a Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) under Indiana statutes.
2. **Use standards:**
 - a. **Building.** The parts of a building where animals are services shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
 - b. **Outdoor areas.**
 - i. No part of an outdoor animal care or run area shall be closer than 200 feet from any property line abutting a residential zoning district or use, except property owned or occupied by an owner or operator.
 - ii. **Fence.** The entire perimeter of the outdoor kennel area shall be enclosed with an opaque fence that meets the following standards:
 - a) Minimum depth underground: 12 inches.
 - b) Minimum height: Seven (7) feet from grade.
 - c) Minimum fence setback: 20 feet from any adjoining property line.
3. **Landscape Buffer.** Where a kennel operation abuts a residential zoning district or use, a minimum of one (1) evergreen shrub/tree with a mature height of at least ten (10) feet shall be planted and spaced no more than six (6) feet on center along the entire length of the shared property line.

E. **Pet Grooming**

1. **Defined.** A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.
2. **Use Standards:**
 - a. The parts of a building where animals are serviced shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

F. **Veterinary Clinic**

1. **Defined.** A facility involved in the care, diagnosis, medical treatment, or surgery of the animals. This use does not include a "Kennel," and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.
2. **Use Standards:** The parts of a building where animals are serviced shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

Article 5.7. Accessory Uses

Contents:

Sec. 5.7.1 General

Sec. 5.7.2. Standards for Specific Accessory Uses

Sec. 5.7.1. General

- A. Accessory uses are permitted in conjunction with allowed primary uses. Allowed accessory uses include those listed in this Article and additional accessory uses that, as interpreted by the Director, meet the following:
1. Are clearly incidental to and customarily found with the primary allowed use;
 2. Are subordinate to and serving the primary allowed use;
 3. Are subordinate in area, extent and purpose to the primary use served;
 4. Contribute to the comfort, convenience or needs of occupants, business or industry on the lot that the primary use is served; and
 5. Are located on the same lot as the primary building or use served.
- B. No accessory use may be established on a lot prior to the establishment of a permitted primary use.

Sec. 5.7.2. Standards for Specific Accessory Uses

A. ~~Beekeeping.~~

- ~~1. **Intent.** The intent of this Section is to regulate beekeeping in accordance with State Law.~~
- ~~2. **Use Standards.** Beekeeping for personal use and not for agricultural use shall comply with the following standards:~~
 - ~~a. The maximum number of hives permitted per property shall be as follows:~~
 - ~~i. Two (2) hives for properties that are up to 6,000 square feet.~~
 - ~~ii. Four (4) hives for properties greater than 6,000 square feet up to 16,000 square feet.~~
 - ~~iii. Six (6) hives for properties greater than 16,000 square feet up to 25,000 square feet.~~
 - ~~iv. Eight (8) hives for properties greater than 25,000 square feet.~~
 - ~~b. No bee colony shall be kept in a hive that exceeds 12 cubic feet.~~
 - ~~c. Bee hives may be located on the ground or on the roof of any building with a permanent foundation.~~
 - ~~d. Hives on the ground may not be located in the front yard.~~
 - ~~e. Hives must be setback a minimum of 15 feet from any property line.~~
 - ~~f. For any colony exhibiting overly defensive behavior, the beekeeper should take immediate mitigating action(s). The beekeeper should also take mitigating action(s) to prevent swarming. This may require a beekeeper to split a hive. This split may be kept temporarily in one (1) additional nucleus hive in case the parent hive fails to make a new queen or in case the parent hive fails during winter.~~
 - ~~g. It is highly recommended that at least one (1) swarm trap be provided where bees are kept.~~
 - ~~h. If the hives are clearly seen from sidewalks, pathways, or adjacent neighbors, it is highly recommended that a 6-foot barrier such as a fence or landscaping hedge be installed.~~

- i. ~~If the hives cannot be concealed from sight or easy access, it is highly recommended that each hive have a sticker placed on them or sign installed indicating that there are live bees inside them.~~

B. Caretaker's Residence

A single dwelling unit as a residence for a caretaker or watchman accessory to a permitted use is permitted in all zoning districts other than residential zoning districts.

C. Drive-Through

Drive-through service is enabled in appropriate locations to improve service to customers, protect the public from contagion, and promote economic development, while also reduce the negative impacts that it may create by reducing the noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow.

1. **Defined:** An accessory feature of an establishment including service units and stacking spaces that permits customers to receive services or obtain goods while remaining in or on a motor vehicle (e.g., food and beverage establishments, banking terminals, pharmacy pickup, and other similar uses commonly referred to as drive-up, drive-through, or take-out). This definition excludes gasoline service stations, drive-in theatres, and drive-in restaurants where orders are taken, and food delivered to a motor vehicle that remains in a parking space.
2. **Applicability.** The following standards apply for all uses with vehicle stacking and/or drive-through facilities.
3. **Use Standards:**
 - a. Drive-through facilities, including windows and other related features, should be architecturally compatible with the building architecture.
 - b. To protect the building from vehicle damage, the bollards shall be installed adjacent to the service window(s).
 - c. Drive-through lanes and accompanying equipment that produces noise shall be located at least 400 feet from any building that is zoned or used for residential purposes.
 - d. Sound emitted from any drive-through window, exterior menu board(s), speakers and any other sound devices used to communicate with the clients should be limited to a noise level up to 50 dB at the closest property line abutting a residential use or zoning district (existing or approved).
 - e. **Parking.** Drive-throughs shall follow the minimum parking design standards in section 6.11.12
 - f. **Signage.** Sign regulations specific to Drive-throughs are in Section 6.17.9.

D. Home Occupation

1. **Defined.** An occupation that provides a service or product that is conducted wholly within a residential dwelling in a residential zoning district as an accessory use that does not change the residential character of the property or neighborhood. Examples of permitted home businesses can include, but are not limited to, the following:
 - a. Art Studio.
 - b. Beauty Salon (one chair operated by a resident).
 - c. Business conducted entirely by mail and/or web-based.
 - d. Seamstress or tailor.
 - e. Home schools for 12 or less full-time or part-time children including residents of the home.
 - f. Professional office of a clergyman, lawyer, architect, accountant, counselor, or consultant.
 - g. Repairing, servicing or refurbishing equipment or parts, excluding motor vehicles, if the work is entirely within the dwelling and performed by members of the family living in the dwelling.
 - a. Teaching (e.g., musical instruments or dancing) for six (6) or less individuals at one time.
 - b. Childcare home in accordance with [I.C. 36-7-4-1108](#).

2. **Use Standard.** All home occupations shall comply with the following standards:
 - a. The property owner must use the residential dwelling as their primary place of residence. Only residents of the subject residential dwelling may operate, engage in, or conduct the home-based business. Nonresidents are not allowed to work at the subject residential dwelling where a home occupation is being conducted.
 - b. There shall be no signs, displays, outdoor storage, or other exterior evidence of business activity. Neither the dwelling nor the lot shall be altered in appearance so that it appears other than a residence, either by color, materials, construction, lighting, sounds, vibrations, or other characteristics.
 - c. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within the garage, provided no garage space required for off-street parking is used. The home-based business shall not occupy more than 25% of the combined floor area of the house and garage
 - d. No business storage or warehousing of material, supplies or equipment is permitted outdoors.
 - e. The home occupation shall not involve manufacturing operations.
 - f. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference, or result in a change in the fire-safety class or occupancy classification of a residential structure or which otherwise violates any law.
 - g. Only one (1) vehicle used for the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs., as listed on the vehicle registration form.
 - h. The requirements for shipping and receiving of materials for the business does not create excessive noise or traffic.
3. **Structural Improvements.**
 - a. There shall be no room additions, enlargements, structural, or exterior aesthetic alterations that change the residential character of the dwelling or property.
 - b. There shall be no exterior, structural, or aesthetic alterations to the dwelling to accommodate the home business that would affect the interior of the dwelling and would render it undesirable for residential use or habitation.
 - c. There shall be no additional or separate exterior entrances to the dwelling for conducting business or to accommodate the home business.
4. **Nuisances.** No home business shall cause a nuisance as defined by *Sec 5.1.6*.
5. **Appeals.** Any use claimed as a home occupation may be deemed not permitted if, in a public hearing on the matter, the Board of Zoning Appeals rules the use to be a nuisance or that it does not comply with this Section. The Director or any person reasonably affected by the home occupation may request such a hearing in accordance with [Sec. 10.2.3. Appeal of Administrative Determination](#).

E. Nonresidential Accessory Service

1. **Defined.** A nonresidential accessory use located within a building containing a permitted nonresidential principal use in the EN Zoning District. Allowed accessory uses are limited to eating establishment, laundry or dry-cleaning pickup, flower shop, gift shop, newsstand, catalog office supply sales or other service use.
2. **Use Standard.**
 - a. The accessory use must be in a building with a minimum of 30,000 square feet of gross floor area. The accessory use may locate in a smaller building provided all the buildings on the same lot contain a minimum gross floor area of 30,000 square feet.
 - b. The gross floor area of all accessory uses can be no more than 10% of the building or all buildings

on the same lot, and in no case, more than 20% of the floor area gross of the building within which it is located.

- c. In a multi-tenant building, one (1) tenant may use the full 10% of the building floor area for an accessory use, and such tenant is not restricted in its application to 10% of its lease area.
- d. No more than 3,000 square feet is permitted for any (one) 1 accessory use in the EN and MA Districts.
- e. The primary entrance to the accessory use must be internal to the main building.
- f. The display of products and activity of the accessory use must not be visible from outside the building.
- g. No drive-thru or drive-in facilities are allowed.
- h. No accessory use can operate before 8 AM or after 6 PM, unless the routine hours of operation within more than 50% of the floor area within the building in which the facility is located is operational either before 8 AM or after 6 PM.
- i. The signage and location must not be designed to attract clientele from outside the building or lot within which the use is sited.

F. Outdoor Dining for Eating Establishments

1. Outdoor dining areas shall be adjacent to their tenant space.
2. Outdoor dining shall be accessed through the primary tenant space.
3. The dining area shall be enclosed by a fence or wall enclosure that is complementary to the architecture of the primary structure and shall be no less than 30 inches and no more than four (4) feet tall.
4. To maintain a six-foot (6') wide sidewalk in accordance with [Article 6.12. Pedestrian Accessibility Standards](#), a wider sidewalk shall be installed to meet that development standard.

G. Recreational Use Related to a Residential Development

1. Recreational use is limited to the following facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, bicycle paths, pedestrian and equestrian trails, picnic areas, play courts, such as basketball, racquetball, and tennis courts, golf courses, driving ranges, play fields, playgrounds, sauna baths, swimming pools and tanning facilities.
2. These uses are allowed only as part of a residential development or subdivision, a compact development, a conservation development, a manufactured home development, or a congregate care facility. Such uses may be located outside of the boundaries of the development, if:
 - a. The lot is owned by the development (through its homeowners' association or other similar mechanism); and
 - b. The lot adjoins the development for at least 50% of its perimeter; or
 - c. The lot is located across a street or other right-of-way for at least 50% of its perimeter.
 - d. No active recreational use (e.g. playing field, playground, swimming pool, etc.) shall be located within 25 feet of any residential use property line.
 - e. Athletic structures other than buildings (e.g. basketball goals, pools, tennis courts, etc.) shall be no closer than 100 feet to any property line or right-of-way.
 - f. Lighted playing fields will be held to the standards in [Article 6.5. Exterior Lighting Standards](#).
 - g. Park buffering may incorporate pedestrian access points where access in and out of the park would be beneficial to nearby residents.
 - h. Special care as it relates to any negative impacts (such as noise, traffic, etc.) shall be noted when locating specialty parks (such as dog parks and skate parks) in residential areas.
 - i. Neighborhood parks and pocket parks less than two (2) acres in area do not have to provide off-street parking.

- j. A golf course A golf course in a residential zoning district is subject to the following:
 - i. Portable toilets, outhouses, and structures of the like, as well as vending machines shall not face an adjacent property and shall be screened using either wood fencing or masonry wall height on at least three (3) sides and shall incorporate landscaping around the fence or wall in a manner that increases aesthetics. Landscaping shall include at least one (1) shrub per four (4) feet of fence or wall length.
 - ii. The nearest edge of any fairway or green may be no closer than 150 feet to any property line, and no closer than 100 feet to any right-of-way.
 - iii. Tee-boxes and greens shall be oriented away from adjacent properties and external roadways.
 - iv. Miniature golf is not permitted in a residential zoning district.

H. Residential Accessory Service

- 1. **Defined.** A nonresidential accessory use located within an apartment or townhouse development or assisted living facility.
- 2. **Use Standard.**
 - a. Allowed accessory uses are limited to eating establishment, beauty or barber shop, laundry or dry-cleaning pickup, drug store, flower shop, gift shop or newsstand. Does not include an adult establishment.
 - b. The gross floor area of all accessory uses shall not exceed more than 25% of the dwelling unit.
 - c. In no case, shall the accessory use occupy more than 50% of the building gross floor area or 2,000 square feet, whichever is less (except that laundry facilities shall be excluded from this maximum floor area).
 - d. The primary entrance to the accessory use must be internal to the main building.
 - e. The display of products and activity of the accessory use must not be visible from outside the building.
 - f. No drive-thru or drive-in facilities are allowed.
 - g. The signage and location must not be designed to attract clientele from outside the building or lot within which the use is sited.

(Ord. 081919D, 08/19/2019; Ord. 121619C, 12/16/2019)

Effective on: 12/16/2019

Article 5.8. Temporary Uses

Contents:

Sec. 5.8.1. General

Sec. 5.8.2. Permit Required

Sec. 5.8.1. General

- A. A Temporary Use Permit is intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.
- B. Only one (1) temporary use may exist on any lot or lots used in combination at any given time unless otherwise specifically permitted elsewhere in this UDO.
- C. Temporary uses shall not be located wholly or partially in the public right-of-way.
- D. Any structure associated with a temporary use may require compliance with the Building Code.
- E. A Landscaping Plan shall be submitted for any temporary use with ancillary structures (e.g. portable restroom facilities, trash receptacles, or trailers) that will be installed for more than six (6) months.

Screening shall be provided for each of the ancillary structures.

- F. No public-address systems or other sound-amplifying devices shall be permitted in conjunction with a temporary use.
- G. All temporary uses and associated temporary structures shall be removed and the original site restored to its original condition within the duration of the Temporary Use Permit.
- H. Cumulatively, all Temporary Use Permits issued on a lot shall not exceed 120 days per calendar year, or 90 days consecutively, unless otherwise noted.
- I. Every approved temporary use shall be fully contained within 12 feet of the front and/or side facade of the primary structure, or be in a parking area where:
 - 1. The minimum required parking spaces are available on site for the combined uses, temporary and permanent, as per [Article 6.11. Parking & Loading Standards](#). Temporary use parking shall require one (1) space per 250 square feet of indoor and outdoor space;
 - 2. No handicapped parking spaces shall be obstructed or rendered unusable;
 - 3. Vehicular or pedestrian circulation shall not be adversely affected; and
 - 4. The temporary use shall be enclosed by a temporary structure or surrounded by a view-through fence (at least 50% opaque);
- J. The maximum area dedicated to a temporary use shall be 10% of the gross main floor area of the primary structure or tenant space to which the temporary use is associated. This allotment shall not be interpreted to be the combination of two (2) or more tenant spaces.
- K. All sidewalks and ramps shall be maintained as per the ADA regulations.
- L. Temporary outdoor sales of anything explosive or hazardous are not permitted under any circumstances.
- M. Temporary classrooms in conjunction with a public or private school, or a religious institution are permitted.
- N. Any temporary signs associated with a temporary use shall require a Temporary Sign Permit and is limited to the current standards of the [Article 6.17. Signage Standards](#).

(Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

Sec. 5.8.2. Permit Required

The following temporary uses are allowed subject to approval of a Temporary Use Permit issued in accordance with [Sec. 10.2.22. Temporary Use Permit](#).

A. Construction Trailer

- 1. Once the Temporary Use Permit for the construction trailer has been issued, the construction trailer may be located on the site to be developed up to three (3) weeks prior to the start of site improvements and shall be removed when the last full Certificate of Occupancy has been issued for the development, or within 48 months, whichever is less.
- 2. All construction trailers shall be located within the development for which the construction trailer has been established.
- 3. Construction trailers shall successfully pass all applicable inspections (e.g. electrical, fire) and apply for and receive a Certificate of Occupancy prior to the commencement of the use.

B. Institutional Temporary Uses

- 1. Every institutional use that wishes to have a temporary use (e.g. seasonal outdoor sales, temporary outdoor displays of merchandise, tent sales, and special sales) must receive an independent Temporary Use Permit for each such use.
- 2. Private or institutionally sponsored festivals are allowed on places of worship or school properties

without a Temporary Use Permit.

3. Portable Classrooms.

Portable Classrooms requires a Temporary Use Permit. Portable Classrooms are permitted for no more than two (2) years.

C. Sales Office or Model Home

1. Model homes shall comply with [Article 6.3. Architectural Design Standards](#).

2. In addition to a Temporary Use Permit, a building permit is required to construct the model home.

3. A Temporary Use Permit for a sales office or model home is valid from subdivision release for issuance of building permits until the last full Certificate of Occupancy is issued.

4. Sales offices and model homes shall be located on a lot in the development in which the homes are for sale.

5. Sales offices and model homes shall be located on streets that have been asphalted and curbed; and are free of mud and debris.

6. A flow tested and charged fire hydrant shall be within 500 feet of two (2) or more sales offices or model homes prior to the issuance of a Certificate of Occupancy. Evidence of flow testing from a qualified agency shall be provided.

7. Signage shall be limited to the current standards for temporary model home signs in the [Article 6.17. Signage Standards](#).

8. Hours of operation shall be limited to between 7:00 AM and 9:00 PM daily.

9. The facility shall not be used for any purpose other than the sales and demonstration of homes in that subdivision.

10. A minimum of four (4) off-street parking spaces shall be in place at a model home for employees and potential buyers. Model homes may use a standard driveway, garage and/or an off-street parking area (gravel or asphalt) to accommodate parking.

11. Model homes shall successfully pass all applicable inspections (e.g. electrical) and apply for and receive a Certificate of Occupancy prior to the commencement of the use.

12. Skirting is required on all sales trailers to be installed for six (6) months or longer.

D. Special Events

1. Special events on nonresidential properties may be permitted and require a Temporary Use Permit. The following guidelines shall also apply:

a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.

b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.

c. No sign shall be placed within the right-of-way of any public street without the approval of the City.

d. A Sign Permit is required per [Sec. 10.2.18. Sign Permit](#).

2. **Grand Openings.** A Temporary Use Permit may be permitted for a onetime grand opening for new businesses. This Temporary Use Permit may be granted for a 17-day period with no fees. The following guidelines shall apply:

a. All signs, balloons, streamers, and decoration must be placed on the property of which the permit is approved.

b. No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to lettering on vehicles operating during the normal course of business.

- c. No sign shall be placed within the right-of-way of any public street without the approval of the City.
- d. A Sign Permit is required per [Sec. 10.2.18. Sign Permit](#).

E. Temporary Off-street Parking

- 1. Any temporary off-street parking installed for a construction trailer, sales trailer or model home shall be removed when the sales office is removed. The site shall be restored to character consistent with the development.

F. Temporary Trash Receptacle and Temporary Storage Units

- 1. Temporary trash receptacles and temporary storage units (e.g. PODS) are permitted on any lot or lots used in combination as follows:
 - a. A maximum of seven (7) consecutive days without a Temporary Use Permit.
 - b. A maximum of 30 calendar days per calendar year with a Temporary Use Permit.
 - c. If a valid building permit is active, temporary trash receptacles and temporary storage unit may be utilized on site until the Certificate of Occupancy is issued.
 - d. Temporary trash receptacles and storage units shall not be allowed in the public right-of-way, unless a permit is approved by the Department of Engineering.

G. Temporary Uses in Residential Districts

- 1. **Garage/Yard Sale.** Garage/yard sales are permitted for a total of eight (8) days per calendar year, per lot without a Temporary Use Permit.
- 2. **Event Tents.** Tents for a private party or event are permitted for a total of seven (7) days per calendar year, per lot without a Temporary Use Permit.

(Ord. 101121H, 11/15/2021; Ord. [121922E](#), 01/17/2023)

Effective on: 1/17/2023

CHAPTER 12. DEFINITIONS

Contents:

Article 12.1. General Provisions

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Article 12.1. General Provisions

Contents:

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Sec. 12.1.2 Graphics, Illustrations, Photographs & Flowcharts

Sec. 12.1.3 Abbreviations in the UDO

Sec. 12.1.1. General Meaning of Words & Terms

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in the UDO or the context in which they are used clearly indicates to the contrary.
- B. In the absence of court decisions or Board decisions specifically interpreting a provision in question, specific definitions listed in the UDO or previous interpretations of a provision by the Director, the meaning of provisions shall be based on the following general hierarchy of sources:
 1. For a legal term, definitions in a legal dictionary or if not a legal term, definitions in an ordinary dictionary;
 2. Statements of the purpose and intent of sections or background reports and studies adopted or referred to in the UDO, although such documents cannot overrule a specific code provision;
 3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question;
 4. Definitions of similar terms contained in Federal and State statutes and regulations; and
 5. Ordinary rules of grammar.
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate cannon, maxim, principle or other technical rule of interpretations or construction used by the courts of this State may be employed to resolve vagueness and ambiguity in language.

Sec. 12.1.2. Graphics, Illustrations, Photographs & Flowcharts

- A. The graphics, illustrations, photographs and flowcharts used to explain visually certain provisions of the UDO are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of the UDO, the text of the UDO controls.
- B. Certain images in the UDO were created by a consultant and are the property of the City of Fishers as part of this UDO. Other images are the property of Raleigh, North Carolina and Palm Desert, California, and were used with their permission.

Sec. 12.1.3. Abbreviations in the UDO

- A. BFE: Base Flood Elevation
- B. DBH: Diameter at Breast Height
- C. DNR: Department of Natural Resources (Indiana)
- D. FAA: Federal Aviation Administration
- E. FC: Footcandle

- F. FEMA: Federal Emergency Management Agency
- G. FIA: Federal Insurance Administration
- H. FIRM: Flood Insurance Rate Map
- I. INDOT: Indiana Department of Transportation
- J. NAVD: North American Vertical Datum of 1988 (as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within a floodplain).
- K. NFIP: National Flood Insurance Program
- L. PUD: Planned Unit Development

Article 12.2. Defined Terms

Contents:

- A
- B
- C
- D
- E
- F
- G
- H
- I
- J
- K
- L
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- U
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- W
- X
- Y
- Z

(Ord. [081919D](#), 08/19/2019; Ord. [111620B](#), 12/21/2020; Ord. [062121B](#), 07/19/2021; Ord. [041822E](#), 05/16/2022)

A

‘A’ Zone. Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zone, floodwaters may move slowly or rapidly, but waves are usually not a significant

threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

1. **Zone A.** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no BFE or depths are shown. Mandatory flood insurance purchase requirements apply.
2. **Zone AE and A1-A30.** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. BFEs are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
3. **Zone AO.** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
4. **Zone AH.** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one (1) to three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
5. **Zone AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
6. **Zone A99.** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No BFEs or depths are shown. Mandatory flood insurance purchase requirements apply.

Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Aboveground Utility Facility. Permanently located and installed electrical generators, pipeline pumping stations, public wells, water towers, telephone exchanges, utility substations, and the like.

Abutting. Bordering or contiguous.

Accessory Sign. A sign which is related to the primary use of the premises.

Accessory Structure or Use. Any structure or use subordinate in both purpose and size that is incidental to and customarily associated with any principal structure or principal use that is located on the same lot.

Addition to an Existing Structure. Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Agricultural Processing. The use of land for activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. Example uses include, but are not limited to: slaughterhouses, mills, refineries, canneries, coffee roasting, food processing, granaries, grain processing, commercial hatcheries, poultry processing plants, fat rendering, manufacturing of commercial fertilizer, starch manufacturing, and milk processing plants or other treatment of agricultural products which changes the naturally grown product for consumer use.

Agricultural Use. The use of land for farming, including plowing, tilling, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of Livestock (except in confined feed yards); dairy farming; aquaculture; sod production; horticulture; orchards; tree farms; and the cultivation of

products as part of a recognized commercial enterprise; and related buildings (e.g., barns, Stables, sheds, feeding bins). **Agritourism Use (or Agritainment Use):** An agriculturally-based operation or activity that brings visitors to an operational farm, and that may include, but is not limited to, uses and activities such as: pumpkin patches, Christmas tree sales, animal interaction exhibits (i.e. petting zoo, pony rides), apple or strawberry picking, seasonal or holiday activities (i.e. corn mazes, hay or wagon rides, straw piles, haunted houses), family-oriented activities (i.e. bounce houses, pedal cars, kiddie rides), creamery, vineyards, breweries, educational experiences or tours, limited retail sales of products not produced on-site (i.e. country store, activity ticket sales), related beverage or food sales (i.e. tasting facilities, lunch counters, dairy bar, refreshment or specialty food stands), and related ancillary uses and buildings.

Adult Bookstore. An establishment having more than 10% of its stock in trade and/or sales area in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Business. Any commercial activity whether conducted intermittently or full time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. See also [Sec. 5.4.2B. Adult Entertainment](#) for listed uses.

Adult Entertainment. An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Aggregate Side Setback. The sum of the least two (2) side setbacks of a structure, one (1) on either side.

Agricultural Building. A structure utilized for the conduct of farming operations, not including a dwelling.

Airport. Any area of land or use devoted to the take-off, landing and storing and servicing of aircraft, and any appurtenant areas designated, set aside, used, or intended for use for related buildings and facilities located thereon.

Alley. A public right-of-way and thoroughfare, other than a street, road, crosswalk or easement, providing a secondary means of access to the abutting properties.

Alternative Transportation Plan. A plan which illustrates bicycle and pedestrian corridors throughout the jurisdiction of the Commission, as incorporated into the Thoroughfare Plan.

[ANSI. American National Standards Institute.](#)

Amenity Area. An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners' association or property owner primarily for the use of the residents of the development. The term includes community swimming pools, tennis courts, basketball courts, and the like.

Antenna. Any system of wires, poles, rods, reflecting discs, or devices used for the transmission or reception of electromagnetic or radio waves.

Appellant. A person filing any type of appeal.

Applicant. The owner, owners, or legal representative of lot who makes application to the City for action affecting the lot owned thereby.

[Architectural Features. Exterior building elements intended to provide ornamentation to the building massing including, but not limited to: eaves, cornices, bay windows, window and door surrounds, and balconies.](#)

Architectural Projections. Projections from a building which are necessary for the shading of a building or features such as sills, cornices, and chimneys. Such projections may extend into required yards only as allowed by the provisions of this UDO.

Area of Shallow Flooding. A designated AO or AH Zone on the FIRM with base flood depths from one (1) to

three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arterial Street. Any thoroughfare so designated on the Transportation Plan.

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 must abide by all regulations pertaining to primary structures.

Automobile Repair Garage. A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

Awning or Canopy Sign. A sign that is painted, stamped, perforated, stitched or otherwise applied on the surface of an awning. ~~The awning sign area shall be calculated the same as other signs except internally or backlit awning signs shall be calculated as the entire awning surface which is allowing light to pass through that portion of the awning or canopy.~~

Average Daily Traffic (ADT). The estimated daily average number of vehicular travelers on a street in a 24-hour period.

Average Setback. An average of a given (i.e. front, side, or rear) setback of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board. If the subject property is a corner lot, the average of the front setback of structures adjacent to the subject property, along with the front setback of structures directly across the street from the subject property shall be used.

B

'B' Zone. See "Zone B, C, and X."

Baby Farm Animal. Any farm animal which has not reached mature adulthood.

Banner. Any hanging sign possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the UDO.

Bar, Nightclub, Tavern, Lounge. A facility that prepares and sells food and drink that has alcoholic beverage sales more than 70% of the business's total annual sales.

Base Flood Elevation (BFE). The elevation of the one-percent annual chance flood.

Base Zoning District. In the case of an overlay district, the standard zoning district in which the parcel or tract is located, and the standards of which apply when the overlay district regulations are silent on any given point.

~~**Basement.** That portion of a building below the ground level having one-half or more of its interior vertical height clearance below the average grade level. A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounding by finished grade is not considered in the measurement of the overall height limit of a zoning district.~~

~~**Battery(ies).** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.~~

~~**Battery Energy Storage Management System.** An electronic system that monitors, controls, and optimizes performance of an individual or multiple battery modules, protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.~~

Battery Energy Storage System (BESS). One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
 - a. One-, Two-family residential dwellings. Individual Energy Storage Systems (also known as a battery bank) shall have a maximum stored energy of 20 kWh. The aggregate energy capacity of the battery energy storage systems for one- and two-family residential dwellings, comprised of one or more individual BESS, shall not exceed the following for each location listed:
 - i. Forty (40) kWh within utility closets, basements, and storage or utility spaces.
 - ii. Eighty (80) kWh in attached or detached garages and detached accessory structures.
 - iii. Eighty (80) kWh where outdoor wall mounted.
 - iv. Eighty (80) kWh where outdoors ground mounted.
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Bed and Breakfast. An operator-occupied historic residence or expanded historic residence that:

- A. Provides sleeping accommodations to the public for a fee;
- B. Has no more than 14 guest rooms;
- C. Provides breakfast to its guests as part of the fees; and,
- D. Provides sleeping accommodations for no more than 30 consecutive days to a guest.
- E. The term does not include hotels, motels, health or limited care facilities, boarding houses, group quarters, hospice, rescue missions or food service establishments.

Berm. A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, berms do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Berms in combination with other landscape material are used to block or partially block visibility from one side to the other.

Big-box Structure. A big-box structure is any retail building or tenant space of at least 70,000 square feet, which purpose is to provide space for a single user.

Bioretention Facilities (rain gardens). A stormwater management system that uses soil and plants to absorb stormwater runoff and to capture pollutants. These are small landscaped basins intended to provide water quality management by filtering stormwater runoff before release into a storm drain system. (Refer to City of Fishers Stormwater Technical Standards Manual).

Bioswale. A bioswale is a shallow depression created in the earth to accept and convey stormwater runoff. A bioswale uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water (Refer to City of Fishers Stormwater Technical Standards Manual).

Block. An area of land bounded by streets or by a combination of streets and public land, rights-of-way, common area, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Block Frontage. Property having frontage on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or another barrier.

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 City.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the UDO for buffering lots from adjacent properties or public rights-of-way for increasing visual shielding or other aspects of privacy and/or aesthetics.

Buffer Yard. An area adjacent to front, side and rear property lines, measured perpendicularly from and parallel to 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. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls and permanently affixed to the land.

Building Area. The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

Building Code. The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the City Building Code.

Building Envelope. The setback lines that establish an area on a lot in which building can occur.

Building Frontage. The length of an outside building wall on a dedicated public or private street.

Building Height. The vertical distance measured from the lot average grade to the highest point of the roof, not including a maximum parapet wall encroachment. More standards on building height measurements in Section 6.1.4.C. ~~{The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.~~

Building Line/Building Setback Line. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line, limits of public or private street or easement.

Building Permit. A document signed by the Director stating that the permitted improvements or proposed construction complies with all applicable provisions of *Title XV: Land Usage of the City of City Code of Ordinances*.

Building Separation. The least distance between the walls of two (2) structures, regardless of whether they are located on the same lot or parcel.

C

'C' Zone. See "Zone B, C, and X."

Caliper. The American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper sizes, and twelve inches above the ground for larger trees.

Candela. Unit of luminous intensity in the International System of Units (SI). Used to measure the amount of light emitted by lamps.

Canopy Tree. Deciduous trees that grow to at least 40 feet in height and that ~~has~~have a canopy that is round or oval. Conical or tubular shaped trees are not canopy trees.

Cell. The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and

deliver electrical energy.

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. ~~Cemeteries shall comply with the following standards.~~

Certificate of Compliance. A certificate that is issued prior to the certificate of occupancy stating that the building, structure or use has been constructed and complies with the provisions of the UDO, developer commitments, and all conditions of the Commission or Board.

Certificate of Occupancy. A certificate issued by the Director stating that, at the time of issuance, the occupancy and use of a building or structure complies with the provisions of all applicable City Codes and Ordinances.

Change of Tenant. Any tenant that differs from the previous tenant of a building or land.
(Ord. 062121B, 07/19/2021)

Effective on: 7/19/2021

Clinic. An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians, dentists or chiropractors and other medical practitioners are provided.

(Ord. 011822, 02/21/2022)

Club House. A building used in association with an amenity, in which may be locker rooms, administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, snack bar, banquet facilities and retail sales of products related to the use of the amenity.

Coffee House. A restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu items may also be sold at a counter or at a drive-up window for motor vehicles.

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 that operates on a different frequency from the initial user.

~~Commercial Kennel. A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.~~

Commercial Sign

Commercial Sign. A sign whose display area is sold or leased.
(Ord. 101121H, 11/15/2021)

Effective on: 11/15/2021

Community Center. A building available to the public for community activities, meetings, banquets, projects, gatherings, and the like.

Community Rating System (CRS). A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management regulations to develop extra measures to provide protection from flooding.

Comprehensive Plan. The complete plan, or any of its parts, for the development of the City, prepared by the Commission and adopted in accordance with IC 36-7-4-500, as it now or may hereafter be in effect.

Concept Plan. A plan for a subdivision or development of land, brought by the petitioner to the pre-submittal meeting, that shows in general terms the proposed land use, density, circulation, natural characteristics, and typical development of the area to be developed, as well as adjacent affected properties, and traffic.

Condition of Approval. Stipulations or provisions attached to the approval of a project by the Board or Commission that must be met as a prerequisite for a Certificate of Occupancy.

~~**Conditional Use.** A use permitted within a district other than a permitted use requiring approval of the Board because of its nature.~~

Condominium. Real estate lawfully subject to IC 32-25, 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 Operation. A confined feeding operation as defined by IC 13-11- 2-40, as amended, and confined feeding as defined by IC 13-11-2-39, as amended.

Confinement Area. Any area, structure, kennel, stall, coop, pin, or other element in which farm animals are housed in, and including the immediate area which controls the movement of those animals.

Conflicting Use. For purposes of determining applicable buffer yard standards, uses that are considered 'conflicting' are detailed in the buffer yard standards of [Article 6.7. Landscaping Standards](#).

Effective on: 7/20/2018

Conservation Easement. Those places on a lot or development that are identified for protecting certain elements or the land and/or natural vegetation. ~~Plant life may be removed from a conservation easement if a plant or tree is dead, dying, diseased, or poses a threat to health, safety, and/or welfare. Small vegetation, underbrush, invasive species and poison ivy may be removed at any time to aid the health of mature trees and to aid in the creation of usable spaces for trails, paths, picnic shelters, and the like. Evergreen trees eight (8) feet or less, in height, and deciduous trees with a caliper measurement of less than four (4) inches may also be removed to aid in the creation of the usable spaces for trails, paths, picnic shelters, and the like, but must be done in a manner cause as little removal and/or damage as possible. Any individual or entity seeking to remove such trees shall have the approval of the Department staff prior to the removal of said trees. The City may be permitted to do limited work in Conservation Easements only at the direction of the Council.~~

Construction Plan. The maps or drawings showing the specific location and design of improvements to be installed.

Continuous Berm. 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. Continuous berms are linear with a top elevation (crest) relatively consistent from one end to the other.

Convenience Store. An establishment where food stuffs, patent medicines, periodicals, and other similar items of household convenience are kept for retail sale to the public.

~~**Cool Roof.** A roof designed to reflect more sunlight and absorb less heat than a standard roof, which is composed of a highly reflective type of paint, a sheet covering, or highly reflective tiles or shingles.~~

Copy. The wording of a sign in either permanent or removable letter form.

Corner Lot. A lot at the junction of and abutting two (2) or more intersecting streets.

Cornice. A molded ornamental projection which crowns or finishes the top of a building or wall to which it is affixed.

~~**Cottage Court.** A cluster of at least five single-unit and/or two-unit dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use may include factory built single-unit and/or two-unit dwellings provided that each home meets either the Indiana Building Code or the federal~~

Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to city water, sewer, and electric services. This definition shall not include a “Manufactured Home Park.”

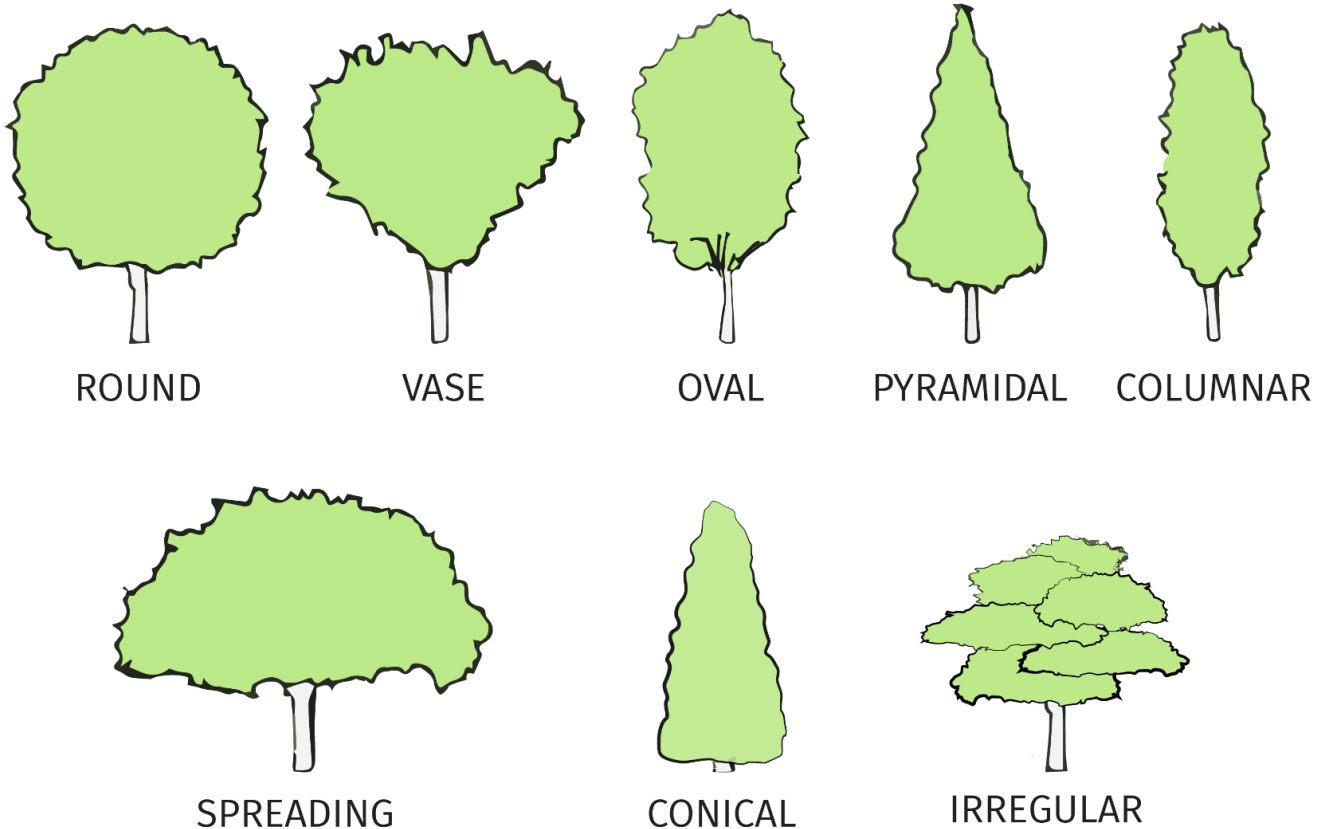
Covenants. Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the applicant of a subdivision. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Critical Facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste.

Critical Habitats. Land with plant and animal species which are listed as threatened or endangered by the DNR publication Indiana’s Rare Plants and Animals.

Critical Root Zone. The area of undisturbed natural soil around a tree defined by a horizontal circle drawn at grade with the center being the center of the trunk of the tree and a radius equal to the distance from the trunk to the outermost portion of the drip line.

Crown Form (Shape). The configuration crown of a standing tree or shrub (circle, triangle, parabola, rectangle, or horizontal ellipse).



Cul-de-sac. A street having one end open to traffic and being permanently terminated by a vehicular turnaround

at the other end.

D

Decibel. A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

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.

Default Zoning District. In the case of a Planned Unit Development, the standard zoning district the standards of which apply when the PUD District Ordinance regulations are silent on any given point.

Designed Fail Area. The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

Detailed Development Plan. The initial Development Plan petition for a Planned Unit Development following approval by the Council of the Concept Plan and PUD District Ordinance petition. The Detailed Development Plan incorporates the Primary Plat petition in Planned Unit Developments that are being subdivided.

Detached Building. A building that has no structural connection with the primary building or any other building or structure.

Developer. The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

Development. Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Development Plan. A petition conforming to the requirements of [IC 36-7-4-1400](#), et seq. and [Sec. 10.2.10. Development Plan Review](#).

Development Standards Variance. A specific approval granted by the Board in the manner prescribed by the UDO, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Diameter at Breast Height (DBH). The diameter of a tree four and one-half (4'6") feet above the average ground level. If the tree's trunk splits or the tree is not over four and one-half (4'6") feet tall, the diameter measurement of the trunk taken 12 inches above the ground level or the root ball shall constitute DBH.

Directional Sign. A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

Double-Faced Sign. A sign having two (2) display surfaces, not necessarily displaying the same copy, which

are usually parallel and back to back and not more than 24 inches apart. When the display surfaces of a double-faced sign are not parallel, the interior angle created by said surfaces shall not exceed 90° and the two (2) surfaces shall not be more than 24 inches apart at the apex of said angle.

Drive-Through. An accessory feature of an establishment including service units and stacking spaces that permits customers to receive services or obtain goods while remaining in or on a motor vehicle (e.g., food and beverage establishments, banking terminals, pharmacy pickup, and other similar uses commonly referred to as drive-up, drive-through, or take-out). This definition excludes gasoline service stations, drive-in theatres, and drive-in restaurants where orders are taken, and food delivered to a motor vehicle that remains in a parking space.

Drip Line. A vertical line running around or encompassing the outermost portions of the tree canopy extending to the ground.

Dwelling. A building or structure or portion thereof that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, motels, and boarding houses.

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 Unit (d.u.). Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

E

Eating Establishment. A facility that prepares and sells food and drink that may or may not have alcoholic beverage sales. If allowed in no case can alcoholic beverage sales exceed 70% of the business's total annual sales.

~~Educational Institution.~~ ~~Public or parochial pre-primary, primary, grade, junior-high, high preparatory school or academy; junior college, college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.~~

Elevated Structure. A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate. A certified statement that verifies a structure's elevation information.

Electric Vehicle (EV). EV means any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Electric Vehicle includes: a battery electric vehicle; and a plug-in hybrid electric vehicle. Electric Vehicle does not include an electric bicycle.

Electric Vehicle Supply Equipment (EVSE). EVSE are the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electric Vehicle Charging Facility. This term is intended to denote EV charging use as a primary use on a property. A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. An Electric Vehicle Charging Facility may also retail minor accessories but may not provide other types of vehicle fuel, such as gasoline. This use does not necessitate construction of a building to serve as a primary building on site.

Electric Vehicle Charging Station. This term is intended to denote EV charging use as an accessory use on a

property. A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The most common verbiage to describe different levels of charging are Level 1, 2, and 3, and include the following specifications:

- Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
- Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.
- Level 3 and higher or DCFC (Direct Current Fast Charging) is considered “fast” or “rapid” charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

EVCS Bay. An EVCS bay is an EVCS for vehicles that are larger than a typical parking space that can fit vehicles with trailers, vans, buses, or semi-trucks.

Emergency Program. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Established Setback. A dimension extending across the full width or depth of the lot between the primary structure and any lot line, the depth of which is the least distance between the given lot line and the primary structure.

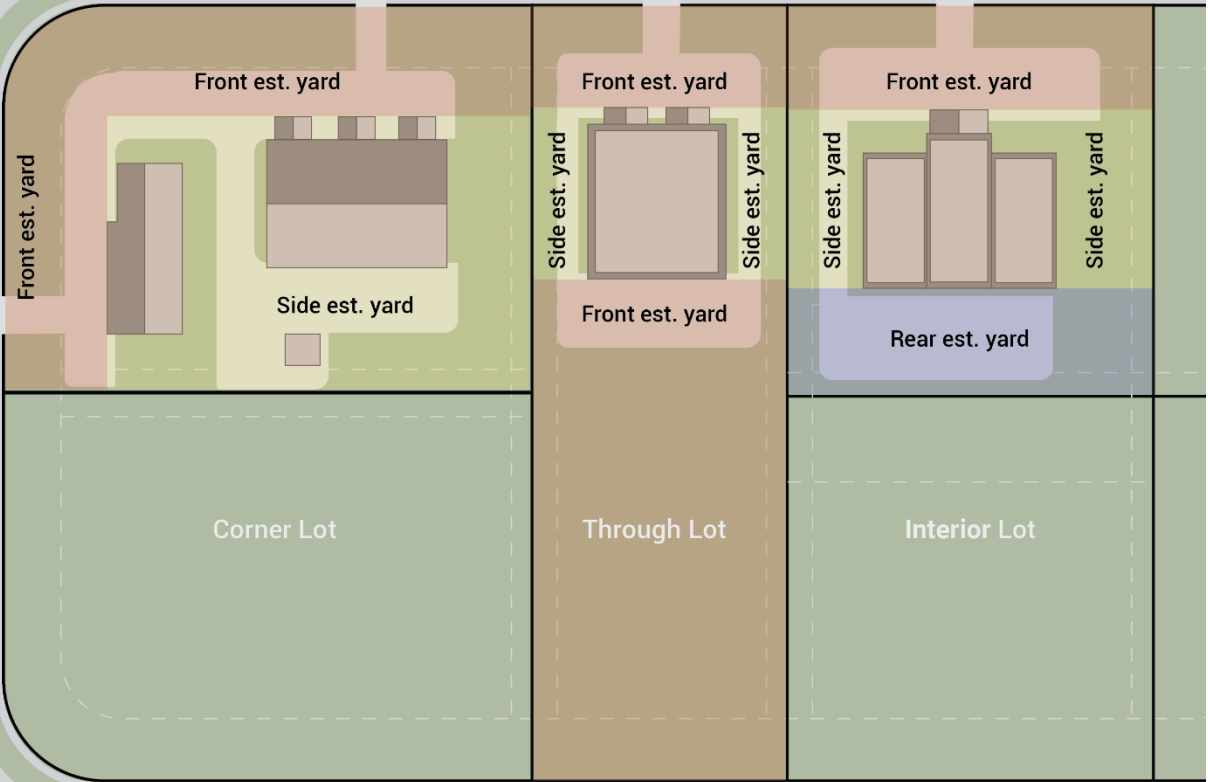
Established Yard. See figures below for illustration.

- A. Front. A yard extending across the full width of the lot between the primary building and the front lot line, the depth of which is the least distance between the front lot line and the building.
 - 1. Primary Front Established Yard. On single- and two-family residential corner and through lots, it is an established front yard between the primary building and the primary front lot line.
 - 2. Non-Primary Front Established Yard. On single- and two-family residential corner and through lots, it is an established front yard between the primary building and the non-primary front lot line.
- B. Side. A yard extending the full depth of the lot between the side of the primary building and the side lot line ~~unoccupied other than by accessory buildings, steps, walks, terraces, driveways, lamp posts, and similar structures~~, the width of which is the least distance between the side lot line and the side of such primary building.
- C. Rear. A yard extending across the full width of the lot between the rear of the primary building and the rear lot line ~~unoccupied other than by accessory buildings, steps, walks, terraces, driveways, lamp posts, and similar structures~~, the depth of which is the least distance between the rear lot line and the rear of such primary building.

**Non-Residential
Established Yards**

Street A (R.O.W.)

Street C (R.O.W.)



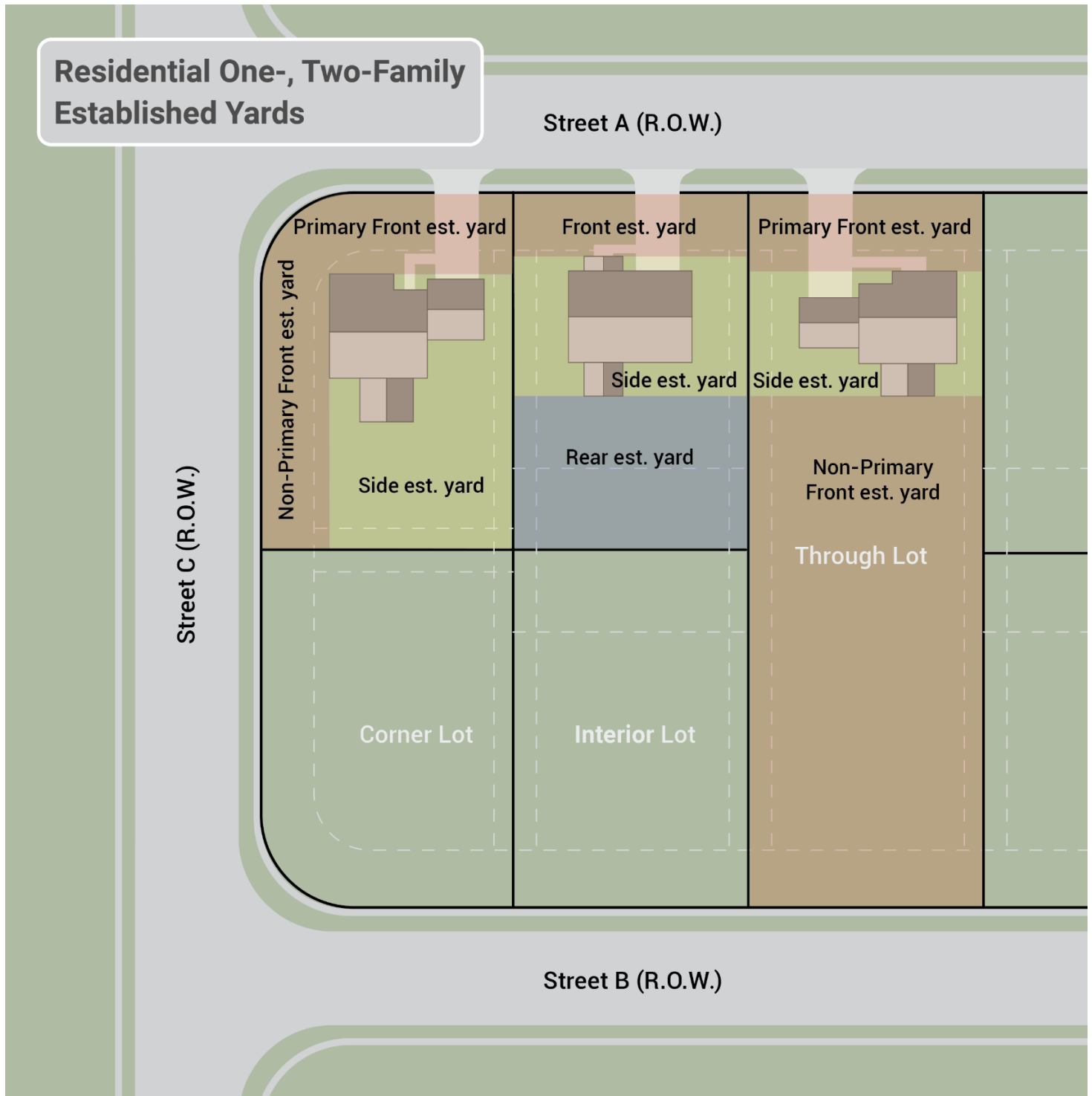
Corner Lot

Through Lot

Interior Lot

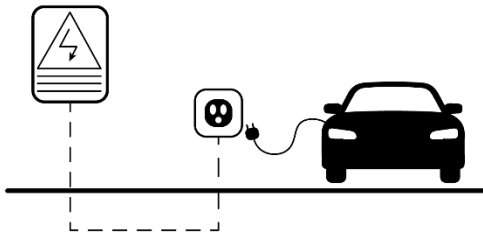
Street B (R.O.W.)

**Residential One-, Two-Family
Established Yards**

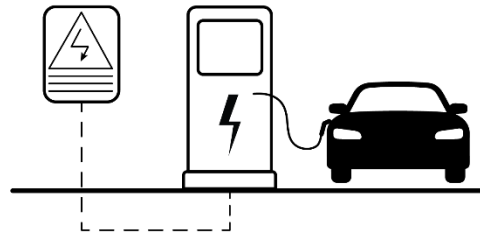


EV-Ready Space. A designated parking space which is provided with a dedicated branch circuit that is not less than 40-ampere and 208/240-volt assigned for electric vehicle supply equipment (EVSE) terminating in a receptacle or junction box located in close proximity to the proposed location of the EV parking space. For two adjacent EV-Ready spaces, a single branch circuit is permitted. The electrical panel directory and receptacle or junction box must both be permanently marked “For future electric vehicle supply equipment”.

EV-Installed Space. A designated parking space that is served by an electric vehicle charging station (EVCS), at a minimum of Level 2.



EV-READY



EV-INSTALLED

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the City’s first floodplain ordinance.

Existing Significant Plant Material. Evergreens over six (6) feet in height, deciduous trees over two and one-half (2.5) inches DBH, and shrubs over four (4) feet in height.

Expanded Historic Residence. A single historic residence whose existing square footage has been enlarged by way of architectural addition, provided, however, that the architectural addition:

- A. May exceed the existing square footage of the Historic Residence only to a maximum of two (2) times the total enclosed floor space of the existing structure and only so long as the addition is subordinate to the existing structure;
- B. Cannot change the residential appearance of the Historic Residence or the lot;
- C. Shall be designed and constructed in the established style of the existing Historic Residence; and,
- D. The architectural design and historic construction materials shall maintain the style and integrity of the existing Historic Residence.

The Director shall make an initial determination, in writing, that the proposed architectural additions are architecturally consistent with the Historic Residence.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended Stay Hotel/Motel/Inn. A building in which temporary lodging and/or boarding is provided to the public for compensation. The provider typically provides telephone service, laundry facilities, upkeep of furniture, and other services. Compensation is based upon stays of more than one day and reduced rates are typically featured for weekly/ monthly stays.

F

Façade. The face of an elevation of a building.

Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than two (2) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm. A tract of land comprising an area which is devoted to agricultural operations, such as forestry, the growing

of crops, pasturage, the production of livestock or poultry, the growing of trees, shrubs or plants, and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm.

Farm Animal Unit (FAU). A farm animal unit is a value factor assigned to balance the difference in physical size, health needs, nuisance issues and other differences of various farm animals.

Fast Food/Quick Service. Restaurant where food is prepared and available before an order is placed, the meal is paid for prior to consumption, customers often order from a menu board, are served their food at a counter or in a motor vehicle in packages prepared to leave the premises or may be taken to a table or counter to be consumed (see also [Sec. 5.4.8.D. Fast Food/Quick Service](#)).

Faux Window. A faux window is a portion of the façade enclosed with a decorative trim such as stone or brick, and covered in a distinct material (typically darker) which varies from the surrounding field material.

Fence. A freestanding device made of metal, masonry, composition or wood or any combination thereof, resting on, or partially buried in the ground and rising above ground level, and used for confinement, screening protection or partition purposes.

Filling Station, Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major mechanical and body work, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. The term shall not be construed to include a truck stop.

Final Development Plan. The secondary Development Plan petition for a Planned Unit Development following approval by the Commission of the Detailed Development Plan petition. The Final Development Plan incorporates the Secondary Plat petition in Planned Unit Developments that are being subdivided.

Finished Floor Area. 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 thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

Five Hundred-year Flood. The flood that has a 0.2% chance of being equaled or exceeded in any year.

Flag

Flag. Any fabric or similar light-weight material, typically oblong or square in shape, and used as the symbol or emblem of a country or institution or as a decoration during public festivities, that is attached at one edge of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes.

(Ord. 101121H, 11/15/2021)

Effective on: 11/15/2021

Flashing Sign. Any illuminated sign which exhibits changing light or color effects.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). An official map on which the FEMA or FIA has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Area. The floodplain areas that have not been adequately protected from flooding by means of dikes, levees, reservoirs and other works approved by the Indiana Natural Resources Commission, as identified on the appropriate maps.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM). An official map of a community, on which FEMA has delineated both the

areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Protection Grade. The elevation of the regulatory flood plus two (2) feet at any given location in the Special Flood Hazard Area (SFHA). See also "Freeboard."

Flood Prone Area. Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Water. The water of any lake or watercourse which is above the banks and/or outside the channel and banks of such lake or watercourse.

Floodplain. The channel proper and the areas adjoining any wetland, lake or watercourse that have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts (see also [CHAPTER 9. FLOODPLAIN STANDARDS](#)).

Floodplain Administrator. (See [Sec. 2.2.6 Floodplain Administrator](#)).

Floodplain Development Permit. A permit signed and issued by the Floodplain Administrator stating that the proposed improvements for a site have been reviewed and found to follow the applicable provisions of [CHAPTER 9. FLOODPLAIN STANDARDS](#).

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations. [CHAPTER 9. FLOODPLAIN STANDARDS](#) and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power that control development in flood-prone areas. This term describes federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodplain Standards Variance. A grant of relief from the requirements of [CHAPTER 9. FLOODPLAIN STANDARDS](#), which permits construction in a manner otherwise prohibited by [CHAPTER 9. FLOODPLAIN STANDARDS](#) where specific enforcement would result in unnecessary hardship.

Floodplain Standards Violation. The failure of a structure or other development to be fully compliant with [CHAPTER 9. FLOODPLAIN STANDARDS](#). A structure or other development without the elevation, other certification, or other evidence of compliance required in [CHAPTER 9. FLOODPLAIN STANDARDS](#) are presumed to be in violation until that documentation is provided.

Floodproofing (dry floodproofing). A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls can resist hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate. A form used to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

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 of any party wall separating such buildings

or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area Ratio (FAR). Floor Area Ratio includes the total covered area of all floors of a building(s) measured in square feet divided by the size of the site, measured in square feet.

Forestry Operation. Forestry Operation includes facilities, activities, or equipment used to plant, raise, manage, harvest, and remove trees on private land. The term includes site preparation, fertilization, pest control, and wildlife management.

Foundation. The supporting member of a wall or structure.

Free Burning. A rate of combustion described by a material which burns actively and easily supports combustion.

Freeboard. A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe. Those portions of the floodplain lying outside the floodway.

Front Line of Building. The foundation line that is nearest the front lot line.

Frontage Road. An access road which parallels a street of higher classification, providing access from abutting property and separated from the street by a common dividing strip.

Fuel/Energy Station. Structure or lot where fuel and other vehicular propulsion needs are provided to customers but are not performed by an employee (other than to pump gas).

Fuel/Service Station. Facility where fuel is dispensed and/or other light maintenance activities take place within the building on customer vehicles such as battery replacement, tire installation/repair, and other minor mechanical repairs. Vehicles shall not be stored overnight.

Full-cutoff Fixture or Luminaire. A luminaire that (see also [Article 6.5. Exterior Lighting Standards](#)):

- A. Projects at least 90% of the total lamp lumens below 80° from vertical;
- B. Does not allow more than 10% of the total lamp lumens above 80° from vertical; and
- C. Does not allow more than 2.5% of the total lamp lumens above 90° from vertical.

Functional Green Roof. A green roof for which the depth of soil and planted material is at least 2 inches, which is accessible and usable for human activity.

Effective on: 7/20/2018

G

Gable. A triangular wall segment at the end of a pitched roof.

Garage. An attached or detached structure whose primary use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

General Services Office. Employment services, temporary employment agency, insurance office, law office, membership associations, secretarial service, publishing corporate offices, reading clinic, real estate office, service organization, title company, trade office, and travel agency, and the like.

Glare. A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

Golf Course. An area of terrain on which the game of golf is played. 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.

Grace Period. Extension of time granted for correction, termination or cessation of a violation of this UDO.

Greenhouse. A building, room, or area, usually chiefly of glass, in which the temperature is maintained within a

desired range, used for cultivating tender plants or growing plants out of season.

~~**Green Space.** Areas designated for public gathering or recreation (passive or active), held in private or public ownership.~~

~~**Green Roof.** The area atop a roof surface on a building, open to the sky and air, planted over waterproof membrane, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight and which may be accessible by means of a roof entrance if required to maintain plant material.~~

Ground or Monument Sign. A sign which is supported by one (1) or more uprights or braces in the ground.

Gross Site Area. Gross refers to the gross area before any land is set aside for public improvements including but not limited to streets and utilities.

Guest Room. A sleeping room intended to accommodate not more than four guests each night, and which contains no cooking facilities in the room. For purposes of this definition, a guest room may be a suite of rooms, including a sitting room, one or more bedrooms and bath facilities, accessible to the exterior by not more than one doorway.

H

Half Story. That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

Hardship. (as related to [Sec. 10.2.24. Variance](#)) The exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. These problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

High Pressure Laminate (HPL). Material exterior grade high pressure laminate is made of layers of kraft paper impregnated with phenolic resin and bonded by heat and pressure. The core and exterior surface is all one piece.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Residence. A structure designed for a single-family residence, which has historic, architectural or engineering significance. Provided, however, that structures less than 50 years old shall not be considered an historic residence, and are not allowed as either a bed and breakfast residence or a bed and breakfast inn.

Historic Structure. Any structure individually listed on the National Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects. Structure, Historic (as related to [CHAPTER 9. FLOODPLAIN STANDARDS](#)): Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Holiday Decorations. Posters which represent a holiday but do not advertise a company or product.

Home Occupation. An occupation that provides a service or product that is conducted wholly within a residential dwelling in a Residential Zoning District. Examples of permitted home businesses are provided in [Sec. 5.7.2.B. Home Occupation](#).

Horizontal Articulation. Articulation left and right across the span of a wall façade. Examples include ledges, reveals awnings, column caps, arches, or other projecting or recessed architectural feature.

~~**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.~~

Hospital. An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care to persons 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 lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is assessed on a day-to-day basis.

Illegal Sign. A sign which does not meet the requirements of this UDO and which has not received legal nonconforming status.

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.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for illuminating the sign.

Impervious Area.

Impervious Area. Impervious Area is the sum of all driveways, pathways, structures, hardscape, and any other impervious surface that would prohibit the absorption of stormwater, divided by the Lot Area.

(Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Impervious Surface

Impervious Surface. Any material that prevents absorption of storm water into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Effective on: 7/20/2018

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 (ILP). A permit issued by the Department stating that the proposed improvements comply with the applicable provisions of the UDO.

Improvement, Substantial. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of State or local health, sanitary, or safety code requirements or any alteration of a “historic structure,” provided that the alteration shall not preclude the structures continued designation as a “historic structure.”

Incidental. A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Increased Cost of Compliance (ICC). The cost to repair a substantially damaged structure that exceeds the

minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Indirectly Illuminated Sign. A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible.

Industrial Uses. Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site (see also [Article 5.5. Industrial Uses](#)).

Infill Lot. A lot bordered on at least two (2) sides by established development.

Inoperable Vehicle. A motor vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:

- A. Not having valid vehicle license plate or registration.
- B. Any vehicle, whether on public or private property and in view of the public from which, for a period of at least (14 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power;
- C. Any vehicle that is damaged or dismantled to such extent as to render it illegal for operation on any public street or highway, including but not limited to any of the following: broken head or taillights, broken or missing mirrors, cracked or missing window or windshield, deflated tires, missing seats or steering wheel, or other general conditions that would render a vehicle incapable of being driven on a public highway.

By way of illustration only, the term "Inoperable Vehicle" can include, without limitation, any of the following: passenger vehicle, motorized bicycles, motorcycle, truck, tractor, tractor-trailer, truck trailer, trailer, bus, boat, watercrafts, recreational vehicle, ATV, golf cart camper, camping trailer, truck camper, motor home, travel trailer, semitrailer, or any other vehicle propelled or drawn by mechanical power or the like.

Institutional Uses. Schools, churches, government offices, parks, and the like (see also [Article 5.3. Public & Institutional Uses](#)).

Internal Setback. The distance between a structure and either:

1. An access or ingress/egress easement line; or
2. The edge of pavement of the sidewalk running alongside an access drive or private street; or
3. The back of curb of an access drive or private street; or
4. The edge of pavement of an access drive or private street;
5. whichever is closest to the structure.

Internally Illuminated Sign. A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

Interior Lot. A lot other than a corner lot or a through lot.

Intersection. An area within a 100' radius of the intersecting centerlines of two (2) cross streets.

ITE. Institute of Transportation Engineers.

J

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, County, or City vehicle licensing or other laws or ordinances.

Junk Vehicle. A vehicle, recreational vehicle, or any similar vehicle exhibiting one or more of the following:

- A. Is dismantled or extensively damaged, including any of the following: a broken window or windshield, or a missing wheel, tire, motor, or transmission;
- B. Is apparently inoperable; or
- C. Has an approximate fair market value equal only to the approximate value of the scrap in it.

By way of illustration only, the term "Junk Vehicle" can include, without limitation, any of the following: passenger vehicle, motorized bicycles, motorcycle, truck, tractor, tractor-trailer, truck trailer, trailer, bus, boat, watercrafts, recreational vehicle, ATV, golf cart, camper, camping trailer, truck camper, motor home, travel trailer, semitrailer, or any other vehicle propelled or drawn by mechanical power or the like.

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.

Juvenile Detention Facility. A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling because of sentencing by a court of jurisdiction for criminal or antisocial behavior.

K

Kennel. ~~A facility where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals with some activities. This use does not include any operation meeting the definition of a Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) under Indiana statutes. Kennel. Any lot on which dogs or small animals at least six (6) months of age are kept for commercial purposes (see also Sec. 5.4.7 Personal Service).~~

L

Large Farm Animals. Large farm animals are large domestic farm animals such as, but not limited to: cows, buffalo, llamas, goats, sheep, and pigs.

Large Grazing Type Farm Animals. Large domestic farm animals such as, but not limited to, cows, buffalo, llamas, goats, and sheep, which are typically allowed to roam within a large grazing area. Pigs shall not be interpreted as a large grazing type farm animal.

Landscape Area. Those 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, buffer yard areas, retention pond planting areas, and perimeter planting areas (see also [Article 6.7. Landscaping Standards](#)).

Landscape Island. A landscape area defined by a curb or edge of pavement and surrounded on all sides by pavement and includes terminal islands, median islands, interior and perimeter islands.

Effective on: 7/20/2018

Landscape Material. Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Xeriscaping landscaping materials are encouraged to function as LID Stormwater BMPs. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape Structure. Decorative fences, walls, retaining walls, edging, decorative rocks 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, depressions for LID stormwater landscaped areas, fountains and other similar natural and man-made objects designed and arranged to produce

an aesthetically pleasing effect.

Large Integrated Center. An integrated center is any multi-tenant building primarily featuring commercial retail and service uses equal to or greater than 30,000 square feet.

Lease. To rent, to permit the possession or use of right of possession, or use for consideration of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands.

Legal Nonconforming Building or Structure. Any continuously occupied, lawfully established structure or building prior to the effective date of the UDO, 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 UDO, 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 UDO, or amendment thereto, that does not conform to all the standards and regulations of the UDO and has been registered within the allotted time as described in [Sec. 2.3.5. Nonconforming Signs](#) of the UDO.

Legal Nonconforming Use. Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the UDO or its subsequent amendments that is no longer a permitted use in the district where it is located.

Letter of Map Amendment (LOMA). An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR). An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F). An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Light Manufacturing. A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing uses are provided in [Sec. 5.5.2 Light Manufacturing](#).

Light Source. Source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.

Limited Agriculture Related Sales. On-site sales of commodities, which are produced, grown, or raised on the subject property.

Loading Spaces, Loading, and Unloading Berths. The off-street area required for the receipt or distribution by vehicles of material or merchandise.

Local Street. A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Lot. A Lot of Record or a tax parcel described by metes and bounds or separately in a survey which is recorded in the Office of the Recorder of Hamilton County, Indiana.

Lot Area. The net area of land bounded on all sides by front, rear, and side lot lines. Neither public nor private right-of-way is included in the lot area. Floodway, Floodway Fringe areas, and Easements are included in the calculation.

Effective on: 7/20/2018

Lot Coverage. ~~The area of a lot occupied by the primary building and any accessory structures.~~ [See definition for "Impervious Area".](#)

Effective on: 12/21/2020

Lot Depth. The horizontal distance between the front and rear lot lines.

Lot Frontage. The length of the front lot line bordering upon a public or private right-of-way or easement. The lot frontage is determined by measuring the total distance in which the front lot line touches a public or private right-of-way or easement.

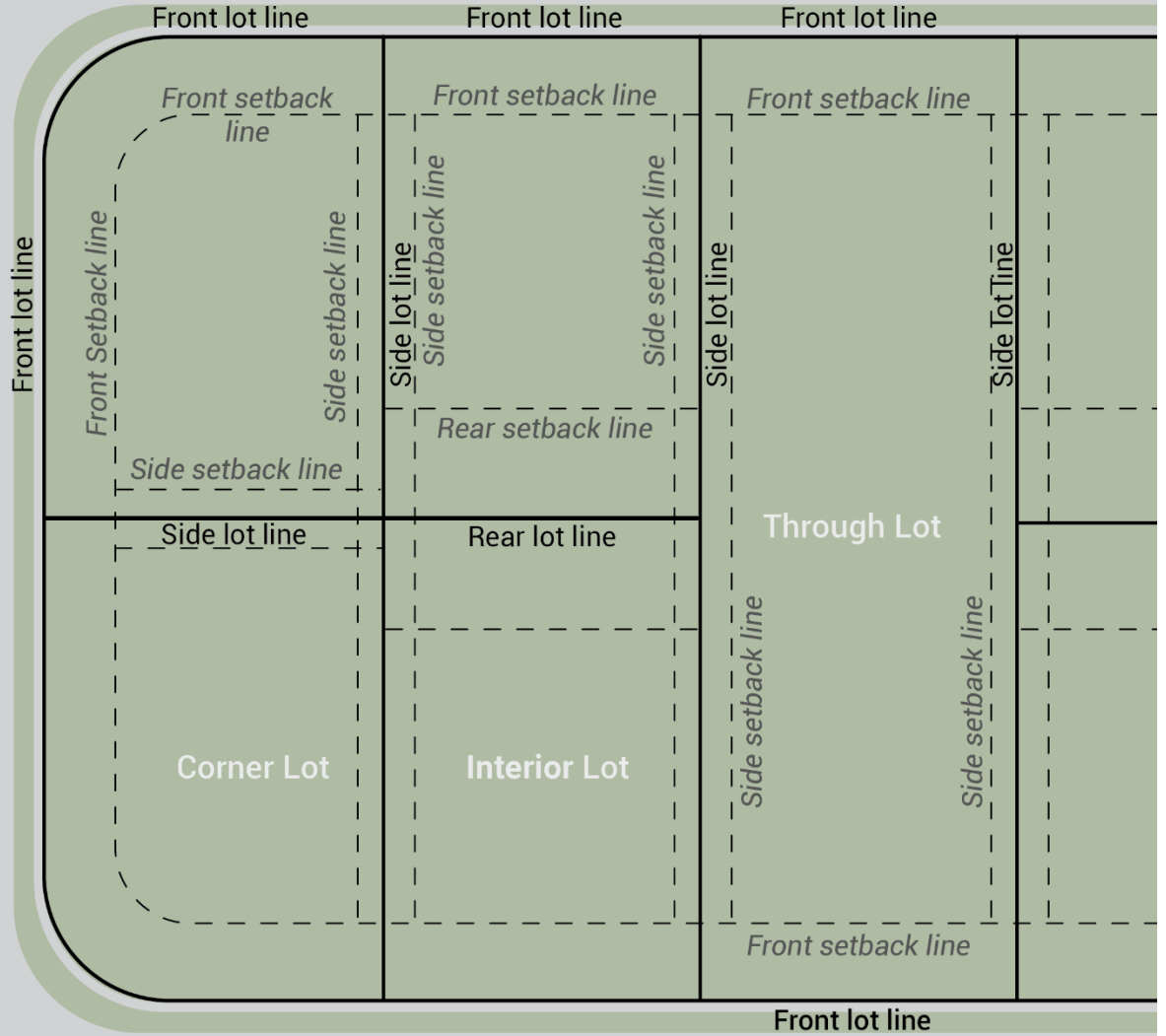
Lot Lines. See figures below for illustration.

- A. Lot Line, Front.** On an interior lot, the lot line that separates the lot from the street. On corner and through lots, all lot lines that abut a street are front lot lines.
 - 1. **Primary Front Lot Line.** On single- and two-family residential corner and through lots, it is the front lot line that a) abuts the highest street classification in the Thoroughfare Plan, or b) closest to the established orientation of home; or c) abuts the street on which the lot's address is platted.
 - 2. **Non-Primary Front Lot Line.** On single- and two-family residential corner and through lots, it is a front lot line that is not the primary front lot line.
- B. Lot Line, Side.** Any other lot line that isn't front or rear lot line. On a corner and through lots, there are at least two front lot lines and other lot lines are side lot lines.
- C. Lot Line, Rear.** The lot line opposite of the front lot line. In the case of a triangularly shaped lot, or otherwise irregular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Non-Residential Lot Lines

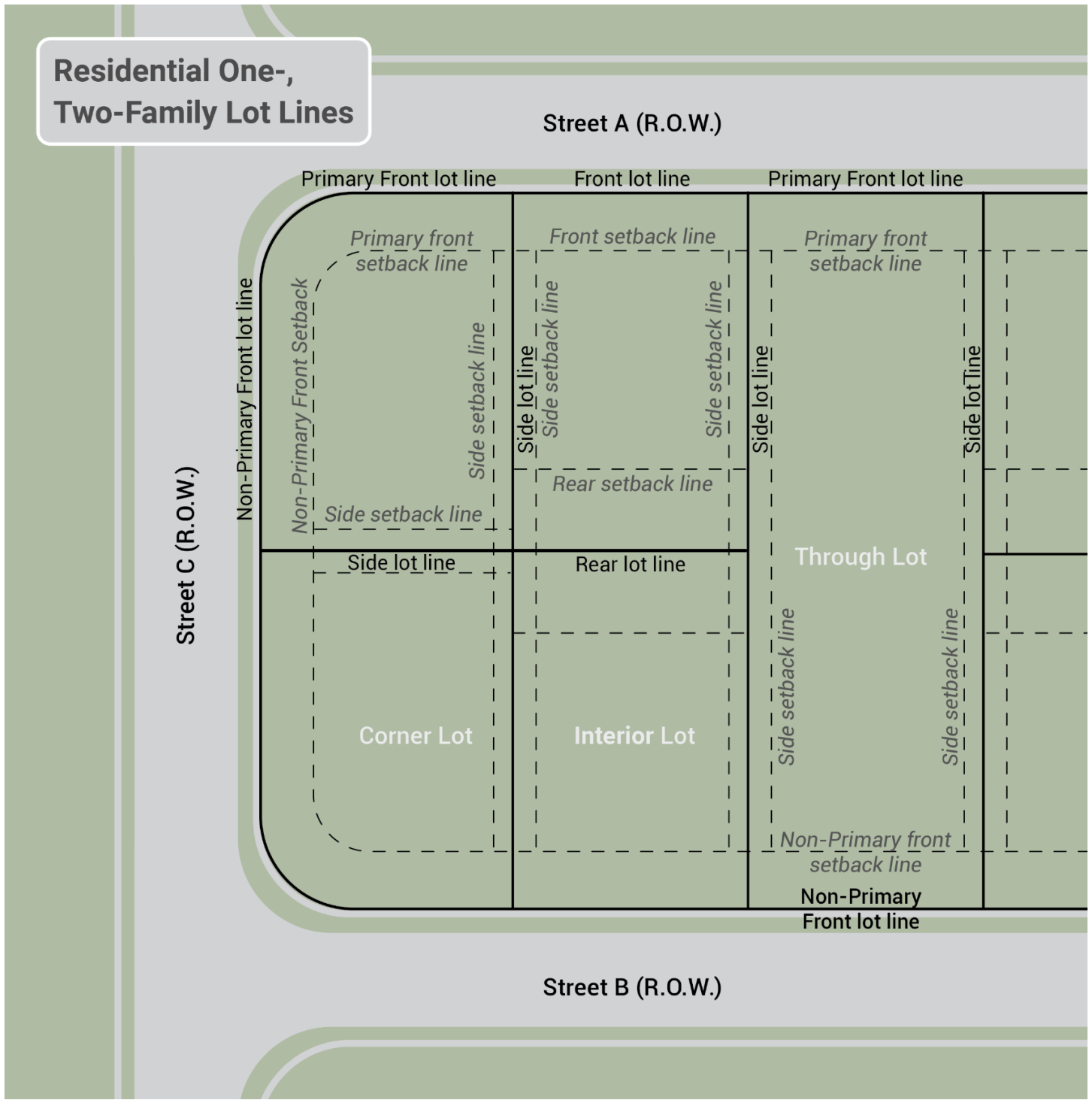
Street A (R.O.W.)

Street C (R.O.W.)



Street B (R.O.W.)

Residential One-, Two-Family Lot Lines



Lot of Record. A lot which is a part of a subdivision legally recorded in the Office of the Hamilton County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot Width. The dimension of a lot measured between side lot lines on the building line.

Low Impact Development. LID is a land planning and engineering design approach with a goal of replicating the pre-development hydrologic regime of urban and developing watersheds. The primary goal of LID is to mimic a site's predevelopment hydrology by reducing the impervious surface, infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

Lowest Adjacent Grade. The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor. The lowest of the following:

- A. The top of the lowest floor of the structure;
- B. The top of the basement floor;
- C. The top of the garage floor, if the garage is the lowest level of the structure;
- D. The top of the first floor of a structure elevated on pilings or pillars;
- E. The top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of (F)(1); or
- F. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters unless:
 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters, by providing a minimum of two (2) openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
 2. Such enclosed space shall be usable solely for the parking of vehicles and building access.

Lumen. Unit of luminous flux in the International System of Units (SI) equal to one (1) candela per steradian. Used to measure the amount of light emitted by lamps.

Lux (Luces plural). Unit of illuminance in the International System of Units (SI) equal to one (1) lumen per square meter.

M

Main Floor Area. That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Major Collector. A street planned to facilitate the collection and movement of vehicular traffic between minor collectors and thoroughfares, usually located on the perimeter or boundaries of neighborhoods. These streets are to be generally located on a ½ mile grid pattern.

Major Thoroughfare. Any thoroughfare so designated on the Transportation Plan.

Maneuvering Space. An open space in a parking area that is:

- A. Immediately adjacent to a parking space;
- B. Used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space; but
- C. Not used for the parking of or storage of motor vehicles.

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:

- A. Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per IC 36-7- 4-1106(d).
- B. 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,

- C. Has wheels, axles, and towing chassis removed,
- D. Has a pitched roof with a minimum rise of 2:12, and
- E. Consists of two (2) or more sections which, when joined, have a minimum dimension of 23 feet in width for at least 60% of its length.

Manufactured Home Park. A parcel of land with required improvements and utilities containing two (2) or more dwelling sites that are leased for the long-term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. 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 or Subdivision (as related to [CHAPTER 9. FLOODPLAIN STANDARDS](#)). A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Housing Construction and Safety Standards Code. Title IV of the 1974 Housing and Community Development Act ([42 U.S.C. 5401](#), as amended, previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include HUD-approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Administrative Building Council of Indiana.

Mansard Sign. A mansard sign shall mean any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

Map Amendment. See LOMA, LOMR, and LOMR-F.

Map Panel Number. The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Marker (survey). A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Marquee. A fixed or temporary canopy or structure projecting from and attached to a building.

Masonry. Brick, fiber cement siding, stone, cultured stone, or stucco materials.

Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Mean Floor Area. An average of the floor areas of like structures adjacent to the subject property.

Medical Office. Dental office, medical office, optical office, and the like.

Mining Mineral Extraction. The extraction of, or mining of, sand, gravel, rock and other earth materials, and/or minerals, and the processing, storage, stockpiling, distribution and sale thereof.

Minor Collector. A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach major collectors or thoroughfares.

Mitigation. Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mixed-use Development. A mixed-use development is any development or project which features more than one primary land use type. Examples of mixed-use developments would be office and retail, office and residential, single-family and multi-family, etc.

Mobile Home Dwelling. 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.

Model Home. A residence constructed for the initial purpose of showing the home to potential buyers.

Model Studio. Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

Monument (survey). A permanent physical structure which marks the location of a corner or other survey point.

Motel. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. Compensation is assessed on a day-to-day basis.

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.

N

Nameplate. A nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

National Flood Insurance Program (NFIP). The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD). As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

Net Site Area. Net site area is the area included within the rear, side and front lot lines of the site. Does not include existing or proposed public streets or right-of-way.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the City's first floodplain ordinance.

Nonconforming Building. A building, structure, or portion thereof that does not conform to the regulations of the zoning 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 Use. A use which does not conform with the use regulations of the zoning district in which it is located.

Nonconforming Sign. A sign or portion thereof that was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Non-cutoff Fixture. A luminaire with no control of the horizontal distribution of luminance.

Not-for-Profit Corporation. An organization or activity which provides a public service not intending or intended to earn a profit, such as tax exempt 501(c)3 charitable and/or public benefit organization.

Notice of Violation. Notice issued by the Department.

Nursery. A place where plants are grown for sale, transplanting, or experimentation.

O

Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Occupancy. The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

Off-site Improvement. 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.

Official Zoning Map. A map of the City of Fishers, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one (1) Official Zoning Map, and it is kept up to date by the Commission and the Director and is located in the City Hall.

One- and Two-family Dwelling Code, Indiana. The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

One-percent Annual Chance Flood. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter 'A' is subject to the one-percent annual chance flood. See also "Regulatory Flood."

One Hundred-year Flood. The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood.

Open Space. An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development (see also [Sec. 8.4.6. Open Space](#)).

Open Use. The use of a lot without a building.

Ornamental Tree. A deciduous tree that does not grow to over 30 feet in height at maturity. Ornamental trees typically are flowering trees.

Outdoor Sales. The temporary use of an area near a business for storage and sales of merchandise related to a holiday, season of the year, or otherwise not offered annually.

Outdoor Storage. The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

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.

P

Painted Wall Sign. Any sign which is applied with paint or similar substance on the face of a wall. Art murals not related to commercial advertising is not regulated by the UDO.

Parapet. A low solid protective wall along the edge of a roof or balcony.

Parcel. An ownership, lot or plat, or part of an ownership, lot or plat.

Parent Tract. A lot of record as recorded on the effective date of this UDO. Multiple lots owned by one (1) person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business.

Park. A parcel of land available to the public for passive and active recreation and is maintained and governed by the City.

Parking Lot. A hard-surfaced structure, other than an open exhibition or display area, designed and designated specifically for off-street temporary placement of motor vehicles and bicycles, and for the movement into and out of those parking spaces not from a street, including parking spaces, bicycle and bicycle sharing facilities, aisles, access drives, and ingress/egress areas providing vehicular access to a public street.

~~**Parking Lot.** An impervious structure designed and designated specifically for temporary storage of motor vehicles in parking spaces, and for the movement into and out of those parking spaces not from a street.~~

Parking Lot Peninsula. A planting area within a parking lot that is bounded on two opposite sides by parking spaces, on one side by a parking aisle, and on one side by a parking lot perimeter planting area.

Parking Space. A hard-surfaced portion of the parking area that is used only for the temporary placement of an operable vehicle or bicycle. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and 20 feet long exclusive of passageways.

Participating Community. Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Particulate Matter. Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

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, or dirt, sand or grass are not permitted as a paved surface.

Pavement Width. The actual width of a street surface that includes only the area that is drivable by vehicles, excluding curbs.

Pedestrian Improvements

Pedestrian Improvements. Any sidewalk or walkway that is intended and suitable for pedestrian use.

(Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Pedestrian Scale. The inclusion of building design elements at the ground or street level and the relationship between building height and streetscape. Building design elements exclusive to the first and second building story (when greater than two (2)), or inclusion of streetscape elements such as trees, decorative lighting, and benches create pedestrian scale.

Pediment. A crowning element used over doors, windows or niches.

Perimeter Lot. A subdivision lot that either:

- A. Has a lot line that abuts the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision, or a frontage road located adjacent to such a street; or
- B. Is separated from the right-of-way of a street with a functional classification higher than “local” that either runs through or is located on the perimeter of the subdivision by a common area that is sufficiently deep

to qualify as open space.

Performance Bond. An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the City which guarantees that the subdivider will perform all actions required by the City regarding an approved plat or in other situations as stated forth in the UDO and/or as deemed by the Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Performance Guarantee. Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the Record Plat, including by way of illustration, but not limited to, subdivision bonds, irrevocable letter of credit, escrow agreements, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission.

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.

Permanent Sign. A sign permanently affixed to a building or the ground.

Personal Garden. A private facility or area for the cultivation of vegetables, grasses, fruits, flowers, shrubs, vines, and trees as an accessory use by a resident or occupant of the site whether it be for purposes of producing food or materials. This definition does not include high weeds and grass, nor does it include farming or beekeeping for commercial purposes.

Personal Services. An establishment primarily engaged in providing services involving the care of a person ~~or animal.~~ Types of personal services are provided in [Sec. 5.4.7 Personal Services](#).

Pet Grooming. A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

Petitioner. The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf and who thereby has the property owner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

Petitioner's Representative. A person legally empowered in writing by the petitioner to act on the petitioner's behalf and who thereby has the petitioner's authority to make representations and decisions before City officials regarding the use and/or development of the subject real property.

Physical Map Revision (PMR). Is an official republication of a community's FEMA map to effect changes to base (1%) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur because of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to BFEs or SFHAs.

Place. An open, unoccupied, officially designated space, other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

Place of Worship. A structure and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities.

Planned Unit Development. A large-scale unified development meeting the requirements for zoning approval under the provisions of [Sec. 10.2.16. Planned Unit Development](#) of the UDO. Generally, a planned unit 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 buildings, density, lot coverage, and required open space to the regulations established in any zoning district of the UDO.

Effective on: 7/20/2018

Planning Jurisdiction. The territory or area in which the Commission has statutory authority to adopt a Comprehensive Plan, consisting of the present City limits and those contiguous areas which will from time to time be annexed to the City.

Plant Material. Trees, shrubs, perennials, vegetative ground cover, and the like.

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.

Pole Sign. A sign which 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 more than six (6) feet from the finished grade to the bottom of the sign face.

Person. A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Porch. A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Portable Sign. 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.

Portico. A major porch usually with a pedimented roof and supported by columns.

Practical Difficulty. A difficulty with regard to one's ability to improve land stemming from regulations of this UDO. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this UDO, 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.

Premises. A lot or plat including buildings thereon, if any.

Preservation Easement. Those places on a lot or development that are identified for the purposes of maintaining an area of vegetation in its pre-development state. Plant life may not be removed from a preservation easement, with the following exceptions: if a plant or tree is dead, dying, diseased, or poses a threat to health, safety, and/or welfare. Under no circumstance shall utilities or other site work be done in preservation easements. The City of [City Fishers](#) may be permitted to do limited work in Preservation Easements only at the direction of the Council.

Primary Plat. The primary plat, pursuant to [IC 36-7-4-700](#), is the plat and plans upon which the approval of a proposed subdivision is based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Commission rules.

Primary Structure. The building or structure in which the primary use of the lot or premises is located or conducted. With respect to residential uses, the primary structure shall be the main dwelling. Where a substantial part of an accessory structure is attached to the primary structure in a substantial manner, as by a roof, such accessory structure shall be counted as a part of the primary structure.

Primary Use. The main use of land or buildings as distinguished from an accessory use. A primary use may be a permitted use, conditional use, or a special exception.

Private Garage. A detached accessory building or an attached portion of a primary building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

~~**Private Kennel.** A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the primary use. Private kennels are not regulated in the UDO and are~~

~~permitted in all zoning districts.~~

~~**Private School.** Private primary, grade, junior-high, high or preparatory school or academy.~~

Private Street. A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private street.

Private Through Street. A paved surface consisting of a roadway, driveway, parking lot or the like which carries vehicular traffic from a dedicated public street to a dedicated public street.

Professional Office. An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and Realtors or insurance agents and brokers.

Professional Office Center. An architecturally organized and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and shall conform to the standards and requirements of this chapter.

Project Site. A term describing the area of the entire site for a development that might include smaller, individually platted lots.

Projecting Sign. Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Public Improvement. Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Parking Area. An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

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 Safety and Nuisance. (as related to [CHAPTER 9. FLOODPLAIN STANDARDS](#)) Anything that is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public School. A public 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.

Public Space. Facilities such as public roads, parks, pathways, and open space corridors. May also be facilities owned privately but open to the public, such as HOA pathways connected to larger networks. Common areas serving as an amenity for commercial and multi-family developments are also considered to be public space.

Public Street. All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Public Utility Installation. The erection, construction, alteration, or maintenance by public utilities, municipal department commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

Public Utility. 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.

Q

Quoins. Units of stone or brick used to accentuate the corners of a building.

R

Reclaimed Wood. Reclaimed wood is that which is derived from a pre-existing man-made structure. This wood may have come from an old house, a boat, barn or an industrial building. Reclaimed wood shall be of high quality materials, suitable for exterior use.

Recreational Area or Facility. An outdoor facility, which may include an accessory clubhouse, provided as part of a residential development that is owned and maintained by the owners' association or property owner primarily for the use of the residents of the development, and which is also accessible for use by the public through associate membership subscription or user fees. The term includes community golf courses, swimming pools, tennis courts, basketball courts, and the like.

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 motor homes. A recreational vehicle shall not be used as living quarters. Also, a vehicle that is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable; and
- D. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park. Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two (2) or more people, designed with facilities for short term occupancy for recreational vehicles only.

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.

Regulatory Flood. The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by DNR and the FEMA. The regulatory flood elevation at any location is as defined in [CHAPTER 9. FLOODPLAIN STANDARDS](#). The "Regulatory Flood" is

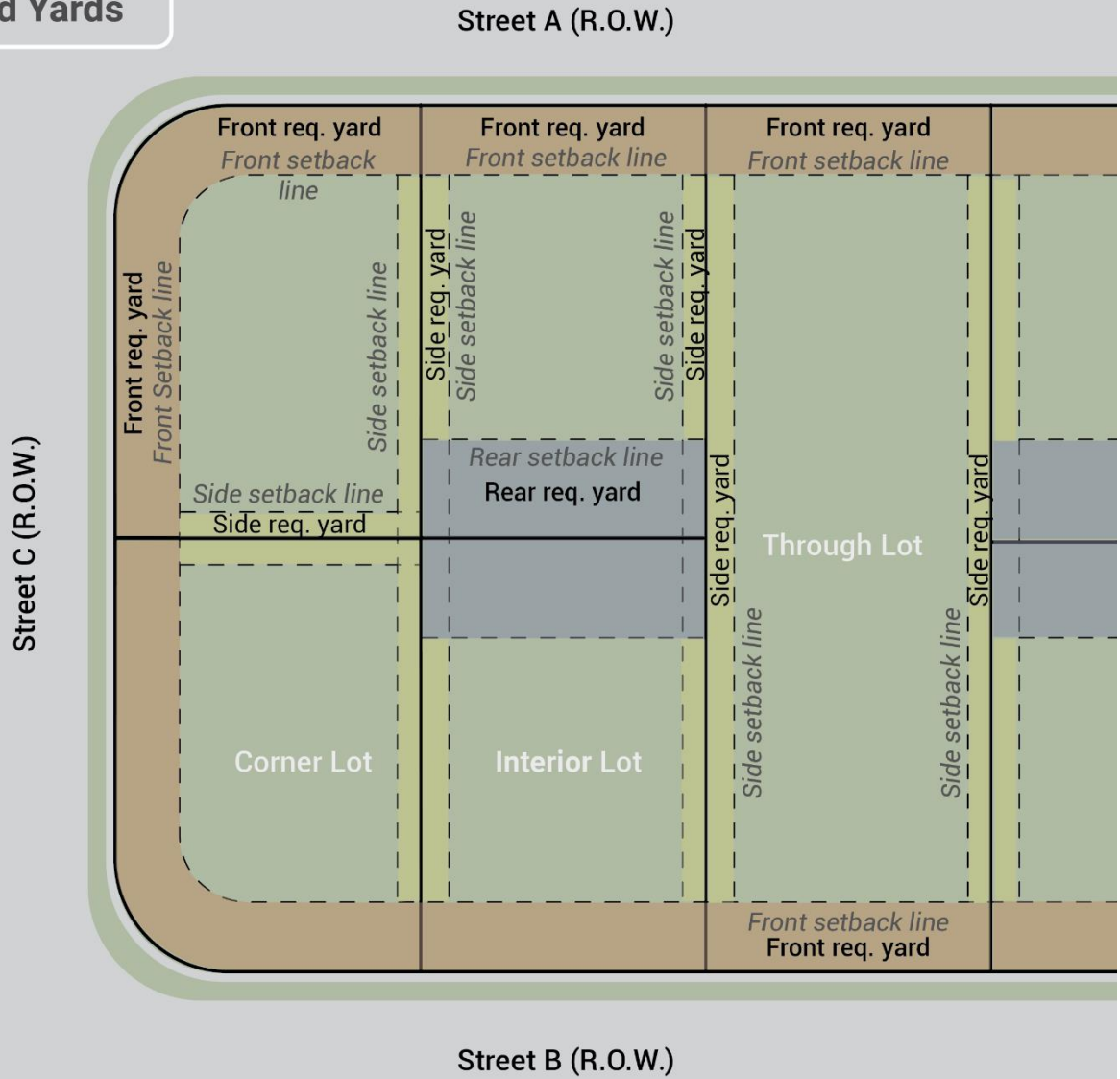
also known by the term “Base Flood,” “One-percent Annual Chance Flood”, and “100- year Flood.”

Repetitive Loss. Flood-related damages sustained by a structure on two (2) separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

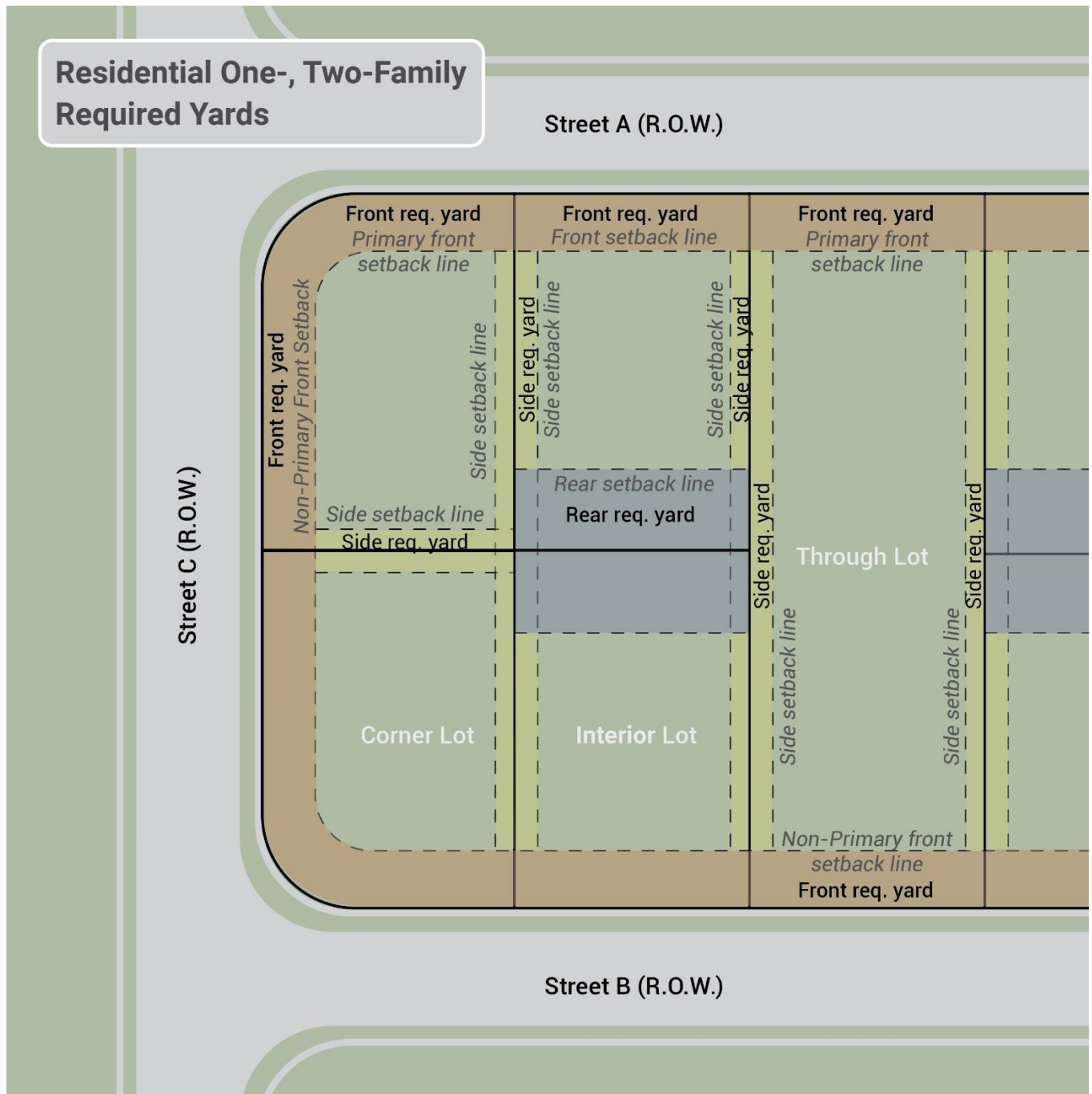
Required Yard. See figures below for illustration.

1. Front. An open space unobstructed to the sky extending fully across the full width of the lot between the front property line and the front setback line. On corner lots and through lots, there shall be at least two (2) front yards as determined by the street frontages. A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the front lot line and the building setback line.
2. Side. An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a side setback line and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. A yard extending the full depth of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the width of which is the least distance between the side lot line and the minimum side setback line.
3. Rear. An open space unobstructed to the sky extending fully across the full width of the lot between the rear setback line and the rear lot line. A yard extending across the full width of the lot unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the minimum rear setback line.

**Non-Residential
Required Yards**



Residential One-, Two-Family Required Yards



Replat. A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Responsible Party. Any person, firm or corporation that uses property in violation of this UDO or knowingly permits another person, firm or corporation to do so.

Restaurant/Bar. A facility that prepares and sells food and drink for on- or off-premise consumption.

Retail Use. Uses involved in the sale, lease, or rental of new or used products. Retail uses are provided in [Sec. 5.4.9. Retail Sales](#).

Retirement Community. An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Reverse Channel Letters. Individually mounted opaque, internally backlit letters which illuminate the wall or surface to which they are attached.

Reversed Interior Lot. An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

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.

Riparian Area. Wooded or vegetated areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than 10 feet in width from the top of banks.

Roadway Width. The paved area of a street measured from back of curb to back of curb.

Roof Line. In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the midpoint of between the roof eave and the ridge of the roof exclusive of cupola, pylon, chimney or other minor projections.

Roof Plane. A roof plane is defined as having at least three separate edges.

Roof Ridge. The roof ridge is the top horizontal edge of a pitched roof.

Roof Root Protection Zone. Generally, 18 to 24 inches deep and a distance from the trunk of a tree equal to one-half ($\frac{1}{2}$) its height or its drip line, whichever is greater.

S

Sales Office. A trailer, model home, or the like used as a showroom or office for the sales of homes.

Salutogenic Amenity. An amenity designed to help restore human physical and psychological personal and social well-being by creating publicly available space for them to be active, to recover from mental fatigue and stress, and to regulate their emotions.

Salutogenic Amenity Typologies are the types of spaces with certain design features that help restore human physical and psychological personal and social well-being. The definitions of these typologies are inspired by the framework provided in the book *Restorative Cities: Urban Design for Mental Health and Wellbeing (2021)* (authors: Roe, J., & McCay, L. Publisher: Bloomsbury Publishing). The following are SA typologies:

- **Neighborly.** Spaces that support social mingling, cohesion, and conviviality by encouraging human interaction and liveliness during their everyday lives.
- **Green.** Green spaces are natural or man-made spaces that have plantings like trees, shrubs, flowers, ornamental grasses and such.
- **Blue.** Blue spaces offer access to viewing water settings (e.g., fountain, swimming pool, pond, lake, river).
- **Active.** Active spaces contain design features that encourage physical mobility such as trails, outdoor gyms, sports courts, swimming pools, and so on.
- **Playable.** Playable spaces have design features that offer opportunities for all-age creativity and play.
- **Sensory.** Sensory spaces use design features that can immerse people's senses (sight, smell, hearing, touch, taste) and create a pleasant atmosphere.

Salutogenic Amenity, Regular. A Salutogenic Amenity that occupies a part of a lot, a whole lot, or spans across the abutting lots, measures at least 30 feet wide along any of its narrowest sides, and features design elements from at least two Salutogenic Amenity Typologies.

Salutogenic Amenity, Community. A Salutogenic Amenity designed with the focus on social well-being that occupies a part of a lot, a whole lot, or spans across the abutting lots, measures at least 50 feet wide along any of its narrowest sides, and features design elements from each of the following SA typologies: Green, Neighborly, and Active; and at least one of the other SA Typologies: Sensory, Blue, Playable.

Satellite Dish/Antenna. An apparatus capable of receiving communications from and/or sending to a relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School, Preschool through K-12. A public, private, or parochial institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under the Indiana School Laws, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This use does not include "School, Trade or Business," or "School, College or University."

School, Trade or Business. A postsecondary educational and/or training facility, other than a College/University, with a curriculum that is not comparable to that taught in the public schools through the high school level and offers instructional or educational services or training in a technical, professional, mechanical, business, or industrial occupation.



School, College or University. A postsecondary degree-bearing educational institution other than a “School, Trade or Business” that provides full-time or part-time education beyond high school.

Secondary Plat. The secondary plat, pursuant to [IC 36-7-4-700](#), is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Semi-Pervious Surface (or material). A material that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt, permeable concrete, or gravel. Also includes green roofs.

Serving Unit. A window of a building, an accessory structure, or location on the lot that is part of a drive-through feature, used to receive payment and/or provide service related to the primary use.

Setback. The minimum or maximum horizontal distance between a property line and a setback line, as established by this UDO. The minimum horizontal distance between the building line and a lot line or right-of-way line.

Setback Line. A line established by the UDO, generally parallel with and measured from the lot lines, defining the limits of the required yards.

Shopping Center, Business Park, Office Park, Industrial Park, or Other Grouping. A project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control of ownership at the time that zoning was approved by the City.

Short-Term Rental. In accordance with IC 36-1-24-6, the rental of a single-family home, an accessory dwelling unit, a duplex, a multi-family dwelling, or a condominium, or a unit within the stated residential buildings, for terms of less than thirty (30) days at a time through a short-term rental platform.

Short-Term Rental, Owner-Occupied. In accordance with IC 36-1-24-3, means property that is the owner's primary residence and is offered to the public as a short-term rental.

Short-Term Rental, Not Owner-Occupied. Is a short-term rental property that is not property owner's primary residence.

Short-Term Rental Platform. In accordance with IC 36-1-24-7, an entity that provides an online platform through which unaffiliated parties offer to rent a short-term rental to an occupant and collects fees for the rental from the occupant.

Sign. Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

(Ord. 041822E, 05/16/2022)

Effective on: 5/16/2022

Sign Area. The entire area within a regular geometric form or combination of such forms comprising all the display area of the sign or any object which attracts attention to be drawn towards the sign. Signs which are made of individual letters shall be calculated by measuring the total vertical distance by total horizontal distance of such letters. Structural supports shall not be included in the sign area calculation provided that the structural support is not an integral portion of the sign.

Sign Clearance. The smallest vertical distance between the grade, grade of the adjacent street or street

curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Face. The area of a sign on which the copy is placed or that draws attention to the sign.

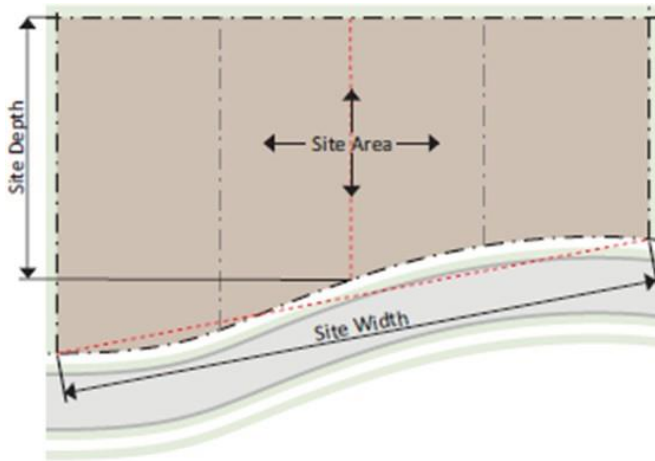
Sign Height. The vertical distance measured from the highest point of the sign face to the grade of the adjacent street or the surface beneath the sign.

Sign Permit. A document signed by the Department stating that a proposed sign has met **with** the general provisions of this UDO.

Sign Structure. The structure to which a sign is affixed including the structural base or supports.

Signature Monument Sign. A free-standing ground sign that is located at the entrance to a subdivision or apartment complex that is mounted on a signature monument. Examples of signature monuments, include, but are not limited to: a fountain, clock tower, masonry gazebo, outdoor plaza with water feature, etc.

Site. A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for development



Site Width. The dimension of a lot measured between side lot lines generally running perpendicular to a street

Site Depth. The horizontal distance between the front and rear property lines measured midway between the side property lines.

Small Farm Animals. Small farm animals are small domestic farm animals such as, but not limited to, chickens, ducks, and rabbits.

Small Integrated Center. Small integrated center is any multi-tenant building primarily featuring commercial retail and service uses with less than 30,000 square feet.

Soil Map. A National Cooperative Soil Survey prepared by USDA Soil Conservation Service in cooperation with Purdue Experiment Station and the Hamilton County Soil and Water Conservation District.

Solar Energy System (SES). A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SES, Commercial. Pursuant to IC 8-1-42-2, it is a solar energy system that has a nameplate capacity of at least ten (10) megawatts and captures and converts solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. It may

be designed as freestanding, parking lot canopy, roof- or wall-mounted, or a combination of any of these SES as defined in this UDO.

SES, Freestanding. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure other than parking lot canopy solar energy systems.

SES, Parking Lot Canopy. A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure, which is used in a parking lot or the top story of a parking structure to shade vehicles parked in such lot or structure.

SES, Roof-Mounted. A solar energy system that is structurally affixed to a roof of a principal or accessory structure.

SES, Wall-Mounted. A solar energy system that is structurally affixed to or an integral part of a principal or accessory building (e.g., solar panel awnings, solar panels built into the walls or skylights).

Solar Reflectance Index (SRI). A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

Special Event Sign. A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Special Exception. A use which may be permitted in a district only if it meets special conditions, and upon application, is specifically authorized by the Board.

Special Exception Permit. A document issued verifying the permitting of a use within a district other than a primarily permitted use.

Special Flood Hazard Area (SFHA). Those lands within the jurisdictions (including extraterritorial jurisdictions) of the City subject to inundation by the regulatory flood. The SFHAs of the City are generally defined as such on the Hamilton County, Indiana and Incorporated Areas Flood Insurance Rate Map prepared by the FEMA, dated February 19, 2003, as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date. The SFHAs of those parts of unincorporated Hamilton County, Indiana that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Hamilton County, Indiana and Incorporated Areas FIRM prepared by the FEMA and dated February 19, 2003 as well as any future updates, amendments, or revisions, prepared by the FEMA with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

Special Handling. Retail businesses that sell products that require special handling due to risks to public safety.

Specimen Tree. Trees with a caliper of 24 inches or greater and that are not found in [Exhibit LA-B: Invasive and Poor Characteristic Species of the City of Fishers Approved List of Recommended Species](#).

Stacking Space. An off-street area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles that are queuing up or utilizing the services of a drive-through service unit.

Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Street. Any vehicular right-of-way that:

- A. Is an existing State, County, or municipal roadway;
- B. Is shown upon a plat approved pursuant to law;
- C. Is approved by other official action; or
- D. Is shown on a plat duly filed and recorded in the Office of the Hamilton County Recorder; includes the land between the street lines, whether improved or unimproved.

Street Width. The shortest distance between the lines which delineate the right-of-way of a street.

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. (as related to [CHAPTER 9. FLOODPLAIN STANDARDS](#)) A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

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.

Subdivider. Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in the UDO.

Subdivision. The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the UDO.

Subdivision Control Ordinance. An ordinance relating to subdivision control regulations codified in the UDO.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Sunroom. A sunroom is a structure, either attached or integrated into a building such as a home, restaurant, or office, which allows enjoyment of the surrounding landscape while being sheltered from adverse weather. ~~Sunrooms that encroach into a required rear yard setback as allowed in Sec. 6.16.3.~~ [Setback Encroachment](#) cannot be converted into a living, sleeping or conditioned space as defined by the International Residential Code.

Suspension. (as related to [CHAPTER 9. FLOODPLAIN STANDARDS](#)) The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Swimming Pool. A self-contained body of water at least 24 inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level. Above ground swimming



pools shall be considered an accessory structure/use. Below ground swimming pools shall not be considered an **accessory** structure but shall be considered an **accessory** use.

(Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

T

Telecommunication Facility. A land based facility, consisting of towers, antennas, accessory buildings and 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.

Telecommunication Tower. Any structure that is designed and constructed primarily for supporting one (1) 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 Certificate of Occupancy. A certificate with a specific expiration date issued by the Director stating that, at the time of issuance, the occupancy and use of a building or structure does not fully comply with the provisions of all applicable City Codes and Ordinances, but may be occupied for the specified period subject to conditions stipulated on the certificate.

Temporary Use/Structure. A land use or structure established for a limited and fixed period.

Temporary Use Permit. A permit with a specific expiration date issued by the Director stating that a proposed temporary use or structure complies with the applicable provisions of the UDO.

Tenant Space. An area of a building intended for the use of a single business with a separate external entrance.

Temporary Structure. A tent, awning, or the like used as a temporary shelter, cover, or device.

Theater. A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan. The part of the Comprehensive Plan, now or hereafter adopted, which includes a plan for major streets and highways and sets forth the location, alignment, dimensions, streets, highways, and other thoroughfares.

Trade, Business, or Commercial School. An educational facility which offers instruction specific to a trade, business, or commercial.

Tree Canopy. The area of the property under the trees that consists of the total crown spreads or driplines of all trees existing and/or proposed on-site.

Tree Canopy Coverage is an area on the lot under the tree canopy measured as the sum of the canopy at maturity of the individual trees located on the lot.

Tree Canopy Coverage Percentage is a required tree canopy coverage calculated as a percentage of a certain area or a lot as prescribed by this UDO.

Tree Size.

Small Tree. A tree with mature height of less than thirty (30) feet.

Medium Tree. A tree with mature height between thirty (30) and seventy (70) feet.

Large Tree. A tree with mature height over seventy (70) feet.

Through Lot. A lot having frontage on two (2) parallel or approximately parallel streets.

Tower Setback. The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Townhouse. One of several individual housing units constructed with a common roof, front wall and rear wall.

Township. Fall Creek Township and Delaware Township in Hamilton County, Indiana.

Truck Stop. A multiple-use facility that may be comprised of overnight parking for trucks and two (2) or more of the following:

1. Restaurant;
2. Gas station;
3. Scales;
4. Shower facilities;
5. Convenience store.

Turf. Lawn-type grasses that are intended to be manicured and maintained at no more than eight (8) inches of height.

U

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 Variance. The approval of a use other than that prescribed by the UDO, an act granted by IC 36-7-4-918.3.

V

Variety Store. A retail establishment that sells a multitude of consumer goods.

Vehicle Maintenance/Retail/Service Facility. ~~A facility in which the primary use is the retailing of a vehicle part, which is typically installed onto a vehicle free of charge following the on-site purchase, with no overnight storage of vehicles at this facility. A facility in which the primary use is the retailing of a vehicle part, which is typically installed onto a vehicle free of charge following the on-site purchase. Vehicles shall not be stored overnight at these facilities.~~

Vehicle Service/Repair Facility. ~~A facility where providing vehicular service is the primary use of the structure/ business including accessory indoor or outside storage of vehicles for limited time. Facility where providing vehicular service is the primary use of the structure/ business. May require storage of vehicle outside for limited periods of time, any such areas shall be screened in accordance with Article 6.10. Outdoor Display & Storage Standards.~~

Effective on: 7/20/2018

Vehicle Sign. A sign on a vehicle of any kind, provided the sign is painted or attached directly to the body of the vehicle and does not project or extend beyond 15 inches from the original body proper of the vehicle.

Veterinary Clinic. A facility involved in the care, diagnosis, medical treatment, or surgery of the animals. This use does not include a "Kennel," and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.

Vibration. Oscillatory motion transmitted through the ground.

Violation. The erection, alteration, enlargement, maintenance or use of any building, structure or land in

violation of any provision of the UDO, the sign ordinance, the weed ordinance, or the building codes of the City applicable to such building, structure or land in the zoning district in which it is located.

Vision Clearance on Corner Lots. A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision, the standards for which are set forth in [Article 6.20. Vision Clearance Standards](#).

W

Wall Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

Water Surface Elevation. The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wind Energy System, Large. A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 KW.

Wind Energy System, Small. A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, that is mounted to the ground or a rooftop, and that has a rated capacity of 100 KW or less.

Wood. The wood of trees cut and prepared for use as an exterior building material.

Wooded Lot. An area which contains trees at a rate above 250 cumulative inches DBH per acre. Trees under two and one-half (2.5) inches DBH are not included in the cumulative DBH calculation per acre.

X

'X' Zone. The area where the flood hazard is less than that in the SFHA. Shaded X Zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X Zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%. See also "[Zone B, C, and X](#)."

Y

Yard. A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this UDO. ~~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.~~

Z

Zone. A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone B, C, and X. Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe,



concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.) See also “‘X’ Zone.”

Effective on: 7/20/2018

Zoning District. Areas within the City 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 this UDO. Zoning districts are drawn on the Official Zoning Map.

Zoning Ordinance. Those sections of the UDO, now or hereafter adopted, that include the Official Zoning Map, regulations, requirements and procedures for the establishment of land use controls.

ORDINANCE NO. 022425F

**AN ORDINANCE OF THE COMMON COUNCIL
AMENDING THE ZONING ORDINANCE
OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA.**

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-25-2 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission, at its meeting on the April 2, 2025 sent a _____ recommendation to the Common Council by a vote of _____ in favor and _____ opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. AMENDMENT. This Text Amendment amends certain sections of the Unified Development Ordinance;

Section 2. PRUPOSE STATEMENT. The purpose of this ordinance is to refine certain regulatory language in the furtherance of the overall Purpose & Intent provisions of Chapter 1, Chapter 3, Chapter 5, and Chapter 12.

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE COMPREHENSIVE PLAN SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

SO BE IT ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 21st of April, 2025.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Pete Peterson, Member		
	John DeLucia, Member		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson, Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2025 at _____ p

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

ORDINANCE NO. 022425F

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett

Exhibit A

*Unified Development Ordinance
Chapter 1, Chapter 3, Chapter 5 and Chapter 12*

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 4. OVERLAY ZONING DISTRICTS

Contents:

Article 4.1. General Provisions

Article 4.2. Overlay Districts

Article 4.1. General Provisions

Contents:

Sec. 4.1.1 Overlay District Intent Statements

Sec. 4.1.1. Overlay District Intent Statements

A. General Purpose

The intent of the Overlay Districts is to apply regulations that achieve a specific purpose in a target area. The Overlay Districts provide additional or different standards that are applied to the underlying Zoning District. For this UDO, the following Overlay Districts have been established:

1. Commercial Use Limit Overlay District - CUL-OL
2. Greenway Overlay District - GR-OL
3. Interstate 69 Overlay District - I69-OL
4. Jurisdictional Area Overlay District - JURIS-OL

B. Boundaries

The boundaries shown for each Overlay District listed above shall be shown on the Official Zoning Map.

C. Applicability

1. A lot covered by an Overlay District shall be subject to both underlying Zoning District and the Overlay District standards found in this Chapter.
2. If a use is prohibited in either an applicable Overlay District or the underlying zoning district, then the use is prohibited, even though one (1) of the districts allows the use.
3. In the event of a conflict with the underlying zoning district, the overlay standards shall apply.

Article 4.2. Overlay Districts

Contents:

Sec. 4.2.1. CL-OL Commercial Use Limit Overlay

Sec. 4.2.2. GW-OL Greenway Overlay District

Sec. 4.2.3. I69-OL Interstate-69 Overlay District

Sec. 4.2.4. JURIS-OL Jurisdictional Area Overlay District

Sec. 4.2.5 NPT-OL Nickel Plate Trail Overlay

Sec. 4.2.6 Commercial Low Impact Overlay District (CLow-OL)

Sec. 4.2.1. CL-OL Commercial Use Limit Overlay

A. Purpose & Intent

It is the purpose of the Commercial Use Limit Overlay Zone (CL-OL) to promote the public health, safety, comfort, convenience, and general welfare by providing for consistent and coordinated land uses for large commercial centers that are in transition and need land use limitations within the planning and zoning jurisdiction of the City. It is important to designate certain retail properties as a critical location for specific land uses that will protect the quality of the property and the surrounding properties near the identified properties.

B. Applicability

The provisions of the CL-OL District shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map. If the provisions in this CL-OL District are inconsistent or in conflict with provisions found in other adopted codes and regulations of the City, the more restrictive provision shall control unless otherwise expressly provided.

C. Effect on Uses

For retail space larger than 5,000 square feet within the CL-OL District, the only permitted use allowed is a grocery store. If a use is legally established on a parcel or portion of a parcel at the time the CL-OL District is enacted, but is no longer permitted per this Section, it shall be considered legally non-conforming. A parcel containing a legally nonconforming use may be developed, maintained, or reconstructed in furtherance of the existing legal non-conforming use (a) established on that parcel and (b) by the owner of the parcel at the time the legally non-conforming use is established.

Effective on: 9/9/2024

Sec. 4.2.2. GW-OL Greenway Overlay District

A. Purpose & Intent

It is the purpose and intent of the Greenway Overlay District (GW-OL) to promote the public health, safety, comfort, convenience, and general welfare by providing increased pedestrian connectivity to surrounding greenspaces, parks, neighborhoods, and bicycle and pedestrian networks.

B. Applicability

The provisions of the GW-OL District shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map.

C. Base Standards Apply

Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.

D. Ground Cover

1. Whenever a land-disturbing activity occurs, the person undertaking the activity shall install such ground cover, devices or structures sufficient to restrain erosion and retain sediment within the boundaries of the tract always.
2. Any portion of a site upon which further land-disturbing activity is not being undertaken shall be provided with ground cover sufficient to restrain erosion within

14 calendar days of temporarily or permanently suspending the land disturbing activity. Permanent ground cover shall be installed within 14 calendar days following completion of construction or development.

E. Connectivity

All new subdivisions within the GW-OL District shall integrate a shared-use trail system connecting to a greenway identified on the [Thoroughfare Plan](#), as amended, or otherwise as approved by the Director.

F. Shared-Use Path/Greenway

1. A multi-use path shall be installed in accordance with the [Thoroughfare Plan](#).
2. Where sidewalks, paths, or other pedestrian ways meet streets, ADA-compliant ramps shall be installed.
3. Pedestrian access shall consist of an accessible, easily-discernible and ADA compliant walkway or multi-use path.
4. The pedestrian access surface shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as approved by the Director of Engineering. Permeable compressible materials that are ADA accessible may also be considered.
5. The minimum width of multi-use paths shall be in accordance with the [Thoroughfare Plan](#).

Effective on: 9/9/2024

Sec. 4.2.3. I69-OL Interstate-69 Overlay District

A. Intent

It is the purpose and intent of the Interstate-69 Overlay District (I69-OL) is to limit certain uses that could negatively impact the aesthetics image and economic opportunities for properties that have limited access along the I69 corridor.

B. Applicability

The provisions of the I69-OL District apply to all properties lying wholly or partially within the District as shown on the [Official Zoning Map](#).

C. Boundaries

The boundaries of the I69-OL District are hereby established for the entire length of Interstate-69 within the City, and land area on either side of the right-of-way for Interstate-69 in the City.

D. Development and Design Standards

1. No clearing or other disturbance of land shall occur and no building, structure, or use shall be established except in compliance with the provisions of this Ordinance.
2. **Interstate Corridor Buffer.** Properties within the I69-OL District shall install a minimum of one (1) canopy deciduous or evergreen tree per 60 feet of property that is contiguous to the I-69. If the abutting property has less than 60 feet of contiguous frontage on I-69, then a minimum of one (1) tree shall be planted. Trees shall be planted within 15 feet of the property line that abuts the i-69 right-of-way.
3. **Building Orientation.** All structures shall give the appearance of four-sided architecture.

4. **Flex Use.** Commercial uses with a street level designated as a storefront available for flex use as a retail store or office. All floors are available for flex use as office or retail. Parking is provided in rear or in a parking garage.
5. **Large Scale Commercial.** A commercial type in the form of large individual buildings designated as available for a retail store. Parking is generally provided in front of buildings in surface lots.
6. **Overnight Lodging.** Hospitality uses in the form of one (1) or more multi-story buildings designated as available for lodging with limited ground floor flex use as retail. Parking is generally provided in surface lot or common parking garage.
7. **Trash Collection.** Trash collection and recycling areas shall not be visible from the interstate and shall be screened in accordance with [Article 6.2. Accessory Structure Standards](#).
8. **Excluded Uses.** The following uses shall be prohibited from the underlying zoning districts within the I69-OL District:
 1. Institutional Uses exempt from paying Indiana property taxes and associated accessory structures, unless the Institutional Uses occupy less than 25% of a site with over 100,000 square feet of floorspace.
 2. Commercial Signs.
9. **Legally Non-Conforming.** If a use is legally established on a parcel or portion of a parcel at the time the I69-OL District is enacted, but is no longer permitted according to this Section, it shall be considered legally non-conforming. A parcel containing a legally nonconforming use may be developed, maintained, or reconstructed in furtherance of the existing legal non-conforming use (a) established on that parcel and (b) by the owner of the parcel at the time the legally non-conforming use is established. All uses which are permitted in the underlying zoning district(s), except those uses expressly excluded (this Section) shall be permitted in the I69-OL District.

(Ord. [101121G](#), 11/15/2021)

Effective on: 9/9/2024

Sec. 4.2.4. JURIS-OL Jurisdictional Area Overlay District

The JURIS-OL applies to public rights-of-way on arterial roads. See [Sec. 5.3.3D. Micro \(Small Cell\) Towers](#).

Effective on: 9/9/2024

Sec. 4.2.5 NPT-OL Nickel Plate Trail Overlay

A. Purpose & Intent: The purpose of the Nickel Plate Trail Overlay is to protect and enhance the health, safety and welfare of the citizens of Fishers by promoting health and wellness and future development. For purposes of this overlay district, the NPT shall be defined as any property conveyed to the City of Fishers, by title or easement, for purposes of establishment of the NPT. It is the City's intent to achieve the purpose of this overlay district by:

1. Providing a consistent design treatment for properties along the Nickel Plate Trail;
2. Providing controls for architecture and landscape design that establish continuity of design between projects and the Nickel Plate Trail; and
3. This overlay district is superimposed over the other base zoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on IC 36-7-4-1400 et seq. Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.
4. Protecting the Nickel Plate Trail character.

This overlay district is superimposed over the other basezoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on IC 36-7-4-1400 et seq.

Unless specifically set forth in this Section, allowed uses, dimensional requirements, height limits and general development standards of the underlying zoning district apply.

B. Applicability: The provisions of the Nickel Plate Trail Overlay shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map. Generally, the boundaries are illustrated in Figure A: Nickel Plate Trail Overlay, extending to properties with single-unit living directly adjacent to the Nickel Plate Trail property line. If the provisions in this Nickel Plate Trail Overlay are inconsistent or in conflict with provisions found in other adopted codes and regulations of the City, the more restrictive provision shall control unless otherwise expressly provided.

C. Access Points: All access points onto the NPT shall be constructed per the City of Fishers Engineering Design Standards and must receive approval from the Mayor or Mayor's Designee. All access points shall be designed as to not impede drainage ways.

D. Single-Family Residential Allowances

1. Single-family residential properties shall be permitted an additional 500 square feet of accessory structure floor area.
2. Single-family residential properties shall be permitted a maximum 50% impervious surface lot coverage.



E. Fence and Wall Standards: Fences along property lines abutting the NPT are permitted to be a maximum of six (6) feet tall, with an additional allowance of up to two (2) feet for architectural features for a total height of eight (8) feet tall.



(Ord. [101121G](#), 11/15/2021)

Effective on: 9/9/2024

Sec 4.2.6

A. Purpose & Intent

The purpose of the Commercial Low Impact Overlay District (CLOW-OL) to promote the public health, safety, comfort, convenience, and general welfare by encouraging improved design in the development of land by promoting the following objectives:

- Provide for the development of diverse neighborhoods;
- Greater flexibility in applying the ordinances to the development of the Real Estate;
- Innovation approach to meet the demands of the market;
- The recognition of the interdependency of various markets; and
- Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

This overlay district is superimposed over the other base zoning districts and its regulations shall supersede those of the base zoning districts over which it is superimposed. In establishing this overlay district, the Plan Commission and City Council relies on IC 36-7-4-1400 et seq.

B. Applicability

The provisions of the CLOW-OL shall apply to all properties lying wholly or partially within the District as shown on the Official Zoning Map. If the provisions in this CLOW-OL District are inconsistent or in conflict with provisions found in other adopted codes and regulations of the City, the more restrictive provision shall control unless otherwise expressly provided.

When a property is requested to be rezoned the base zoning district shall be the 3.3.6. C-Low Commercial Low Impact Zoning District.

C. Procedure

The property will still be required to go through the rezone process outlined in Section 10.2.25 Zoning Map

Change (Rezone), including Council and Commission action, including all state and local public noticing requirements.

Effective on: 9/9/2024

Article 6.1. General Provisions

Contents:

Sec. 6.1.1. Purpose & Intent

Sec. 6.1.2. Applicability

Sec. 6.1.3. Conformity with Other Regulations

Sec. 6.1.1. Purpose & Intent

It is the purpose and intent of this Chapter to supplement the development standards and land use provisions identified in [CHAPTER 3. ZONING DISTRICTS](#).

Sec. 6.1.2. Applicability

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of the UDO (except as may otherwise be provided within the UDO) are subject to all development standards and regulations for the applicable Zoning District within the City or the City's extraterritorial jurisdiction.

Sec. 6.1.3. Conformity with Other Regulations

- A. In addition to the requirements established in these regulations, the improvement of land or building structure shall comply with the following:
 1. Applicable statutory provisions;
 2. Applicable provisions of this UDO and all other laws of the applicable jurisdictions;
 3. The official Comprehensive Plan and Capital Improvements Program of the applicable jurisdictions, including all streets, trails, and parks shown on any official map;
 4. The rules and regulations of the State Board of Health, the Department of Natural Resources, and other appropriate state agencies;
 5. The current edition of the "Indiana Manual on Uniform Traffic Control Devices" for installation of traffic control devices;
 6. The rules of the Indiana Department of Transportation (INDOT) if the development or any lot contained therein abuts a state highway; and
 7. The Hamilton County Thoroughfare Plan, and Pathway Standards and Design Guidelines, if applicable.
- B. Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies, the regulations of this Chapter, or the purposes of these regulations as established in Chapter 1 of the UDO.

(Ord. [111620B](#), 12/21/2020)

Effective on: 12/21/2020

Sec. 6.1.4. Measurements and Calculations

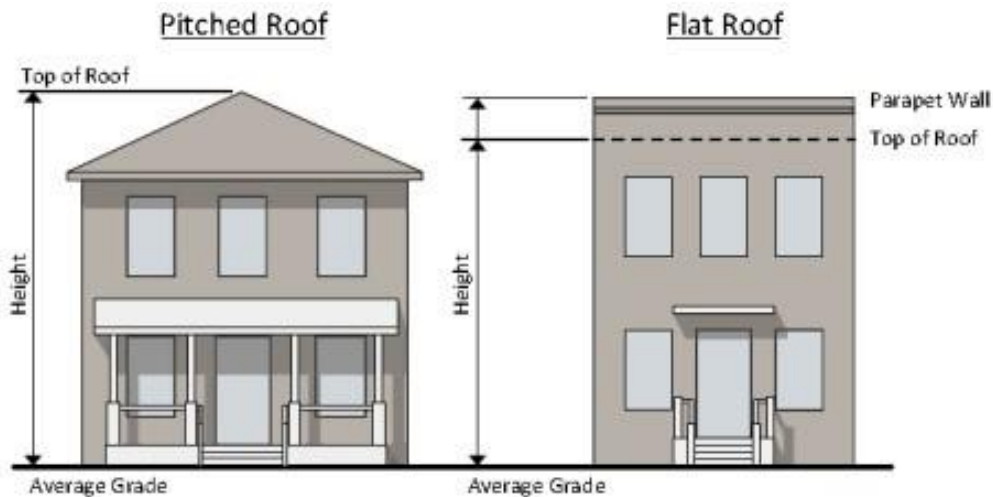
- A. Where any provision of this UDO requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).
- B. Lot Measurements
 1. Lot Area. As defined, shall be set forth by the Zoning District or Overlay District.

2. Lot Width for Interior and Through Lots. Lot width for Interior and Through lots is to be measured at the front setback required per zoning district.
3. Lot Width for Corner Lots. Lot width for Corner Lots is to be measured based on the Lot Standards outlined in Sec. 8.2.4.B.4.
4. Lot Width and Depth for Cul-de-Sacs Lots. Lot width and depths for cul-de-sac lots is to be measured based on Lot Standards outlined in Sec. 8.2.4.B.9.
5. Impervious Area. As defined, shall be set forth by the Zoning District or Overlay District.

$$\text{Impervious Area} = \frac{\text{Sum of areas covered by impervious surface (sq. ft.)}}{\text{Lot Area (sq. ft.)}}$$

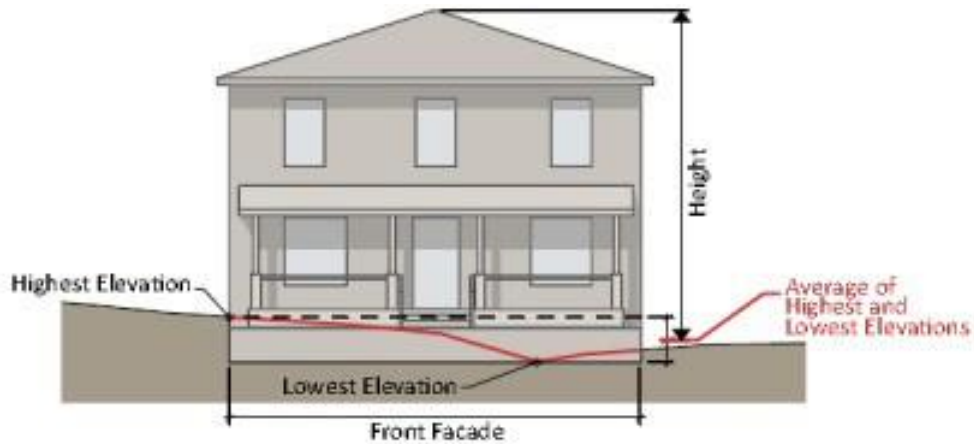
C. Building Measurements

1. The maximum structure height shall be determined in the applicable zoning district.
2. Building Height Measurement. The height is measured from the average grade to the top of the highest point of a pitched roof or flat roof, not including a maximum parapet wall encroachment. The maximum height encroachment for a parapet wall is six (6) feet (see image below).

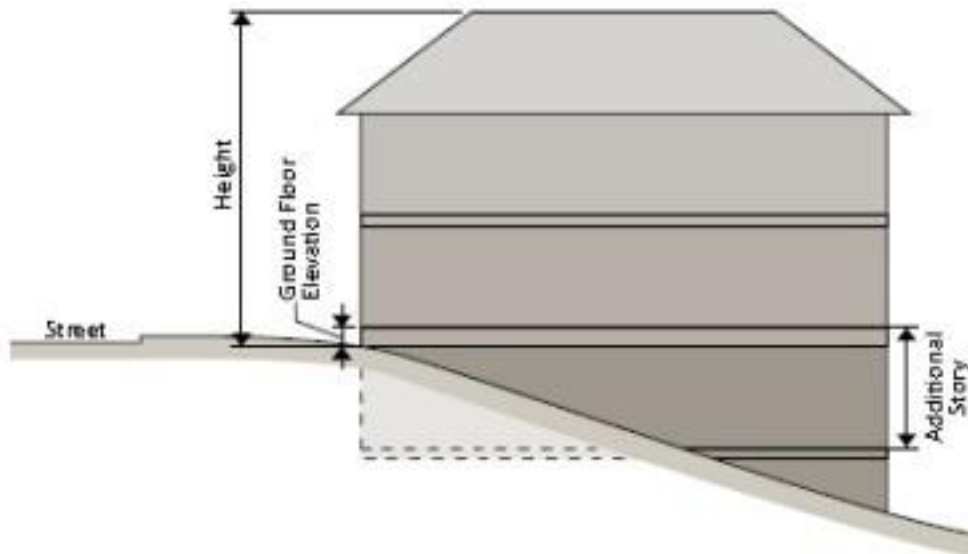


3. Average Grade

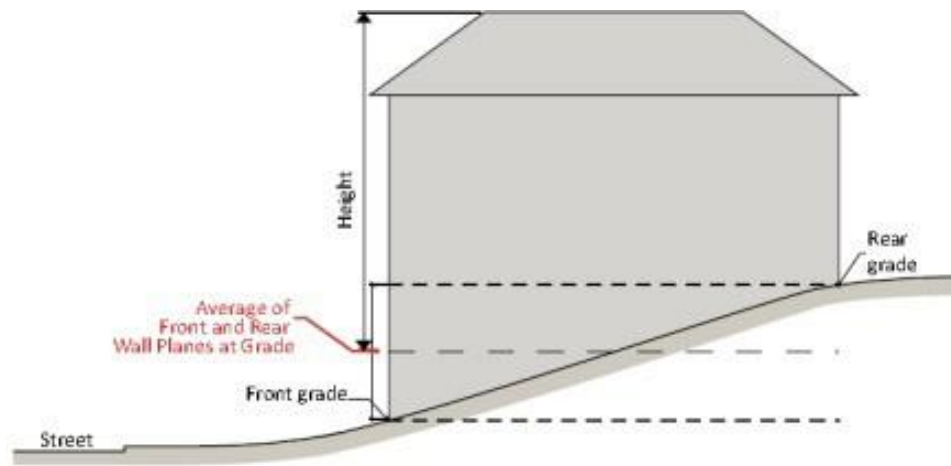
- a. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development or improved grade (whichever is more restrictive) along the front of the building parallel to the primary front setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading (see the following image).



- b. Where a lot slopes downward from the front property line, one (1) additional story may be built on the lower portion of the lot with the overall height measured from the grade above (see the following image).



- c. Where the property slope increases to the rear, building height is measured from the average point at grade of the front and rear wall plane (see the following image)



- d. A basement with 50% or more of its perimeter wall areas (measured from the finished floor elevation) surrounded by finished grade is not considered in the measurement of the overall height limit of a zoning district.

Sec. 6.1.5. Building Type



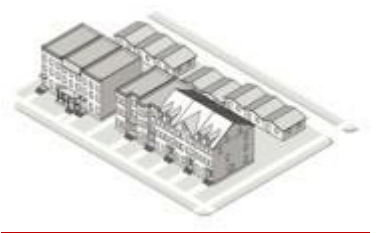



Contents:

Sec. 6.1.5.1. Building Type Descriptions

Sec. 6.1.5.2. Building Type Allowed by Districts

Sec. 6.1.5.1. Building Type Descriptions

The following building types have been established to allow for detailed regulation of the form within each zoning district. All graphic depictions of building types are for illustrative purposes only.







		
<p>Detached House. <u>A building constructed to accommodate one (1) dwelling unit on a single lot.</u></p>	<p>Attached House. <u>A building constructed to accommodate two (2) principal dwelling units on a single lot.</u></p>	<p>Townhouse. <u>A building constructed to accommodate two (2) or more dwelling units that are horizontally integrated where each dwelling unit is separated vertically by a party wall.</u></p>
		
<p>Apartment. <u>A building constructed to accommodate 3 or more dwelling units that are vertically or horizontally integrated. A common kitchen is allowed. A limited set of nonresidential uses may be allowed in ground floor corner units in a Mixed-Use District.</u></p>	<p>General Building. <u>A building constructed to accommodate nonresidential uses on all floors.</u></p>	<p>Mixed Use Building. <u>A multi-story building constructed to accommodate commercial uses on the ground floor and uses in addition to commercial uses on the upper floors.</u></p>

Effective on: 7/20/2018

Sec. 6.1.5.2. Building Type Allowed by Districts

Building types are allowed by district as set forth below.

1.5.2 Building Type Allowed by Districts

						
Zoning District	Detached House	Attached House	Townhouse	Apartment	General Building	Mixed Use Building
Residential Districts						
ER Estate Residential	●	=	=	=	=	=
R1 Residential	●	=	=	=	=	=
R2 Residential	●	=	=	=	=	=
R3 Residential	●	=	=	=	=	=
R4 Residential	●	○	=	=	=	=
R5 Residential	●	○	=	=	=	=
TCR Town Center Residential	●	●	●	●	=	=
M1 Multi-Family	●	●	●	●	=	=
M2 Multi-Family	●	●	●	●	=	=
Nonresidential Districts						
C1 Commercial	=	=	=	=	●	●
C2 Neighborhood District	=	=	=	=	●	●
C3 Commercial	=	=	=	=	●	●
EN Employment Node	=	=	=	=	●	●
I1 Industrial	=	=	=	=	●	●
Special Districts						
AG Agricultural	●	●	=	=	●	=
MA Municipal Airport	=	=	=	=	●	●
OS Open Space	=	=	=	=	=	=
PUD Planned Unit Development	<i>Per approved Planned Unit District Ordinance</i>					
Key: ● Building Type Allowed ○ Building Type Allowed as Part of an Approved Conservation Development = Building Type Not Allowed						

Sec. 6.2.2. Residential Accessory Structures

In residential zoning districts, detached accessory buildings or structures such as garages, gazebos, hot tub enclosures, carports, canopies, pool houses, porches, patios with footings, greenhouses, similar accessory buildings or structures, shall be subject to the following regulations:

A. Maximum Floor Area

The construction of a detached accessory building or structure on a residential parcel shall not exceed the maximum lot coverage allowed by the zone. In addition, the combined gross floor area of all accessory structures on site shall be as follows:

	Parcel Size			
	Less than 1 acre	1-2 acres	More than 2 acres but less than 4 acres	4+ acres
Maximum floor area (all accessory structures on a residential lot combined)	1,000 sf.	1,500 sf.	2,000 sf.	4,000 sf.

B. Height

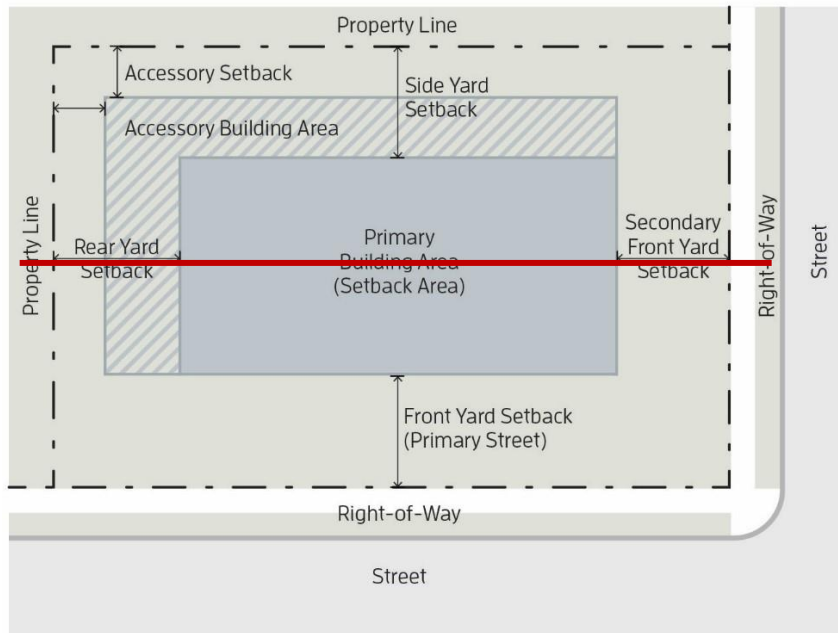
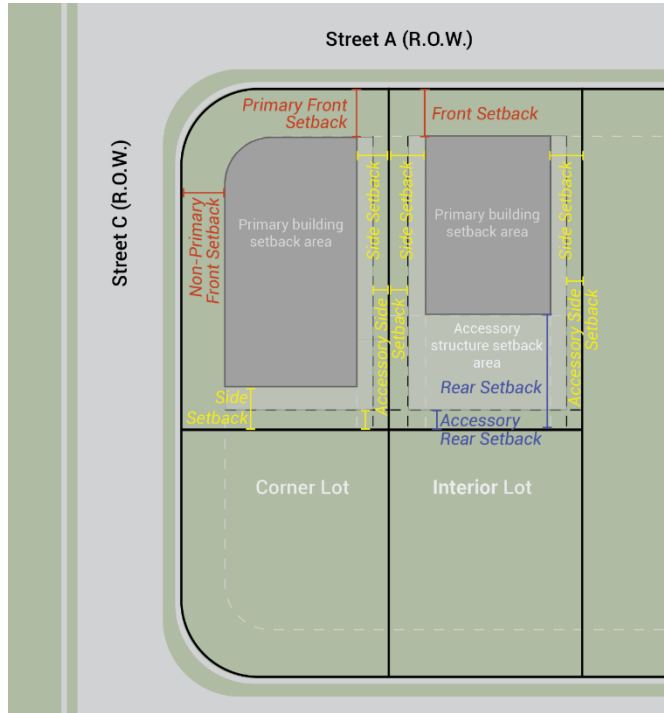
The maximum height of an accessory building or structure shall comply with the following:

Zoning District	Accessory Structure Max Height
ER	24'
AG	22' non-agricultural uses 35' for agricultural related uses
R1, R2, R3, R4, R5, & MP	18'

C. Placement

The placement or construction of a detached accessory building or structure must comply with the following placement requirements (see following image also):

1. Front setback must comply with the required front setback of the property based on the zoning district;
2. Side or rear setback must meet the setback requirements for the primary structure or ten (10) feet, whichever is less;
3. Any accessory structure over 600 square feet shall have a setback of at least equal distance as the height of the building, if that distance is greater than the minimum side and rear setback required per the zoning district.
4. Shall not encroach into any easement and/or any required buffer yard for the zoning district.
5. Shall comply with [Article 6.20. Vision Clearance Standards](#).



D. *Building Permit Exemption*

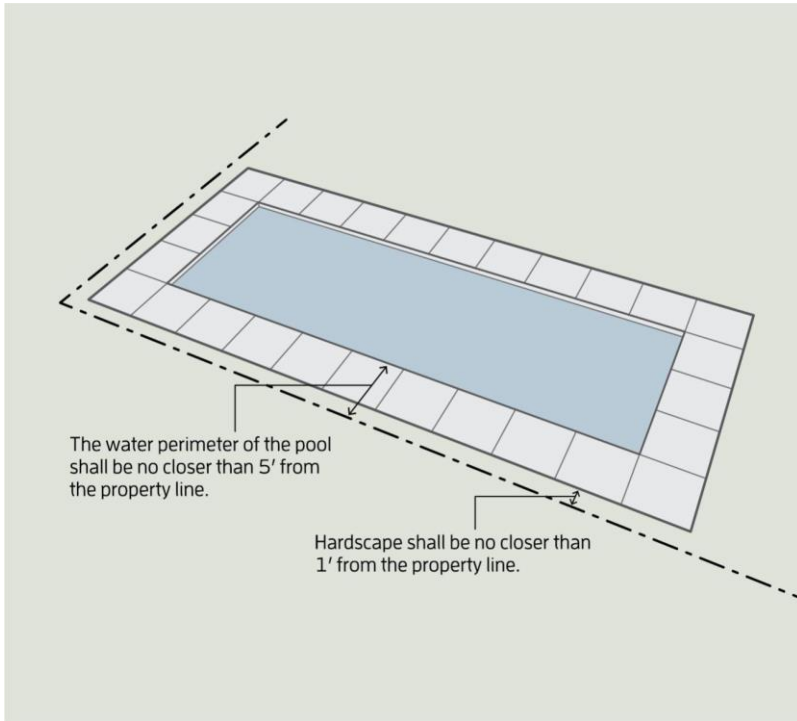
A building permit is not required for outdoor fireplaces, children’s playhouses, swings, other play structures, above ground pools, basketball goals, pergolas, and similar structures as determined by the Director.

E. *Swimming Pools*

Private swimming pools may be permitted on residential lots and do not count towards the impervious

surface area. Private swimming pools must follow the standards below (as illustrated in the following image):

1. The water perimeter of an inground or above ground pool shall be no closer than five (5) feet from any rear or side property line.
2. Any hardscape surrounding the edge of the pool shall be one (1) foot away from the side or rear property line and is part of the impervious surface area calculation for each lot.



(Ord. [081919D](#), 08/19/2019; Ord. [111620B](#), 12/21/2020; Ord. [011822](#), 02/21/2022)

Effective on: 12/21/2020

Sec. 6.2.6. Mechanical & Utility Equipment

All mechanical equipment regardless of mounting style or location on site shall be screened from view from all directions.

A. Applicability

Mechanical and utility equipment not shown on construction plans during ILP, SIP, or other permit review (due to unknown location or other reasons) or mechanical or utility equipment added that were not originally planned for do not remove the developer's or applicants' responsibility to comply with the following standards.

B. Location

Mechanical and utility equipment shall not be located in a front yard or along the front facade of any building, unless there is a life-safety concern as determined by the Director, or unless the lot in question has three (3) or more frontages.

C. Height

Screening height shall be at least one (1) foot taller than the height of the mechanical equipment.

D. Screening

1. **Ground-mounted.** Where possible, ground mounted mechanicals shall be screened by a masonry wall matching the materials and color of the primary structure. If that wall is masonry and attached to the primary structure no plant material screening is required. Any screening walls not attached to the primary structure shall be softened through the use plant materials, planted at a rate of one (1) shrub per four (4) lineal feet of screen wall perimeter.
2. **Wall-mounted.** Wall-mounted mechanicals shall be screened by a masonry wall matching the materials and color of the primary structure. When possible that wall shall also be softened using plant material, planted at a rate of one (1) shrub per four (4) lineal feet of screen wall perimeter. Wall-mounted mechanicals shall mean to include all wall-mounted meters and other mechanical equipment. Screening of wall-mounted solar energy systems is not required.
3. **Roof-mounted.** All roof-mounted mechanicals shall be hidden by a screen, parapet wall, or portion of roof that is architecturally compatible with the primary structure. Screening of roof-mounted solar energy systems and other alternative energy systems is not required.

E. Landscaping

Shrub material shall be provided as required above. Shrub plantings along screen walls greater than five (5) feet in height shall utilize shrub species that grow to at least five (5) feet in height at maturity, while keeping a width which is less than the height. All landscaping shall be evergreen.

F. Single-Family Districts

1. All roof-mounted equipment in single-family residential districts including, but not limited to, heating, exhaust fans, cooling, and antennas shall be screened to the greatest extent possible to preclude viewing of same from adjacent residences and public rights-of-ways.
2. Exceptions:
 - a. Satellite television antenna 40 inches or less in diameter and other roof-

~~mounted equipment such as solar panels may be visible upon a showing that screening of same would: (1) unreasonably delay or prevent installation, maintenance or use; or (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal, or block the sun.~~

- b. Solar energy systems.

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 6. DEVELOPMENT STANDARDS

Article 6.2. Accessory Structure Standards

Sec. 6.2.8. Trash Receptacles

Trash receptacles and trash compactors shall be enclosed on all sides by a structure that complies with the following:

- A. Shall be no closer to any right-of-way than the primary structure, excluding properties with frontage along three (3) or more property lines.
- B. Shall be Minimum of six (6) feet tall or one (1) foot taller than the receptacle, whichever is greater;
- C. Constructed of masonry material that is compatible with the primary structure. Enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure: alternative material can be approved by the Director for existing uses.
- D. Gates are required and shall be 100% opaque and constructed of low maintenance, durable materials.
- E. Shrub material shall be provided to supplement the screening of the enclosure;
- F. The gate shall not face a residential zone. The gate shall not face a right-of-way within 50 feet.

CHAPTER 6. DEVELOPMENT STANDARDS

Article 6.3. Architectural Design Standards

Contents:

Sec. 6.3.1. Purpose & Intent

Sec. 6.3.2. Administrative Alternative Findings

Sec. 6.3.3. Defined Terms & Determining Applicable Standards

Sec. 6.3.4. Residential Design

Sec. 6.3.5. Mixed Use & Non-Residential Design

Sec. 6.3.1. Purpose & Intent

A. Purpose

The purpose ~~and intent~~ of this Article to create standards that set and maintain a baseline level for the architectural design and construction of buildings within the City, particularly new buildings and structures. This Article is not intended to limit creativity or to prioritize one (1) architectural style over another.

B. Intent. The intent of this Article is to do the following:

1. To promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses.
2. To promote the use of symmetry, scale, proportion, unity, balance, rhythm, contrast harmony and color to increase aesthetic pleasantness of a building.
3. To encourage the use of architectural design techniques appropriate to the spatial and functional context of the development, neighborhood and the surrounding environment.
4. To aid legibility, wayfinding, and local character at the neighborhood scale.
5. To avoid featureless expanses of building bulk, reduce monotony, increase diversity in streetscape and encourage fascination in the built environment.
6. This Article is not intended to limit creativity or to prioritize one (1) architectural style over another.

Sec. 6.3.2. Administrative Alternative Findings

- A. The Director may, in accordance with [Sec. 10.2.1 Administrative Alternate](#), approve alternate architectural standards to provide for any creative or unique architectural designs that may not meet all the standards of this Article but meets the purpose and intent of this Article.
- B. To approve an alternative architectural design, the following findings shall be required:
 1. The approved alternate meets or exceeds the intent of the Cohesive Design Standards;
 2. The approved alternate meets or exceeds the intent of the Building Scale (Non-Residential) Standards;
 3. The approved alternate meets or exceeds the intent of the Building Form Standards;
 4. The approved alternate meets or exceeds the intent of the Architectural Elements Standards;
 5. The approved alternate meets or exceeds the intent of the Materials Standards;
 6. The approved alternate conforms with the Comprehensive Plan and adopted City plans; and
 7. Applicable Indiana Building Code regulations are met.

Sec. 6.3.3. Defined Terms & Determining Applicable Standards

A. Defined Terms

1. **Accent Colors.** Accent colors are defined as secondary to the primary color and are for emphasis in a color scheme. These colors can often be bold or vivid and are used sparingly, to emphasize, contrast or create rhythm.

2. **Accent Materials.** Distinct materials used to provide emphasis of architectural features or areas of the building. Accent materials to be used less than field materials and between 5% and 20% of applicable façade elevations, excluding exterior fenestration coverage. Qualifying accent materials must either be a different material type, have a different cut size or installation technique (such as types of masonry rows). Awnings or canopies with a unique material type and meeting visible coverage areas may qualify.
3. **Articulation.** The way the form or portions of a building are expressed to emphasize or create distinct patterns or rhythms that enhance the design and add visual interest or Pedestrian Scale.
4. **Composite Metal Materials.** A composite material with at least two (2) constituent parts, one being a metal necessarily, the other material may be a different metal or another material, such as a ceramic or organic compound.
5. **COD.** “COD” within the applicable standard table applies to commercial or office developments.
6. **Description.** The standard within the applicable standard table for that Section.
7. **Field Color.** Color uses for at least 25% of applicable façade elevations, excluding all fenestration area.
8. **Field Material.** Materials used for at least 20% of applicable façade elevations, excluding all fenestration area. There is no limit on number of field materials provided other coverage requirements are met. Accent materials more than minimum requirements, which meet required area in total, may count as a field material. Visible roofing material meeting all other material and roof standards, including elevation area requirements, may count as a field material. See also Fenestration definition.
9. **Fenestration.** The arrangement, design, proportioning, or general disposition of windows and other openings in the exterior walls of a building. Fenestration requirements for buildings do not count toward minimum number of exterior material or color types, unless they exceed required fenestration coverage areas by 10% for applicable areas, and minimum Field Materials (see definition) area for all other facades. Roll-up doors must function in part as windows when closed and comply with all applicable standards to qualify as fenestration.
10. **Finish Materials.** Materials which are non-essential to complete the building design and are used in addition to primary and secondary materials.
11. **Fluorescent/Neon Colors.** An extremely bright color that is prohibited as a primary color for architectural design standards.
12. **IND.** “IND” within the applicable standard table applies to industrial developments.
13. **Modulation.** In the design standards, modulation is a stepping back or projecting forward of portions of a building face or roofline within specified intervals of building width and depth as a means of breaking up the apparent bulk of a structure's continuous exterior walls.
14. **MF.** “MF” within the applicable standard table applies to multi-family developments.
15. **O.** “O” within the applicable standard table means that the specific standard is optional and not required as part of the design standards for that Section.
16. **Pedestrian Scale.** Pedestrian Scale means the use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, landscaping, and architectural details.
17. **Public View.** Public View in this Article means any view from a primary entrance to adjacent building, roadway, street, common area, pedestrian area, trail, sidewalk or public space.
18. **R.** “R” within the applicable standard table means that the specific standard is required as part of the design standards for that Section.
19. **SF.** “SF” within the applicable standard table applies to single-family development.

B. Determining Applicable Standards

The following table illustrates how to determine the applicable standards for development:

Description	SF	MF
This is an example of an architectural design standard in the UDO. Each standard has a letter, which corresponds to example photos or illustrations. Note that not all standards are depicted by illustrations.	O	R

Sec. 6.3.4. Residential Design

A. Residential Cohesive Design

1. **Intent.** The intent of these standards is to promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses.
2. **Standards.** The following standards shall apply when required:

Description	SF	MF
a. Buildings must orient, frame, and/or face direct pedestrian views.	O	R
b. Design and orient buildings not to impede access. The building should enhance the appeal of open space and pedestrian environments.	O	R
c. Incorporate architectural features on all sides of a building façade facing a Public View.	R	R
d. Provide for wayfinding signage and create a unique identity for each building or community, by incorporating complimentary variation in design.	O	R
e. Ensure that no two (2) buildings viewed from a Public View are alike, by varying at least two (2) of the following for each building: roof pitches, material types, color packages, structure orientation, or incorporate other unique and identifiable architectural or landscape element. See also Sec. 8.2.2. Anti-Monotony Standards .	R	R

Do this:



a. Buildings frame adjacent parks or open space.



b. Building design enhances the pedestrian space



c. Architectural features are on all sides of the building façade.



d. Distinctive sign to enhance neighborhood identity.



e. No two (2) buildings viewed from the street are alike.



For simplicity, larger photos are illustrated with highlighted areas to point out specific ways that the illustration shows compliance with a specific standard or multiple standards in each Section. The intent is to provide these examples to illustrate the standard, but it does not mean that every design must match the illustration provided. In this photo, Cohesive Design standards are being met by the following: (A) illustrates the variation in color patterns which complies with [Sec. 8.2.2. Anti-Monotony Standards](#); (B) illustrates how the architectural features are visible from public view; and (C) illustrates how building entries can face the Public View on a street corner by providing a corner entrance with a patio area. Source: David Weekley Homes.

B. Residential Building Form

1. **Intent.** The intent of these standards is to articulate building forms, including, but not limited to, massing, walls, and roofs, with appropriately scaled modulations that contribute to the development of visually aesthetic and well-articulated building designs. Furthermore, these standards are meant to emphasize architectural building forms that support compatible building scales, provide appealing architectural character, and contribute to the quality of the neighborhood.
2. **Façade Standards.** The following standards shall apply when required:

Description	SF	MF
a. Incorporate at least two (2) types of modulation in the façade plane facing a Public View, including, but not limited to: projections, recesses, and step backs that articulate wall planes and break up building mass.	R	R
b. Façades equal to or longer than 20' facing a Public View shall provide a minimum total modulation area of 20% of the horizontal wall span, with a minimum vertical height of at least 3' tall. Porches and balconies, at least 6' in depth may count toward this requirement.	R	R
c. Modulation for qualifying projections, pop outs, bays, recesses, and varied setbacks, must be a minimum depth of 12" from the primary façade plane. A minimum 50% of total modulation must be visible over permanent barriers, such as berms and fencing, from described areas.	R	R
d. Use any combination of allowed material type, color variation, banding, stringcourse, or modulation to clearly distinguish between the ground level and upper stories.	R	R
e. Incorporate visually heavier and more massive elements or materials, such as stone or masonry, primarily at the base of the buildings. Lighter elements and materials, such as siding, shall be above the heavier or more massive elements. This excludes columns, supports, modulated walls, architectural features, and roof elements.	R	R
f. Second-story residential façades may not extend to the front face without additional façade modulation or additional material types and architectural accents.	O	R
g. Residential buildings with attached units must articulate the design to differentiate façades of individual units or groups of units. Must consistently incorporate any two (2) of the following: modulation, material, or color variation.	O	R

Do this: ✓



a. Incorporates at least two (2) types of modulation in the façade plane.



b. Façade is longer than 20-feet and has a modulation area of at least 20%.

c. A minimum 50% of the modulation is visible over the fencing.

Do this: ✓



d. The modulation clearly distinguishes between the ground and upper stories.

e. The second-story residential façade of the garaged includes modulation.

3. **Roof Standards.** The following standards shall apply when required:

Description	SF	MF
a. Modulate and articulate roof forms to create building profile interest and to reduce the appearance of building mass and scale. Applies to façades visible from a public street, public spaces, and pedestrian environments.	R	R
b. Break up roof massing into primary and secondary roof elements that correspond to horizontal and vertical modulations or divisions in the façade, and denote key architectural elements, such as entries and porches.	R	R
c. Align and correlate roof forms including elements over porches and entries, with the overall building design and use of materials. Examples include but are not limited to: continuation of roof forms with vertical elements such as columns, piers, and pilasters, or accenting gable type façades with rafters, corbels, or distinct material variations from other wall planes	R	R
d. Sloped roofs shall have a significant pitch, <u>primary roof plains</u> to be no less than 5/12.	R	R
e. <u>Flat roofs shall include eaves, on all visible sides, The minimum eave depth shall be 12 inches, the minimum eave thickness shall be 8 inches.</u>	R	R
e.f. Provide variations in roof profile including but not limited at least two (2) of the following: two (2) or more visible roof planes; dormers, lookout, turret, or cornice work such as corbels, spaced consistently along the façade plane.	R	R
f.g. Quality roof materials such as tile, slate, cedar shake with fire protection, 30-year asphalt shingles, dimensional asphalt or fiberglass shingles, high-quality standing seem metal roofing, or high-quality metal shingle roofing shall be used on all structures. All metal roofing shall be low-gloss and a base color.	R	R



a. Roof forms create building profile interest.



b. Roof massing is broken up into primary and secondary elements corresponding to architectural features.



c. Roof forms align and correlate with the overall building design.



d. The building has at least two (2) variations in roof profile.

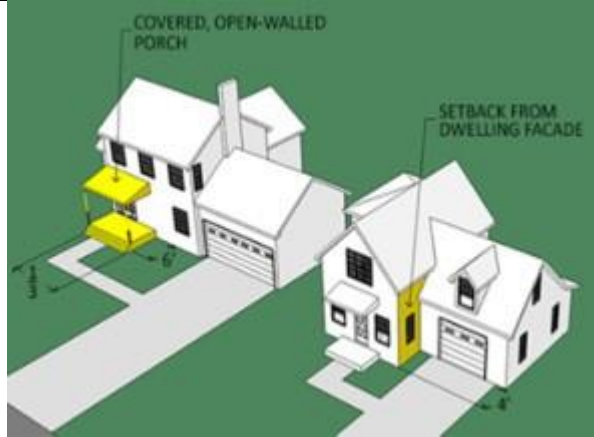


e. Attached residential developments shall provide a variation in roof heights to provide a unique identity to each unit.

4. Automobile Storage Standards. The following standards shall apply when required:

Description	SF	MF
a. Front loaded garages must be setback 4' from the front façade plane, with a minimum of a 20' setback from a sidewalk or trail. A covered 6' deep porch that extends at least 1/3 of the front façade may be provided instead of the 4' garage setback.	R	O
b. Garage door area may not exceed 60% of the front façade of a building.	R	R
c. Two-car garages required, and an additional 4' deep x 6' long storage area shall be provided within the garage.	R	O
d. Every two (2) bays (not more than 25' wide) shall have a separate door and shall have a 23' plane separation from adjacent door(s).	R	R
e. Decorative garage doors are required for front-loaded and side-loaded garages.	R	O
f. Carports must be attached to primary structure.	R	O
g. Detached garages and carports (multi-family only) must be designed in keeping with the primary structure and must utilize the same materials and color.	O	R

Do this: ✓



A. This illustrates the required setback for front-loaded garage doors or a front porch instead of the 4' setback.



b & c. This garage has a separate door that is more than a 2' plane separation from the other doors.



d. Front-loaded garages must have decorative garage doors.



d. This door type that includes paneling details, windows and decorative hardware.



e. Carport is attached to the primary structure.

Do this: ✓



f. Carport is designed in keeping with the primary structure and utilizes the same materials and color.









This home illustrates several requirements of the Building Form standards by providing interesting façade modulations and roof forms. Building Form standards are being met by the following: (A) illustrates one (1) façade modulation on the 1st floor by incorporating a covered patio (B) illustrates a second modulation in the façade plan by stepping back the 2nd story of the home from the front facade; (C) illustrates additional modulation and architectural detailing between the 1st and 2nd story of the home; (D) illustrates 2nd story façade and roofline align over the covered patio creating a focal point for the entry; and (E) shows two (2) types of roof variations with the dormer and separate gable roof with broken up rooflines. Source: Estridge Homes

C. Residential Architectural Elements

1. **Intent.** The intent of these standards is to promote attractive residential units that enhance the quality of neighborhoods and developments by integrating architectural elements and details with building designs. Furthermore, the intent of these standards is to require the use of architectural elements and detailing to add interest and contribute to an aesthetic building character.
2. **Standards.** Architectural elements shall comply with the following:

Description	SF	MF
a. Provide detailing that transition or frame the façade material changes, and that integrate architectural elements such as lighting, doorways, and windows. Examples include but are not limited to: cornices, decorative caps on brick or stone, decorative lintels, porch railing, transform light, and shutters.	R	R
b. Windows must be provided to allow views to exterior activity areas or vistas, and must be provided on any façade facing a pedestrian or common area used for children's recreation.	R	R
c. Anchor windows and other portals into building wall planes by integrating proportional detailing such as trim, lintels, shutters, railing, and ledges that match the building design for the façade of a building faces an entrance to an adjacent building, roadway, common area, or any viewable public area.	R	R
d. Primary building entries must be clearly defined using a combination of architectural elements, materials, or façade modulation meeting other architectural standards in this Article.	R	R
e. External stairwells must be integrated with the building design and provide residents protection from inclement weather. Use materials, modulation, and architectural elements which relate to and support other standards.	O	R
f. Mechanical and utility equipment shall comply with Sec. 6.2.6. Mechanical & Utility Equipment .	R	R

Do this: 	
 <p data-bbox="126 1140 805 1192">a. <i>The building provides detailing that transition the façade material changes.</i></p>	 <p data-bbox="850 1140 1503 1192">b. <i>The windows provided allow views to exterior activity areas.</i></p>
 <p data-bbox="126 1514 805 1570">c. <i>Windows and other portals inside integrate proportional detailing.</i></p>	 <p data-bbox="850 1514 1503 1570">d. <i>Building entries are clearly defined with materials and façade modulation.</i></p>
 <p data-bbox="126 1871 781 1919">e. <i>Stairwell integrates with the building and provides protection from weather.</i></p>	



In this photo, this home complies with the standards of this Article by incorporating interesting modulation, roof forms, fenestration and various colors and materials. It includes a number of architectural elements including: (A) stone column base with caps anchored to the building; (B) decorative garage door that does not exceed 60% of the façade length; and (C) fenestration above the garage that creates more interest. This home also provides architectural interest by including: (D) a roof break over the front patio (E) sidelights and decorative lighting to emphasize the entry; and (F) corbels to emphasize the gables. Source: Beazer Homes

D. Residential Materials

1. **Intent.** To ensure that materials used for residential development promote and establish an architectural character that contributes to the aesthetic qualities of neighborhoods and protects adjacent property values. Furthermore, the intent of these standards is to require the use of complementary material combinations that contribute to a cohesive building design.
2. **Standards.** Use materials from the following basic groups: masonry, wood, fiber cement board, stucco, composite lap, decorative precast panels, aluminum, EIFS, and glazing. The additional following standards shall apply when required:

Description	SF	MF
a. Buildings with façades that face multiple public streets or roadways and/ or public spaces, use consistent material combinations, material quality, and architectural detailing.	R	R
b. Distinguish field materials from accent materials through pattern, texture, or additional detail visible from edge of nearest roadway. Alternate masonry or material courses may count toward this.	R	R
c. Where materials transition or terminate, provide detailing to express the natural appearance of the material. For example, wrap stone or stone-like products around visible corners to convey the appearance of mass, and not a thin veneer.	R	R
d. Use a cohesive color scheme featuring a minimum of two (2) field colors, a trim color, and an accent color or material. Garage door colors must coincide with this scheme or other accents.	R	R
e. For each wall plane area greater than 20' in length or height, and visible from roadways, common area, and pedestrian area, shall incorporate at least two (2) distinct field materials, patterns, or colors in any combination, for at least 25% of the visible area. Windows or portals with qualifying accent materials may count toward this requirement, when meeting overall material requirements for the façade elevation.	R	R
f. Masonry as a qualifying accent material must be applied to 50% of the available wall length at a minimum height of 24" (excluding garage openings).	R	R
g. Use of neon, or extremely bright colors that can be distracting and may cause a visual nuisance shall not be used as a primary color.	R	R
h. Unfinished or manufactured color smooth face block, untextured concrete panels, and prefabricated steel panels are prohibited as a building façade finish, except an accent or secondary field material	R	R
i. The use of vinyl on single-family is allowed with the following standards: Shall be .052 gauge; decorative entryway with a 12" min. wide door trim; 30% masonry at the water table line as a secondary material; must include at least two (2) other architectural elements, including but limited to, cornices, corbels, columns, window shutters, gable vents, etc.; and must comply with all other standards in this Article.	R	N/A

Do this: ✓



a. Building facades that face multiple public streets use consistent materials.



b. This home uses a variety of accent materials through patterns, texture and architectural elements that are visible from the roadway.



c. Where materials transition, detailing expresses a natural appearance.



d. The building features two (2) field colors, a trim color, and an accent color.



e. This building incorporates at least two (2) distinct field materials.



f. Masonry is applied to 50% of the available wall length.



g. The use of .052 gauge vinyl siding may be allowed on single-family when it is combined with masonry at the water table line, two (2) architectural elements and a decorative entryway with a 12" min. door trim.

Don't do this: 



h. *This use of intensely bright and fluorescent colors is prohibited.*



i. *These untextured concrete panels are prohibited*

Effective on: 7/20/2018

Sec. 6.3.5. Mixed Use & Non-Residential Design

A. Mixed-Use & Non-residential Cohesive Design

1. **Intent.** Promote visually aesthetic building designs that incorporate quality architectural characteristics and establish a built environment that is compatible with existing and future adjacent land uses. Furthermore, the intent of these standards is to articulate building designs to frame and accentuate public spaces with Pedestrian Scale elements and details.
2. **Standards.** Building design should address building scale, mass, form, and use a variety of materials and architectural features to ensure an aesthetic contribution compatible with surrounding buildings. The following standards shall apply when required:

Description	MU & COD	IND
a. Maintain consistent and contiguous pedestrian environments across developments. Limit circuitous connections and maintain clear visibility.	R	R
b. Incorporate architectural features on all sides of a building façade facing a Public View.	R	O
c. Buildings must orient, frame, and/or direct pedestrian views to adjacent cultural buildings, parks, and plazas.	R	O
d. Integrate at least one (1) material change, color variation, or horizontal reveal for every 12-vertical ft. of building façade; vertical spacing may be averaged over façade.	R	R
e. Integrate at least one (1) material change, color variation, or vertical reveal every 50-horizontal ft. of building façade; horizontal spacing may be averaged over façade elevation.	R	R

Do this: 



a. *This building maintains a consistent pedestrian environment.*



b. *This building incorporates architectural features on all sides of the building.*



c. *This building frames pedestrian views to the adjacent plaza.*



d. *This building incorporates a material change every 12-vertical foot.*



e. *This building incorporates a material change every 50-horizontal foot.*



This photo illustrates how Cohesive Design standards are being met by incorporating the following: (A) illustrates how the commercial shops are oriented towards the public space that frame the pedestrian environment and provide a nice scale for the shopping experience; (B) illustrates the corner architectural features provides architectural interest from all sides facing a Public View; and (C) illustrates a material change for every 12' of vertical height by providing a different color and decorative stone pattern on the façade.

B. Mixed-Use & Non-Residential Building Scale

1. **Intent.** Promote building designs that use appropriate architectural and Pedestrian Scales to establish compatible physical and visual relationships with adjacent and surrounding developments and reinforce a cohesive built environment. Furthermore, development should consider the scale of surrounding buildings, including relationships to existing residential areas, as well as an appropriate height, mass, and form scaled for the built environment. Applies to façades of development along public roads, public spaces, and adjacent to residential areas.
2. **Standards.** The following standards shall apply:

Description		MU & COD	IND
a.	Development should consider the scale of surrounding buildings, including relationships to existing residential areas, as well as an appropriate height, mass, and form scaled for the built environment.	R	R
b.	For buildings with façades longer than 200', reduce massing of buildings by grouping or incorporating smaller tenant spaces along the commercial façade, or by incorporating at two (2) modulations with depth at least 5% of the total façade length., and a width of at least 20% of the façade length.	R	O
c.	Use Pedestrian Scale and landscape design elements such as specialty lighting, awnings, trees or other site elements to visually relate and transition multi-story buildings (or equivalent) to the ground plane.	R	O
d.	Consistently incorporate at least three (3) architectural features into the building design that are Pedestrian Scale, to include: fenestration patterns; architectural elements such as ledges, lighting, or canopies; material or pattern banding; or detailing.	R	R
e.	For buildings facing local and collector roadways, off-street parking must be located to the side of or behind buildings with only one (1) row of off-street parking in front of the building façade.	R	O

Do this: ✓



a. This roofline incorporates roofline and parapet variations.



b. This building incorporates smaller tenant spaces along the façade.



c. This building uses pedestrian scale and landscape design elements.



d. This building incorporates pedestrian-scale architectural features.



e. Parking is located to the side and behind this building.








The design of this commercial property provides for a unique entryway feature, decorative trellises, and a variety of landscaping material to help transition and emphasize the pedestrian realm. These design features provide a friendly pedestrian experience although the building is larger, multi-story building. More specifically, the building includes the following: (A) illustrates a raised landscape planter with seating, low trimmed shrubs, and trees to help frame the entry, while providing a welcoming pedestrian scale; (B) large wood beams, oversized hardware, and unique roof forms that provide modulation to help emphasize the entry in coordination with the landscaping; (C) unique materials in conjunction with the raised planter, landscaping and decorative trellis help transition the building scale to the pedestrian level; and (D) breaking up the roofline by providing a secondary, lower heights and modulation in the façade plan which reduces the massing and scale of a larger building. Source: Big Al's Bowling

C. Mixed-Use & Non-Residential Building Form

1. **Intent.** Promote building designs that articulate and define appropriate building forms with visual interest and enhance the character of the built environment. Furthermore, the intent of the standards is to articulate building forms, including but not limited to massing, walls, and roofs, with appropriately scaled modulations that contribute to the development of aesthetic building designs.
2. **Façade Standards.** The following standards apply:

Description	MU & COD	IND
a. Incorporate at least one (1) type of the following modulations in the façade plane, including but not limited to: projections, recesses, and step backs that articulate wall planes and break up building mass. Examples include, but are not limited to: columns with trim or accent materials, change in finished material depths, building overhangs, and inset features and materials such as false windows or fenestration with architectural accents.	R	R
b. Qualifying modulation must be at least 12" in depth, be at least 14" in width or height (whichever is narrowest), and occur in total for 20% of overall façade elevation. For buildings with façades less than 150', horizontal modulation must occur no less than every 30'. For buildings with façades greater than or equal to 150', horizontal modulation must occur no less than every 50'.	R	R
c. Facades facing Public View shall Incorporate visual and physical distinctions in the building design that enhance building forms, articulate façades, identify entries, integrate Pedestrian Scale, and visually anchor the building to the ground or street level.	R	O

Description	MU & COD	IND
d. For at least 30% of applicable façades, use any combination of concrete, masonry, stone, or unique variation of color, texture, or material, at least 10" in height, around the base of the building. May alternatively incorporate other architectural features such as ledges, façade reveals, ground level fenestration, raised planters, or landscaping elements within 3' of finished grade.	R	R
e. Where building designs incorporate multiple stories, or multiple floor height equivalents, integrate at least one (1) field or accent color, material, or architectural feature used on lower stories, on the upper stories.	R	R
f. Building designs with multiple stories must provide proportionally taller ground-level façades adjacent to public roadways and public spaces. Provide a floor-to-ceiling height, or floor-to-floor height of 10' to 16'.	R	R
g. Incorporate doors and windows for at least 40% of applicable 1st floor façade, or provide faux window and door treatments that incorporate at least two (2) of the following: material changes, reveals in conjunction with color or material change, qualifying modulation such as recessed areas, architectural trellis, awnings and canopies over access areas, detached structures such as pergola, or similar architectural features and details. Big box and buildings in industrial districts may limit applicable façade area to 30'. around public entries.	R	R

Do this: 	
 <p data-bbox="118 1209 764 1262">a & b. This building at least one (1) modulations in the façade plane.</p>	 <p data-bbox="818 1209 1511 1262">c. This building incorporates visual and physical distinctions in the design.</p>
 <p data-bbox="118 1640 776 1692">d. This building uses stone material at 10" in height around the façade.</p>	 <p data-bbox="818 1640 1503 1692">e. This building incorporates integrates an accent color on lower and upper stories.</p>

Do this: 



f. *This building has a proportionally taller ground-level façade.*



g. *This building incorporates doors and windows for at least 40% of the first floor.*

3. **Roof Standards.** The following standards shall apply:

Description	MU & COD	IND
a. Building roof types, forms, and elements should provide variation and interest to building profiles and contribute to the architectural identity of the buildings.	R	R
b. Buildings with rooflines 50' in length or greater must incorporate roofline and parapet variations. Variations may include step-downs, step-backs, other modulation, or architectural features such as cornices, ledges, or columns, and must occur in total combination for at least 20% of the façade length. May be averaged over entire façade, but may not exceed 75' without a break.	R	R
c. All developments 1,000 sf or larger: along arterial roadways and pedestrian areas, the design must provide a minimum 20' building elevation to include average parapet height, ridge of a pitched roof, or tower/turret type elements at least 20% in total of overall façade width.	R	O
d. For flat roof: incorporate primary and secondary roof elements including but not limited to: multiple material types along parapets, multiple parapet elevations with at least a 3' change in elevation, or modulation of at least 3' in the parapet height, such as along entryway overhangs. Qualifying elements must exist for at least 20% the length of applicable façades in Public View. May also incorporate secondary roof types, such as hip roofs along overhangs.	R	R
e. For sloped roofs, incorporate at least two (2) of any one (1) roof element, including but not limited to: valleys, ridges, or gables. Qualifying elements in total must exist for at least 20% of applicable façade roof area and be visible from the same façade elevation. May also incorporate other roof styles, such as parapet walls over entryway features.	R	R
f. Provide variation in roof profile over façade modulation and/or articulation over façade material/color transitions. Options include, but are not limited to: varying parapet heights; two (2) or more roof planes; continuation of façade modulation through roof lines; dormers; lookouts; overhang eaves; sloped roofs; or cornice work.	R	O

Do this: ✓



a. *Roof types and forms provide variation and interest.*



b. *This building incorporates roofline and parapet variations.*



c. *This building provides a minimum 20' building elevation.*



d. *This flat roof incorporates primary and secondary roof elements.*



This is a smaller scale commercial building that illustrates a number of attractive architectural elements and building form. More specifically, the building includes the following: (A) use of consistent material combination, quality and detailing that creates a unique wall plane; (B) provides for at least two (2) types of field materials, color, and material-color combinations that give the building architectural character; (C) enhanced entry that is provided by an enclosed space that is designed with a darker color and material that compliments the lighter colors of the building; and (D) the stone material transitions or terminates in a natural occurrence by returning to the face of the façade behind the modulation. Source: Washington Trust Bank

D. Mixed-Use & Non-Residential Architectural Elements

1. **Intent.** The intent of these standards is to promote integrated architectural elements and details as components of cohesive building designs that enhance the visual interest of building façades, support activity at and/or near ground level, and provide Pedestrian Scale.
2. **Standards.** The following standards shall apply:

Description	MU & COD	IND
a. Provide at least three (3) detailing elements that transition façade material changes or integrate Pedestrian Scale elements, such as doorways, windows, or material banding, at the base of the building. Examples include but are not limited to: cornice work around primary entries, decorative caps on brick or stone banding, architectural canopies over entries, or decorative lintels above the first-floor windows.	R	R
b. Provide building overhangs or other projections such as canopies which articulate the building façade and provide temporary relief from inclement weather. At a minimum, an overhang or projection is required within 20' of all public entryways, must be at least 3' in depth from the point of entry, and be at least 6' in length. Entryways with vestibules or other permanent enclosed transition space are exempt.	R	R
c. Provide details that emphasize focal elements such as public entries, building corners, or public spaces. Examples include but are not limited to: columns, quoin or rustication, canopies over entries, lintels, transom windows, or modulation of the roof plane. At least one (1) focal element is required and must be accented with a unique combination of color, texture, materials, or modulation in the wall or roof plane.	R	R
d. To avoid blank wall segments when visible from a roadway or public space, use any combination of standards from Building Form, Architectural Elements, or Material sections to provide pattern, color, or material variation on all wall segments. Must not exceed 30-ft. horizontally or vertically without building variation.	R	R
e. Roof access shall be located within the interior space of the building to eliminate exterior ladders for roof access.	R	R
f. Mechanical and utility equipment shall be screened in accordance with Sec. 6.2.6. Mechanical & Utility Equipment .	R	R

Do this: ✓



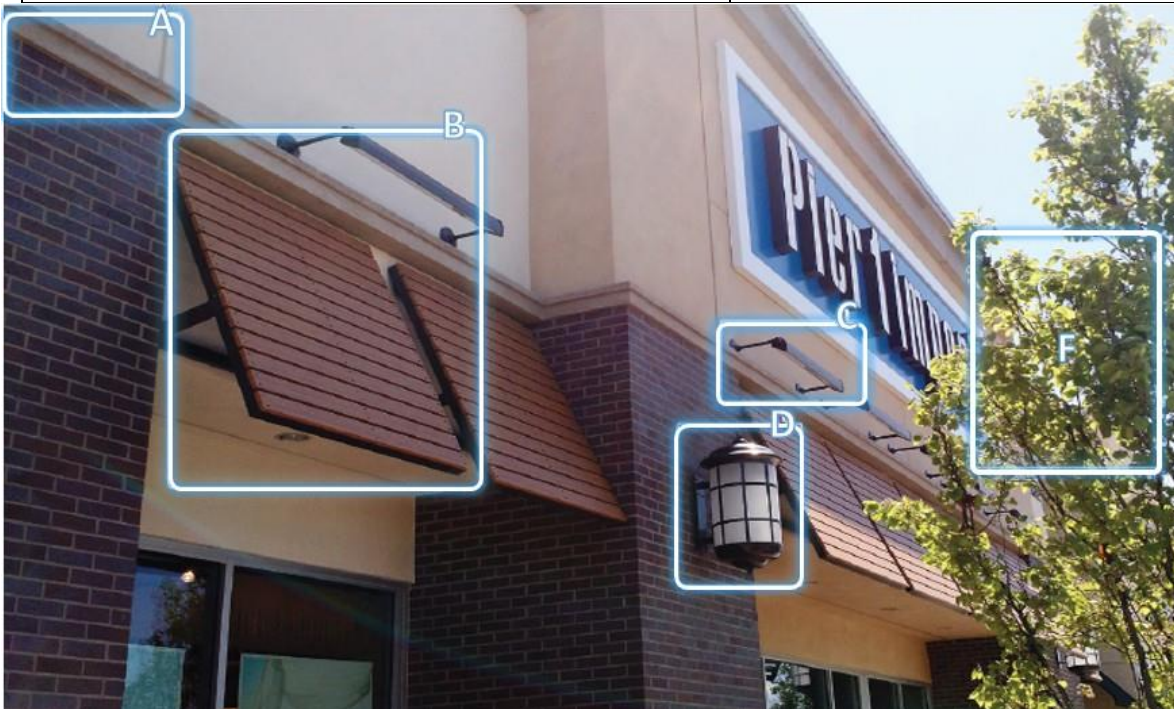
a. This building provides at least three (3) detailing elements that transition façade material changes and integrate pedestrian scale elements.



b. This building provides projections which articulate the building façade and provide temporary relief from inclement weather.



c & d. This building provides details that emphasize the public entry.



This design includes many unique building scale, architectural elements, and attractive materials that help to maintain a relevant pedestrian scale even-though the façade may be setback hundreds of feet from the roadway. Some of the building elements working to create this cohesive building design include: (A) a mix of complimentary building material; (B) attractive large framed metal awnings over windows and entries; (C) accent lighting to emphasize building elements; (D) specialty lighting to emphasize the entrance and support Pedestrian Scale, and (E) landscaping including trees in front, and in close proximity to the building to enhance and frame the building elements and reinforce the Pedestrian Scale. Source: Pier 1 Imports & City of Meridian Architectural Standards Manual

E. Mixed Use & Non-Residential Materials

1. **Intent.** To ensure that materials used for development promote and establish an architectural character that contributes to the aesthetic qualities of neighborhoods and protects adjacent property values.
2. **Standards.** Use materials from the following basic groups: brick, split-face concrete masonry unit (CMU), fiber cement board siding, stone, stucco, decorative precast panels, integrally colored block, EIFS, wood, composite metal panels, or high-pressure laminate (HPL) with a decorative surface that is suitable for exteriors. The additional following standards shall apply when required:

Description	MU & COD	IND
a. Buildings with façades that face Public View shall use consistent material combinations, material quality, and architectural detailing.	R	R
b. For all façade elevations visible from Public View and facing residential zoning districts, shall use at least two (2) distinct field materials, colors, or material-color combinations on the building façade. *Applies when industrial buildings face arterial or collector roads, or facing public spaces.	R	R*
c. Building façades visible from Public View shall incorporate an accent material on the 1 st story of a multi-tenant building.	R	R

Description	MU & COD	IND
d. Where materials transition or terminate, provide detailing to express the natural appearance of the material. For example, wrap stone or stone-like products around visible corners to convey the appearance of mass, and not a thin veneer.	R	R
e. Textured concrete panels and prefabricated steel panels are prohibited as a finish material for building façades, except when used with a minimum of two (2) other qualifying field materials and meeting all other standard fenestration and material requirements.	R	O
f. In Industrial Districts, untextured concrete panels and prefabricated steel panels are prohibited as facade field materials facing arterial and collector roadways, or public spaces, except when used with a minimum of two (2) other qualifying field materials and meeting standard fenestration requirements. Concrete panels that do not exceed 3 sf without a patterned reveal or modulation break may be considered textured.	O	R
g. Reclaimed wood may be used as an accent material and shall be limited to architectural accent areas (i.e. building and window trim, architectural features and entrances, etc.). Reclaimed wood shall be of high quality materials, suitable for exterior use, and limited to 25% of the overall building coverage.	R	R
h. Roll-up and drive-through doors are prohibited from Public View, unless they are integrated into the building design. Consider material variation and transitions, modulation, and other architectural features and standards for the design.	R	R
i. Use of neon or extremely bright colors as a primary color or large portion of wall area is prohibited.	R	R

Do this: ✓



a. *This building uses consistent material combinations, quality, and detailing.*



b. *This industrial building uses at least two (2) distinct field materials and colors.*



c. *This building uses masonry as an accent material on the 1st story or 1st floor height.*



d. *These materials transition to express a natural appearance.*

Do this: ✓



e. *Concrete is used with other qualifying field materials.*



f. *This industrial building uses concrete with qualifying materials.*



g. *Reclaimed wood under the canopy is used here as an accent material.*



h. *These roll-up doors are integrated into the building design.*

Don't do this: ✗



i. *Use of vinyl siding is prohibited.*



j. *This use of intensely bright and fluorescent colors is prohibited as a primary color or on large wall areas.*

UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 6. DEVELOPMENT STANDARDS

Article 6.7. Landscaping Standards

Contents:

Sec. 6.7.1. Purpose & Intent

Sec. 6.7.2. Applicability

Sec. 6.7.3 Installation & Selection of Plant Materials

Sec. 6.7.4. Buffer Yards

Sec. 6.7.5. Lot & Foundation Plantings

Sec. 6.7.6. Street Trees

Sec. 6.7.1. Purpose & Intent

- ~~A. The purpose and intent of the landscaping regulations are to provide meaningful and well-designed screening and buffering.~~
- ~~B. Tree and shrub planting should not interfere with the safe vehicular and pedestrian circulation on the site.~~
- The intent of the landscaping standards is to reach the following goals:

- A. To preserve and protect natural areas and sensitive environments and encourage native planting that protect biodiversity.
- B. To protect and preserve trees and landscaping and install new ones that increase property value, provide habitat for local wildlife, clean the air, calm traffic, reduce and mitigate stormwater runoff, provide shade and reduce the urban heat island effect, enhance people's enjoyment of the outdoor spaces, and otherwise enhance quality of life.
- C. To promote the prudent use of water and energy resources through sustainable functional landscapes. Protect sensitive areas such as waterways and other natural resources.
- D. To increase the compatibility of adjacent uses and minimize the adverse impacts created by abutting uses.
- E. To minimize harmful impacts of noise, dust, headlight glare, artificial light intrusions, and other objectionable activities.
- F. To provide for healthy, long-lived trees and landscaping within the public way or along private vehicular areas to create a buffer between pedestrians, bicyclists, and vehicular movement.
- G. To foster aesthetically pleasing developments.
- H. To design landscaped areas that do not interfere with the safe vehicular, bicycle, and pedestrian circulation on the site.

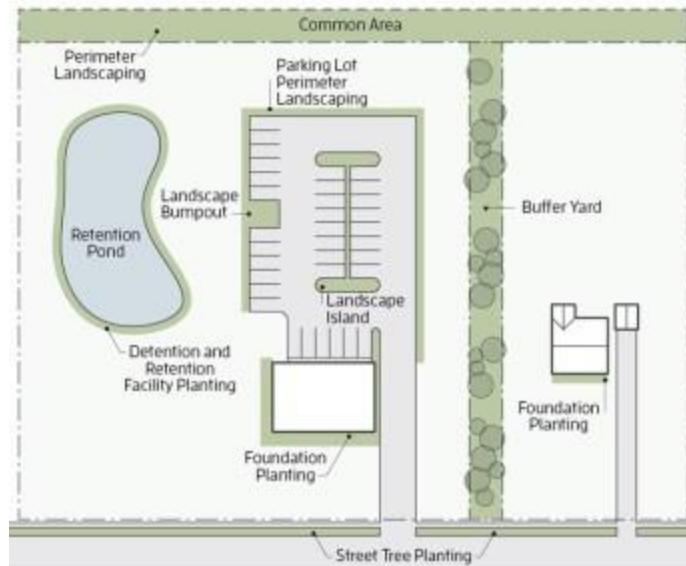
Sec. 6.7.2. Applicability

A. General

This Article shall apply to development in all zoning districts. Plantings and landscaping features required in this Article shall be subject to inspection to verify continued compliance with this Article.

B. Defined

Those 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, buffer yard areas, common area, retention pond planting areas, and perimeter planting areas (see following image).



C. Additions

1. A building or site may be renovated or repaired without providing additional landscaping, provided there is no increase in gross floor area or improved site area.
2. When a building or site is increased in gross floor area or improved site area by less than 20%, landscaping is required for the additional floor area or site area only.
3. When the gross floor area or improved site area is **increased, redeveloped, altered, or increased** by more than 20%, both the existing use and the additional floor or site area must conform to the landscaping requirements of the UDO.

D. Landscape Plan Required

Landscape plans shall be submitted for review and approval as part of any permit for land permit for development. Landscape plans shall be designed and planned concurrent with utilities in new development to avoid placement conflicts.

1. Landscaping plans shall include provisions for the following types of landscaping, as applicable:
 - a. Tree Canopy Plan
 - b. Existing Vegetation to Preserve
 - c. Interior and Perimeter Parking Lot Landscaping
 - d. Foundation Landscaping
 - e. Landscape Buffer Yards & Screening
 - f. Detention and Retention Facility Landscaping
 - g. Street Trees
 - h. Common Areas Landscaping
2. All landscape plans shall contain the following information, unless specifically waived by the Director:
 - a. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, curbs, bicycle paths, ground signs, trash receptacle enclosures and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities, power lines (identify type of line such as transmission), transformers, irrigation systems, and other freestanding structural features including Structural Stormwater BMP's as determined necessary by the Director.
 - b. On the adjacent properties within 20-feet of the site, include the location of existing buildings, structures and plant materials, unless waived by the Director. Include location, type, quantity, size, and name of plant materials.
 - c. The location, type, quantity, size and name (both botanical and common), of all existing plant materials. The notation of all trees with a diameter of six (6) inches or greater at a point four (4) feet above grade, as well as details of the estimated canopy size, health, and whether the tree is to be retained or removed.
 - d. The location, type, quantity, size and name (both botanical and common), of all proposed plant materials including but not limited to trees, shrubs, groundcover, annuals/perennials, and turf. The canopy spread shall be denoted on the plans for all trees.

- e. Existing and proposed grading of the site indicating contours at two (2) foot intervals. Proposed berming shall be indicated using one (1) foot contour intervals.
- f. Elevations of all fences and retaining walls proposed for location on the site.
- g. Elevations, cross-sections, and other details as determined necessary by the Director.
- h. Summary data indicating the following information, when applicable:
 - 1. Total area of the site in square feet.
 - 2. Total proposed impervious area of the site in square feet and as percentage of the site.
 - 3. Total landscaped area in square feet and as a percentage of the site.
 - 4. Proposed tree canopy coverage in square feet and as a percentage of the impervious area/common area, whichever is applicable. This table may include the amount of preserved/retained existing tree canopy on site and adjacent to the site that meets the requirements in this UDO.
 - 5. A table that states the minimum required and provided landscaping per landscaped area kind (e.g., foundation planting, street planting, landscape buffer, etc.) and per entire site. The information in the table may include the number of trees, shrubs, native grasses, tree canopy coverage and any other landscaping required by this UDO.
 - 6. A table that states the following information per species: name (ordinary and botanical), proposed number, size at installation, and mature spread of trees (diameter and square feet of canopy).
 - 7. Total preserved natural/wooded areas within the development.
- 3. Where the required landscape area exceeds one thousand (1,000) square feet in aggregate, the landscape plan must be prepared by a licensed landscape architect. A landscape contractor may prepare the landscape plan for either a ground sign application or a designation sign application only.

E. Alternative Landscape Plan

- 1. Alternative landscape plans, materials, or methods may be justified due to natural conditions, such as streams, wetland areas, topography, and physical conditions related to the site. Lot configuration and utility easements may justify an alternative landscape plan, as well as impractical situations that would result from application of this Article.
- 2. The Director shall approve an Alternative Landscape Plan if it meets the purpose and intent of the landscaping standards in this Article. Allowable deviations from the standards of this Article include, but are not limited to the following:
 - a. An adjustment to planting locations or reduction of up to 20% in the type or total number of required trees may be allowed when underground connections to public facilities or public utilities, or public easements or right-of-way, are located upon or near the parcel.
 - b. A reduction in the count, spacing, or planting type standards by up to 20% may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the Comprehensive Plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in the UDO.
 - c. A reduction in the count, spacing, or planting type standards by up to 20% may be allowed where the reduction will help preserve or protect existing natural features such as wildlife habitat or unique ecosystem features.
- 3. The installation of required landscaping during redevelopment of existing nonconforming sites shall occur in accordance with [Article 2.3. Nonconformities](#).

Sec. 6.7.3. ~~Installation & Selection of Plant Materials~~ General Landscaping Standards

A. Irrigation Systems

The installation of irrigation systems is strongly encouraged to ensure establishment and long-term survivability of plant material.

B. Placement

Except for street trees, landscape material shall not be planted or placed in rights-of-way or easements without permission from the City or the easement holder unless otherwise required by the UDO. Required landscaping shall be in landscape easements or designated common areas that are exclusive of utility or drainage easements. A tree canopy may project over a right-of-way or easement.

1. **Vision Clearance.** Landscape material exceeding three (3) feet in height shall be located outside of the vision clearance triangle as defined in [Article 6.20. Vision Clearance Standards](#).
2. **Arrangement**
 - a. Except for street trees, a natural or irregular row and spacing of trees is preferred. However, trees shall be planted no more than 20 feet apart. A plant list including a “living fence” category is included in the City of Fishers Approved List of Recommended Species. Plant material shall be installed within the buffer yard within the setback. On sites three (3) or more acres in area, buffer yard planting materials may be established outside the buffer yard if the Department working with the petitioner determines that a more flexible planting arrangement will better serve the intent of the buffering.
 - b. A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the subject property should be made.

C. Protection of Vegetation Preservation and Replacement of Trees

Development of a property shall take reasonable measures to design and locate proposed buildings and related infrastructure in a manner that minimizes the destruction of trees. When wooded areas, tree rows or specimen trees are designated to be conserved or have been included in the commitments, the developer shall take the following measures:

1. Prior to the commencement of grading or construction, install highly visible (orange) construction fencing, or other approved identification method, at least three (3) feet outside the drip line of the trees to protect the trees during the entire duration of construction.
2. Avoid injuring roots when installing anchoring posts for fencing.
3. Post signs clearly identifying the plant protection zone.
4. Construction activities shall be prohibited within the tree protection zone, a three-foot minimum radius surrounding the dripline of the tree.
5. No equipment or supply storage, equipment movement, rest or picnicking area, or any land disturbing activities shall be allowed in the tree protection zone.

D. Recommended Species

Plant material shall be selected from the City of Fishers Approved List of Recommended Species. Proposals for additions and substitutions to the list may be submitted to the Department for approval as the list is intended to be a guide and is not inclusive of all appropriate selections available.

E. Invasive and Poor Characteristic Species

Species identified in Exhibit LA-B: Invasive and Poor Characteristic Species of the City of Fishers Approved List of Recommended Species shall be avoided and shall not be counted toward landscaping requirements for projects requesting any permit. Some species identified in Exhibit LA-B: Invasive and Poor Characteristic Species may be suitable for naturalizing in natural areas on a limited basis.

F. Minimum Size at Installation

Minimum sizes shall apply to plant materials throughout this Article.

1. **Deciduous Tree.** 24½” caliper measured using standard nursery practices.
2. **Evergreen Tree.** Six (6) feet tall.
3. **Shrub.** Three-gallon container size or two (2) feet tall from the adjacent ground level. Ornamental grasses may be used to satisfy shrub planting requirements: however, all ornamental grasses must be at least two (2) feet tall from the adjacent ground level and have a mature height of at least three (3) feet. No more than 30% of the shrub planting requirement may be fulfilled by ornamental grass plantings.

G. Live Plantings

All plant material shall be living species. Dead, diseased or artificial plants shall not be recognized by the City as contributing to required landscaping.

H. Substitution

Whenever a requirement states evergreen trees are required, another type of tree may be approved by the Director if there is evidence that the planting area will be too wet for evergreen trees.

I. Landscape Installation Extension

Upon request, the Director may grant an extension of up to 180 days for the complete installation of landscaping materials due to seasonal or weather conditions which preclude the quality installation of plant materials. As a condition of the extension, the Director may require a performance bond, letter of credit, or other satisfactory assurance from the person requesting the extension.

J. Maintenance

Trees, vegetation, irrigation systems, fences, walls and other landscape material are essential elements of a project. The developer and/or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Specifically:

1. All plant material shall be maintained alive, healthy, and free from disease and pests.
2. All landscaped areas shall be free of weeds, litter, graffiti, and similar signs of deferred maintenance.
3. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound condition.
4. The maintenance and routine care of plant material located within the rights-of-way shall be the responsibility of the adjacent property owners. For purposes of this Article, maintenance and care shall include but not be limited to pruning, watering, fertilizing, and mulching, or any item that would constitute a safety hazard to pedestrian or vehicular traffic.

K. Overlapping Requirements

If areas required to be landscaped by two or more provisions of the UDO overlap each other, the provision requiring the greater amount of planting in that area shall apply.

L. Existing Vegetation Credit and Bonus

1. If existing vegetation can meet the requirements of this Article, it may be credited towards meeting the requirements in this Article. Preserved vegetation shall meet the standards in subsections 6.7.3.D, 6.7.3.E, and 6.7.3.G.
2. Existing vegetation shall be credited towards required landscaping based on the following values:
 - a. **Deciduous Trees.** A credit of one tree per every deciduous tree that measures at least four (4) inches DBH.
 - b. **Evergreen Trees.** A credit of one tree per every evergreen tree that is at least eight (8) feet tall.
 - c. **Shrubs.** A credit of one shrub per every existing qualified shrub.
 - d. **Tree Canopy Coverage.** The existing tree canopy may be credited towards meeting the tree canopy coverage requirement. The trees included into the canopy coverage calculation shall be the existing trees that meet the standards of subsections 6.7.3.L.2.a or 6.7.3.L.2.b. The canopy coverage under the existing trees shall be surveyed and measured along the dripline of the trees.

M. Low Impact Development.

LID stormwater BMP may be incorporated into the design of the required landscaping provided the site conditions make LID feasible, and that the intent of the required landscaping is not compromised. LID landscaped areas shall meet the standards in this Article unless specifically exempt.

N. Species Variation.

1. **Trees.** When more than ten (10) trees are required on a site to meet these regulations, a mix of tree species shall be required with no one species of tree making up more than 30 % of the total number of trees.
2. **Shrubs.** When more than thirty (30) shrubs are required on a site to meet these regulations, a mix of shrub species shall be required with no one species of shrub making up more than 30 % of the total number of shrubs.

O. Ground Cover

1. Turf grass and other vegetative ground cover shall be used for all landscaped areas, except that parking lot islands smaller than 40 square feet, and areas within 6 inches of a building foundation may use

decorative mulch or stone.

2. Except as provided in Section 6.7.3.H.1, decorative mulch or stone shall not be used as groundcover except one foot beyond the dripline of shrubbery and shall be no more than six feet in diameter surrounding trees.
3. A different amount and placement of non-living ground cover like stone or gravel may be permitted by the Director as part of an approved LID landscaped area designed, installed and maintained in conformance with the Stormwater Technical Standards Manual.

P. Soil Condition and Planting Beds.

To ensure conditions for proper growth and survival of the plantings, the planting beds and strips shall meet the following standards:

1. All landscaping shall be planted in uncompacted soil at least 2 feet in depth.
2. All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs may be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.
3. The minimum width of any planting area, bed, landscaped island and such to accommodate tree growth shall be:
 - a. 3 feet for small trees.
 - b. 5 feet for medium trees.
 - c. 8 feet for large trees.

Sec. 6.7.4. Buffer Yards Tree Canopy Coverage

- A. **Purpose.** The intent of this section is to retain or plant vegetative canopy of such trees, that when they reach maturity, they create a significant canopy over the city as a whole and provide shade at each individual development.
- B. **Applicability.** Tree canopy standards apply to developments with over 25,000 square feet of finished floor in multi-family and non-residential zoning districts.
- C. **Tree Canopy Coverage Requirements**
 1. The minimum tree canopy coverage shall be provided as follows:

District	Canopy Coverage
<u>MF</u>	<u>25 % of the impervious areas on the lot.</u>
<u>C1, C2, C3</u>	<u>35 % of the impervious areas on the lot.</u>
<u>EN, I1</u>	<u>25 % of the impervious areas on the lot.</u>
<u>Overlay districts</u>	<u>The canopy coverage requirement of the base zoning district(s) shall apply.</u>

	Mature Spread Diameter, feet	Canopy Size, square feet
<u>SMALL</u>	<u>15-20</u>	<u>200</u>
	<u>25-30</u>	<u>500</u>
<u>MEDIUM</u>	<u>35-45</u>	<u>1,200</u>
	<u>50</u>	<u>1,500</u>
	<u>55-65</u>	<u>2,500</u>
<u>LARGE</u>	<u>70</u>	<u>3,500</u>
	<u>75-90</u>	<u>4,700</u>
	<u>95</u>	<u>6,000</u>
	<u>100 - >100</u>	<u>7,500</u>

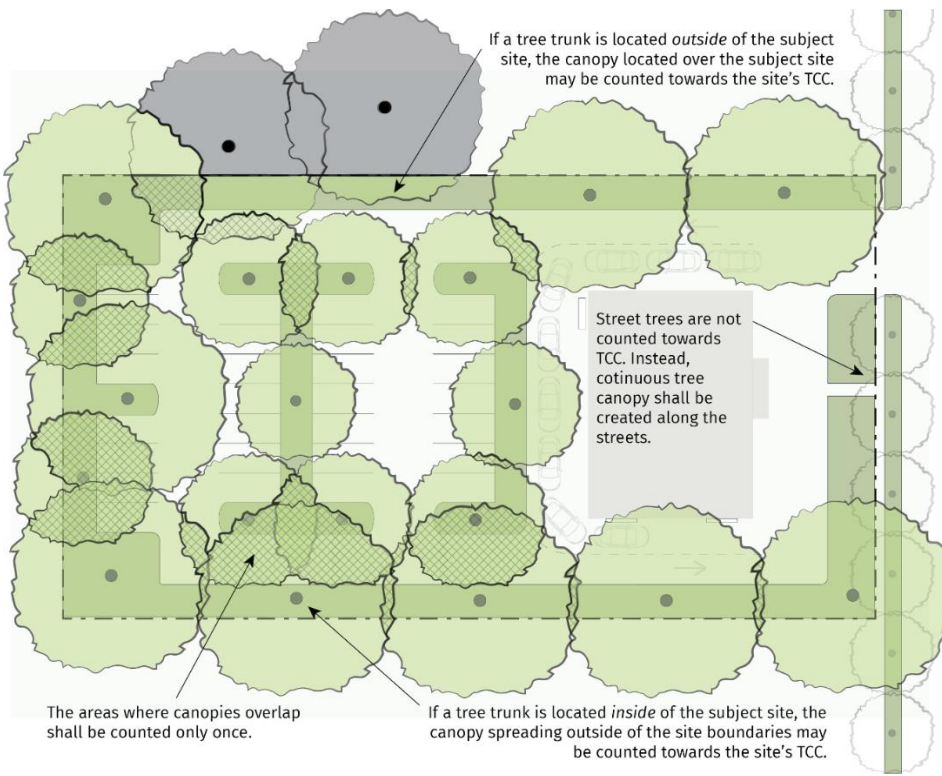


Figure 1. How to calculate Tree Canopy Coverage

2. Computing Tree Canopy Coverage.

- a. The canopy coverage by tree's maximum spread size is as presented in Table "Canopy Coverage by Tree Size".
- b. The areas where canopies overlap shall be counted only once towards the total canopy coverage.
- c. In any case where tree canopy exists underneath a larger tree canopy coverage, only the outermost perimeter of the combined canopy shall be included in the total amount of canopy.
- d. In any case where the trunk of the tree is located entirely, or partially within the boundaries of the subject site, any portion of the canopy area that falls outside the boundaries of the subject site shall nevertheless be included in the total amount of canopy, and the area of the existing site shall remain unchanged.
- e. In any case where the trunk of the tree is located entirely outside of the boundaries of the subject site, only the portion of the canopy area that falls inside the boundaries of the subject site shall be included in the total amount of canopy.
- f. When using the canopy of existing trees to satisfy the requirements of subsection (1) above, all development shall:
 1. Use the values contained in Table "Canopy Coverage by Trees" for every tree that may be credited towards meeting the requirements of this Article; or
 2. Clearly depict the total canopy coverage applicable to the subject site on a site survey or site plan as part of the Tree Canopy Plan.

D. Substitutions

The Director may permit the reduction of the tree canopy coverage by up to 50 % of the minimum required tree canopy area if the applicant provides an equivalent area of the improvements by using any of the following options, alone or in combination:

1. Low Impact Development Stormwater Management

The development site may provide low impact development stormwater management by installing permanent infiltration or collection features (e.g., swale, culvert outfall, rainwater cistern) that meet the requirements of the Stormwater Technical Standards Manual.

2. Light Colored Hardscaping

The development site may incorporate light-colored hardscaping with a solar reflectance index (SRI) of 86 or greater. The SRI shall be calculated in accordance with ASTM E1980.

3. Covered Parking.

- a. The development site may provide parking spaces under cover, and any roof used to shade, or cover parking shall either i) have a three-year aged SRI of at least 78 or ii) Be covered by energy generation systems, such as solar energy systems.
- b. Parking calculations shall include all existing and new off-street parking spaces that are leased or owned by the project, including parking that is outside the project boundary but is used by the project. On-street parking in public rights-of-way is excluded from these calculations.
- c. Parking spaces within a parking structure shall count toward meeting this standard.

4. Solar Energy, Cool, or Vegetated Roof

The development site may provide a roof meeting the standards in subsections (a), (b), (c) or (d) below. Roofs containing vegetation must follow landscaping standards pursuant to subsections 6.7.3.B Recommended Species, 6.7.3.C: Invasive and Poor Character Species, and 6.7.3.D.Live Plantings.

a. Solar Energy

Install an on-site solar energy system covering an area anywhere on the building(s), accessory structure(s) or lot, or an area equal to or greater than an amount required to provide 40 percent of estimated annual average electricity used in all primary buildings. Other renewable energy devices may be used in place of on-site solar panels so long as evidence of equivalent electricity generation capacity is provided.

b. Cool Roof

Install a cool roof using roofing materials that have an aged SRI equal to or greater than the values in 6.7.4.C. If aged SRI is not available, the roofing material shall have an initial SRI equal to or greater than the values in Table 6.7.4.C.

	Slope	Initial SRI	Aged SRI
<u>Low-sloped roof</u>	<u>< 2:12</u>	<u>82</u>	<u>64</u>
<u>Steep-sloped roof</u>	<u>> 2:12</u>	<u>39</u>	<u>32</u>

c. Green Roof

Install a green roof. Use plant species from the “Recommended Plant List for Vegetated Roofs” of the Stormwater Technical Standards Manual. Use the vegetated roof materials from the “Recommended Materials” list and follow the design guidelines in the “Vegetated Roof” BMP Fact Sheet section of the Stormwater Technical Standards Manual.

d. Combination Roof

Install a combination solar energy, cool roof and/or green roof, with each portion meeting the applicable standards in subsections a, b, and c above, and together providing for a total area of the substituted tree canopy coverage.

Sec. 6.7.45. Buffer Yards

A. Applicability

The buffer yard standards only apply along the property lines (front, side, and rear) where conflicting/dissimilar uses or zoning districts meet. The width of the buffer yard is in addition to required setbacks. Existing mature vegetation shall be credited toward the requirements.

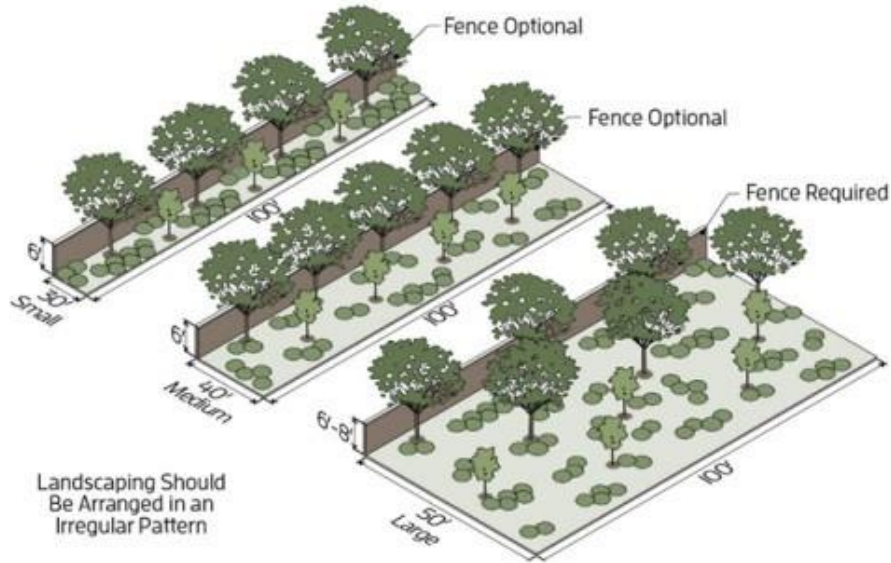
B. Responsibility for Installation

The property which is zoned for higher intensity uses is responsible for installing the buffer yard.

C. Buffer Yard Types

There are three types of buffer yards as described below. Minimum requirements for each type are set forth in the following table.

1. **Small.** A small buffer yard is required where single-family uses abut a multi-family, institutional, or office uses.
2. **Medium.** A medium-sized buffer yard is required where single-family, multi-family, or employment mixed use abuts commercial uses.
3. **Large.** A large-sized buffer yard is required where single-family, multi-family, mixed use, or commercial uses abut industrial uses.
4. **Infill.** A buffer yard is required when infill development abuts existing uses.



D. Buffer Yard Standards

Buffer Yards	<u>Infill Development</u>	Small	Medium	Large
Width (min)	<u>10'</u>	30'	40'	50'
Canopy Trees (min per <u>every 100 feet of the buffer length</u>) ¹	<u>4 Canopy OR Evergreen Trees</u>	5	4	6
Evergreen Trees (min per <u>every 100 feet of the buffer length</u>)		3	5	5

Tree Location	<u>5-10' from property line</u>	5-15' from property line	up to 25' from property line	Within 25' from property line
Shrubs (min per <u>every 100 feet of the buffer length</u>)	<u>5</u>	5	10	15
Undulating Mounds Height (min/max)	<u>N/A</u>	3' / 8'	4' / 8'	4' / 8'
Undulating Mounds Length (min)	<u>N/A</u>	Total 60% of the distance contiguous to the conflicting zoning district or use.		
Fencing	<u>Permitted up to 6'</u>	Permitted up to 6'	Permitted up to 6'	Required. 6' min / 8' max

1. Trees shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet of contiguous boundary with the conflicting zoning district or use.

(Ord. [081919D](#), 08/19/2019; Ord. [011822](#), 02/21/2022)

Effective on: 8/19/2019

Sec. 6.7.56. Lot & Foundation Plantings

A. Lot Plantings **Defined**

Lot plantings include parking lot perimeter landscaping, interior, terminal and median islands, and other landscaped areas that are not considered street trees or buffer yards. shall comply with the following requirements:

Lot Planting	Lot Size			
	< 6,000 sf	6,000-15,000 sf	15,000-45,000 sf	> 45,000 sf
Total Trees (min)	1	2	3	3 + 1 per 15,000 sf of <u>lot area</u> over 45,000 sf
Tree Location	front <u>yard</u> or side yard within the lot	Within 10' of <u>building line</u>	-	-
Canopy Trees	-	-	1	1/3 of total trees

B. **Lot Landscaping**

1. Parking lot landscaping shall be designed and installed pursuant to Section 6.11.4.
2. The minimum number of trees provided on the lot shall be in the amount that helps achieve the required Tree Canopy Coverage for the entire development site pursuant to Section 6.7.4 and meet the requirements in Section 6.11.4.

C. **Foundation Planting**

The following foundation planting requirements apply to primary structures:

- The foundation plantings shall be located within 20 feet of the foundation wall.
- At least one (1) shrub and/or ornamental tree shall be planted for every 10 lineal feet of building circumference. Non-residential buildings may exclude the dock openings.
- All lots shall have a minimum of four (4) shrubs planted along the foundation facing a street. Corner lots shall install four (4) shrubs per side facing a street.

(Ord. 081919D, 08/19/2019)

Effective on: 8/19/2019

Sec. 6.7.67. Street Trees

A. **Street Trees**

The following street tree requirements shall apply:

	Quantity	Maximum Distance Between Trees	Location
Interstate and State Highways	1 canopy or evergreen tree per 60 <u>lineal feet</u> of property contiguous to the highway	<u>- 75'</u>	Within 15' of the property line abutting the highway
Arterial and Collector Streets	1 canopy tree per 50 <u>lineal feet of property that abuts a public right-of-way</u>	<u>75'60'</u>	Sec. 6.7.67.C
Local Streets – Single- family Lots	1 canopy tree per lot frontage	N/A	
Local Streets – Common Area	1 canopy per 40 <u>lineal feet of property that abuts a public right-of-way</u>	<u>60'50'</u>	

B. Arterial, Collector, and Local Streets

1. Trees along an arterial or collector street shall be planted in a planting strip between the curb and sidewalk. If a planting strip is not available, then the trees shall be planted within the outer 10 feet of right-of-way. If space is not available within the outer 10 feet of right-of-way, then the trees shall be planted on the abutting property within 10 feet of the right-of-way and may be credited toward applicable perimeter planting.
2. Trees along a local street ~~shall~~ may be planted in a front yard of the lot(s) and not or within the planting strip in the right-of-way.

C. Minimum Distance from Sidewalk

Trees shall be planted at least 10 4 feet from a sidewalk.

D. Vision Clearance

Within 75 feet of an intersection, trees may be planted at the back of sidewalk to maintain site distances for traffic control signs. Low-branching species shall not be allowed within 75 feet of an intersection. Trees shall be located a minimum of 10 feet from a driveway cut or street light, and a minimum of three (3) feet from a fire hydrant. Also see [Article 6.20. Vision Clearance Standards.](#)

E. Escrow

When circumstances prevent the planting of street trees, the developer shall provide the City an itemized estimate, prepared by a certified arborist, a nurseryman, or a licensed landscape architect, of the cost of the required street trees and the labor to install the trees. The estimate shall be reviewed by the City and either accepted or adjusted. Once a figure for the acquisition and installation of the street trees has been finalized, the developer shall submit 110% of that amount to the City, which shall deposit the sum into an escrow account established by the City for funding street tree plantings. The funds submitted by the developer shall be used exclusively for installing the required street trees along the public street frontages adjacent to the subject property. If after two (2) years from the date of the submission of the escrow funds the City has not established the street tree improvements, the developer may apply to the City for a full refund of the escrow deposit amount.

(Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 6.7.8. Retention and Detention Facilities Landscaping

- A. **Defined.** Retention and Detention Facilities landscaping is landscaping around the basin of a retention/detention facility including a combination of shrubs, trees, ornamental grasses, and emergent plant species that thrive in the littoral zone of these facilities.
- B. **Purpose.** The intent of this section is to reduce soil erosion; provide additional stormwater management benefits; provide for an opportunity to create Salutogenic Amenity features; provide for an opportunity to add tree canopy; provide for an opportunity to increase natural biodiversity; and preserve and/or provide an ecologically functioning environment.
- C. **Applicability.** These standards shall apply in any new development that includes construction of a detention/retention facility.
- D. **Design Requirements:**
 1. **Vegetation types.**
 - a. Use plant species from the "Recommended Plant Lists for Best Management Practices" of the Stormwater Technical Standards Manual for the species best fitted for the conditions in the retention and detention basins.
 - b. Existing native and non-invasive vegetation should be preserved where possible.
 - c. Avoid plantings that will require routine or intensive chemical applications (i.e. turf area). Use low maintenance ground cover, native grasses and wildflowers as an alternative to turf.
 2. **Location.**
 - a. Vegetation shall be established around the entire perimeter of the facility on all side slopes primarily above the normal water line, provided it meets other requirements in this subsection and the

requirements in the Stormwater Technical Standards Manual.

- b. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.
- c. Vegetation must not block maintenance access pathways.
- d. Vegetation should be placed in a manner that restricts pedestrian access to steep pools or slopes.
- e. Trees, shrubs and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the proposed normal water line.
- f. Trees shall not be within the basin area or on the slopes of the bank of a dry detention facility.
- g. Trees or deep-rooted vegetation must not be planted in any easement with storm drainage pipe.
- h. Trees or shrubs known to have long taproots should not be planted within the vicinity of an earthen dam or subsurface drainage facilities.
- i. Trees, shrubs, and/or any type of woody vegetation is not allowed on structural embankments.
- j. All emergency spillways should be stabilized with plant material that can withstand strong flows. Root material should be fibrous and substantial and lack a taproot.
- k. Trees and shrubs shall be planted at least twenty-five (25) feet away from a principal spillway structure.
- l. Trees and shrubs shall be planted at least fifteen (15) feet away from the tow of slope of a dam.

E. Maintenance.

1. **Signage.** Areas that were approved to have plantings that look like tall grasses (e.g., native grasses, native ground cover, prairie grasses) shall be protected from mowing by installing “No mow” signs by such areas. A sign plan shall be submitted with the ILP application showing a sign graphic and a sign plan.
2. **Covenants.** Applicant shall submit maintenance covenants for review with the applicable petition or permit. The covenant language shall indicate that the plantings around the detention/retention facilities shall be protected and maintained in perpetuity.

Sec. 6.7.8. Stormwater and Low Impact Development (LID) Landscaping

- A. **General Standards.** In addition to meeting landscape requirements of this Article, vegetated site features designed using LID approaches shall follow applicable standards and guidelines of the Stormwater Technical Standards Manual.
- B. **BMP Easement.** When landscaping is used as a Stormwater Best Management Practice (BMP), the BMP must be an exclusive “BMP Easement” to prevent damage from other utility work or encroachments and/or from the space becoming reallocated for other purposes and to ensure perpetuity of the BMP.
 1. Such easement shall be located only in common areas.
 2. Such easement shall be included into the BMP Maintenance Agreement recorded against the property and placed as a Certificate on the final plat if applicable.
 3. BMP Easement Agreements or Certificates shall be cross referenced in any covenants and restrictions.
 4. The content of the agreement and certificates should be guided by the Stormwater Technical Standards Manual and the City Attorney.
- C. **Signage.** Where vegetated site features serving a stormwater management purpose are installed, signs must be installed indicating the area should not be mowed. A sign plan shall be submitted with the ILP application showing a sign graphic and a sign plan.

Article 6.9 ~~Non-Residential~~ Open Space Standards

Contents:

Sec. 6.9.1. Purpose & Intent

Sec. 6.9.2. Minimum Open Space

Sec. 6.9.3. Open Space Standards

Sec. 6.9.1. Purpose & Intent

The purpose and intent of this Article is to establish standards that set and maintain a minimum level of open space within the City, particularly with new development. This Article is not intended to limit creativity but to provide options to meet open space standards.

(Ord. 012120C, 02/17/2020)

Effective on: 2/17/2020

Sec. 6.9.2. Minimum Open Space

A. The minimum open space required for each development shall be provided as described in the following table:

Minimum Open Space	
Zoning District and Development Type	Minimum Open Space Required
C1 & C2	5%
C3 & I1	10%
EN & PUD	15% 20%

B. Open Space Allocation for Salutogenic Amenities.

1. Developments in C1, C2, and C3 Zoning Districts shall incorporate Salutogenic Amenities in the following way:
 - a. At least 50 % of the minimum required open space shall be designed as a Salutogenic Amenity that has design features from at least two SA typologies, consistent with the Open Space Guide.
 - b. All public and employee entrances shall abut or be within a 660-foot walking distance from a Salutogenic Amenity.
 - c. One shaded seating area shall be provided for every 300 lineal feet of the Front Façade(s) of the building(s).
 - d. The rest of the open space may be developed using other design features described in subsections 6.9.2.C. Office Development and 6.9.2.D Retail Commercial and Mixed-Use Development.
2. PUD developments shall incorporate Salutogenic Amenities in accordance with Section 8.4.6.

C. Office Development:

1. Open Space with public art, patio/seating areas, pedestrian plaza with benches, water feature, clock tower, or other such focal features.
2. A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
3. Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.

D. Retail Commercial and Mixed-Use Development:

- a. Open space with public art, outdoor playground areas, kiosk areas, water features, and patio seating areas shall be considered in the development scheme.
- b. A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.
- c. Open space may be located on a roof, balcony, or other area above ground level.
- d. Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.

E. Industrial Development:

- a. Industrial open space shall be provided through passive landscaping buffer areas and screening.
- b. At least one Regular Salutogenic Amenity shall be provided per building.
 - i. This amenity shall abut the building or be within a 660-walkable distance from the employee entrance(s).
 - ii. The amenity shall be at least 5,000 square feet.
 - iii. The amenity shall provide at least two (2) picnic tables. At least one table shall be ADA-accessible.

(Ord. 012120C, 02/17/2020)

Effective on: 2/17/2020

Sec. 6.9.3. Alternative Open Space Standards

A. Streetscape

Site Planning shall be designed in a manner where the street, adjoining building, sidewalks, parking lots, open space, and pedestrian amenities are connected. The ~~roads~~ roads ~~size~~ roadside zone (area between street or parking lot and the edge of the building) shall contain a variety of urban design elements, including but not limited to, plazas, seating areas, and other public uses as well as street furniture, street trees, and other landscape features, and public art.

~~B. Open Space Allocation~~

~~The following open space amenities shall be used to comply with the minimum percentage required for each development type:~~

1. ~~**Office Development:**~~

- ~~a. Open Space with public art, patio/seating areas, pedestrian plaza with benches, water feature, clock tower, or other such focal features.~~
- ~~b. A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.~~
- ~~c. Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.~~

2. ~~**Retail Commercial and Mixed-Use Development:**~~

- ~~a. Open space with public art, outdoor playground areas, kiosk areas, water features, and patio seating areas shall be considered in the development scheme.~~
- ~~b. A patio, pocket park, or plaza with outdoor seating areas and include pedestrian amenities to support these places as gathering areas.~~
- ~~c. Open space may be located on a roof, balcony, or other area above ground level.~~
- ~~d. Sidewalks, paths, or other pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.~~

3. ~~**Industrial Development:**~~

- ~~a. Industrial open space shall be provided through passive landscaping buffer areas and screening.~~
- ~~b. Industrial open space may be exempt from the streetscape and access requirements in this Article, as determined by the Director.~~

C. Drainage Areas

Detention and retention areas cannot be calculated towards the open space percentage requirement unless it is integrated into the overall open space design ~~such that the use provides a site design amenity as a Salutogenic Amenity, as determined by the Director.~~

D. Alternative Open Space Standard

The developer may propose alternative forms of open space not specifically identified in this Article. Such proposals for alternative forms of open space shall be subject to approval per *Sec. 10.2.1 Administrative Alternative*.

E. Public Art

The Director may reduce the required open space percentage by 25% for non-residential and mixed- use developments that provide public art (visible from a public right-of-way) as part of the development. The cost and maintenance of any public art is the responsibility of the property owner(s) (see also *Article 6.15 Public Art Standards*). Any art commitment as part of this reduction must be recorded on title so that the art requirement remains a requirement in perpetuity.

F. Payment-in-lieu

If the Director determines there is ample open space in close proximity to a new development, open space requirements can be lowered in exchange for fees to be applied to the nearby regional park; with such fees to be standard fees established by resolution, from time to time, by City Council.

(Ord. [012120C](#), 02/17/2020)

Effective on: 2/17/2020



UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 6. DEVELOPMENT STANDARDS

Article 6.11. Parking & Loading Standards

Contents:

- Sec. 6.11.1. Purpose & Intent
- Sec. 6.11.2. Applicability
- Sec. 6.11.3. Parking Lot Design
- Sec. 6.11.4. Parking Area Landscaping
- Sec. 6.11.5. Required Parking
- Sec. 6.11.6. Bicycle Parking
- Sec. 6.11.7. Additional Parking Provisions
- Sec. 6.11.8. Off-Street Parking Schedule
- Sec. 6.11.9. Parking Reductions
- Sec. 6.11.10. Off-Street Loading

Sec. 6.11.1. Purpose & Intent

~~The intent of this Article is to ensure the provision of safe off-street parking for development allowed by the UDO. The standards in this Article are intended to avoid requiring an over-supply of parking that poses economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods. The standards in this Article apply to all zoning districts, including overlay zoning districts, unless otherwise specified in the UDO.~~

~~The intent of this Article is to accomplish the following goals:~~

- ~~A. To ensure the provision of safe off-street parking for development allowed by the UDO.~~
- ~~B. To ensure an appropriate minimum level of vehicle parking, loading, and storage to support a variety of land uses.~~
- ~~C. To provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning districts.~~
- ~~D. To avoid requiring an over-supply of parking that poses economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.~~
- ~~E. To reduce the amount of impervious surface in the city through reduced parking minimum requirements, allowing the use of semi-pervious materials, tandem parking, multiple use reduction strategies, bicycle parking, and landscaping requirements, which will reduce the urban heat island effect and provide other environmental benefits.~~
- ~~F. To protect against unnecessary reductions in landscaped green space.~~
- ~~G. To encourage bicycle use as a mode of transportation by ensuring quick, convenient, and safe access to secure bicycle parking.~~
- ~~H. To ensure safe installation of Electric Vehicle Charging Stations and encourage provision of EVSE infrastructure at sites that will likely need to provide EVCS to ensure equitable access to EV charging in the future.~~

Sec. 6.11.2. Applicability

This section shall apply to off-street parking for all new development and changes in use or intensity of use for existing development, in all districts, including overlay zoning districts, unless otherwise specified in the UDO.

~~Off-street parking shall be provided for any new building constructed and for any new use established; for any addition or enlargement of an existing building or use; and for any change in the occupancy of any building or the way any use is conducted that would result in additional parking spaces being required, unless an equivalent substitute number of such spaces is provided and maintained conforming to the requirements of this Article, unless otherwise specified in the UDO.~~

A. **Compliance.** Compliance with the standards outlined in this Article shall be attained in the following circumstances:

1. Development of all new parking facilities, loading facilities, and driveways.
2. Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, enlargement, removal or pulverization of an existing parking lot (excluding milling and paving), or the addition of curbs, walkways, fencing, or landscape installation.
3. Change in use, in accordance with Sec. 6.11.2.C
4. Change in the occupancy of any building or the way any use is conducted that would result in additional parking spaces being required, unless an equivalent substitute number of such spaces is provided and maintained conforming to the requirements of this Article, unless otherwise specified in the UDO.

B. **Damage or Destruction.** When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this article.

C. Parking Plan Required

Every application for development shall ensure that adequate off-street parking is provided for the uses or buildings contained in the application. Parking quantities and parking design and layout shall be provided with an applicable permit/petition application and approved through the Site Plan Review process. Off-street parking must be provided to meet the parking demand without use of public streets, except as specifically allowed by this Article.

D. Minimum Required Parking

Unless specifically stated otherwise in the UDO, the minimum number of on-site parking spaces shall be as specified in [Sec. 6.11.58. Off-Street Parking Schedule](#).

E. Use Change

If the principal use changes, then the new principal use shall meet the requirements of this Article, except that if the use change results in an increase of less than 5% in the required number of parking spaces, or less than five (5) additional parking spaces, whichever is less, no additional parking spaces are required.

F. ~~Units of Measure~~

~~The following standards of measurement shall apply to the calculation of the minimum required number of parking spaces. When units of measurement determining the minimum number of required parking spaces result in a fractional space, any fraction shall be considered as an additional required parking space.~~

G. ~~Gross Floor Area (GFA)~~

~~Unless otherwise noted, gross floor area of all structures on the site shall be used to determine the~~

~~required number of off-street parking spaces.~~

Effective on: 7/20/2018

Sec. 6.11.3. Parking Lot Design

A. Parking Surface

1. **Paving.** All non-ADA parking surface area required in the UDO shall utilize concrete, asphalt, brick pavers, or the like. Only concrete shall be utilized for ADA-accessible parking spaces and access aisles. Under no circumstance shall gravel, stone, rock, dirt, sand or grass be permitted as parking areas.
2. **Exception.** Parcels one (1) acre or more in area that are not part of a platted subdivision and are being used solely for single-family dwelling may utilize a gravel driveway for parking, so long as a concrete apron is provided between the street and the right-of-way line.
3. **Pervious Surface.** Parking of motor vehicles is not permitted on lawns or other pervious-surfaced areas on a lot.
4. **Semi-Pervious Surface.** Parking surface areas may use semi-pervious materials with the approval of the City's Engineering Department Director.

B. Location of Parking

1. Parking lots may project into the minimum setbacks, Setbacks are measured from the edge of the existing or proposed right-of-way as specified in the Thoroughfare Plan, whichever is greater. ~~except when the required side yard abuts an adjoining perimeter property.~~
2. Parking lots shall not project into or interfere with any landscape easement or buffer yard except as permitted in this Article.
3. If a landscape easement or buffer yard is not present, a parking lot shall not be installed within 10 feet of a side lot line or within 20 feet of a front or rear lot line, except when the parking lot is used as a shared parking lot as outlined in [Sec. 6.11.7.A. Shared Parking](#).
4. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
5. Businesses that keep automobiles or other motor vehicles in stock on the subject property shall clearly differentiate between parking areas for such stock and parking for employees and customers using either clearly posted signage or differentiation in parking lot striping. Areas for customer and employee parking shall not be used for the storage of automobiles or other motor vehicles for sale.

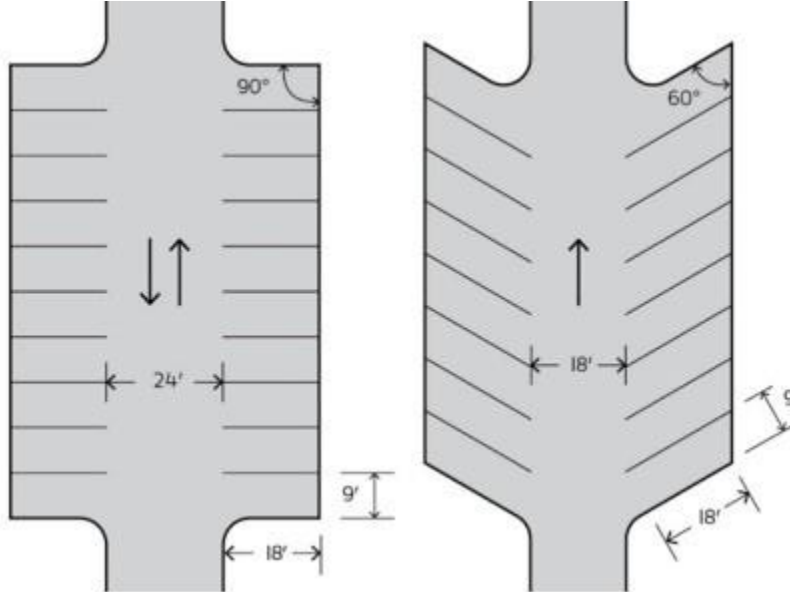
C. Parking Space Dimension

1. **Minimum Width.** Each parking space shall be a minimum of nine (9) feet wide.
2. **Minimum Length.**
 - a. Standard: Each parking space shall be a minimum of 18 feet long.
 - b. Adjacent to Landscape Areas: The minimum length of a parking space may be reduced to 16 feet if the parking space butts into a landscape area such that a car's front end may project into the landscape area.
 - c. Adjacent to Sidewalks: The minimum length of a parking space may be reduced to 16 feet if the parking space butts into a sidewalk such that a car's front end may project over the sidewalk. If a car projects over a sidewalk, the sidewalk shall be two (2) feet wider than the required width. Under no circumstance shall a sidewalk have less than four (4) feet of clear area for pedestrians to pass when a vehicle's front end is projecting over part of the sidewalk; however, under no circumstance shall an off-street parking space overhang into a public or private street right-of-way.

D. Parking Aisle

1. **Minimum widths.** Minimum parking aisle widths shall be as follows:

- a. 90° Angle Space: 24-foot wide parking aisle for one- or two-way traffic.
- b. 60° Angle Space: 18-foot wide parking aisle for one-way traffic.
- c. 45° Angle Space: 14-foot wide parking aisle for one-way traffic.
- d. All other parking aisle widths shall be determined by the Director.



2. **Outlet Required:** All parking aisles shall have an outlet or turn around. Dead-end parking aisles are prohibited.

E. Striping and Maintenance

1. **Parking for the Disabled.** All parking spaces required by ADA standards shall be striped and have vertical signs. These stripes and vertical signs shall be maintained in clearly visible condition.
2. **Parking Lot Striping.** Parking spaces in parking lots shall be striped to clearly show each parking space. These stripes shall be maintained in clearly visible condition.
3. **Drainage.** Parking areas shall be constructed and maintained to allow proper drainage.

F. Parking Lot Connectivity

1. **Requirement.** Where a parcel abuts one or more parcels that are also zoned for commercial use (including Planned Unit Development zoning districts that allow commercial development), parking spaces, parking aisles and driving lanes shall be laid out in a manner that will allow for the connection of the parking areas on the abutting parcels.
2. **Cross-access Easements.**
 - a. Where parking lots connect, or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of [Sec. 10.2.11 Easements](#).
 - b. Cross-access easements shall not be less than 20 feet in width and shall not exceed 30 feet in width.

G. Cart Corrals

Cart corrals are required for all retail businesses and retail shopping centers with more than 30,000 square feet of retail space, and that provide shopping carts to their customers. Said cart corrals shall be made of permanent materials, be able to accommodate at least 50% of the fleet of shopping carts available, and any single unit shall not be any larger than 10 feet by 36 feet in area.

H. Institutional Uses

The portion of an institutional use's parking lot used for bus circulation and staging is not required to install

the landscape bump-outs and/or islands required in [Sec. 6.11.4. Parking Area Landscaping](#).

I. Over-sized Vehicle Parking

Any vehicle which cannot be parked in a single parking space shall be parked in an over-sized vehicle space. All sites shall provide over-sized parking spaces in their side and/or rear yards sufficient to the amount of over-sized vehicles that will utilize their site on a normal basis. If the site of the side or rear yards or other site constraints do not allow for the over-sized spaces to be located there, the space may be in an established front yard; however, it may not be permitted in the parking row closest to the public right-of-way.

J. Parking Structures

Parking structures are encouraged when a use or mix of uses, to be developed as a comprehensive proposal, is proposed that requires at least 300 parking spaces.

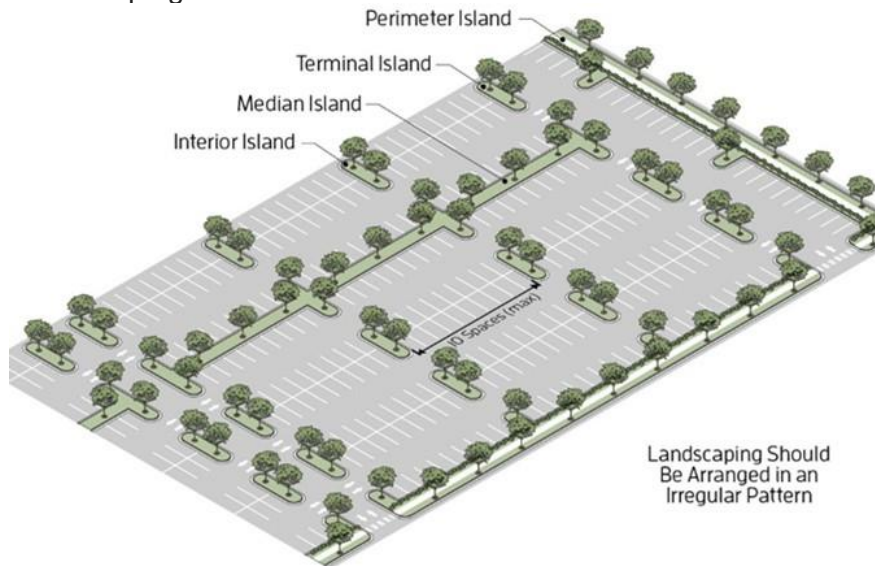
(Ord. 081919D, 08/19/2019)

Effective on: 8/19/2019

Sec. 6.11.4. Parking Area Landscaping

A. Intent

1. The intent of the vehicle parking lot landscaping requirements is to minimize the visual impact of large areas of vehicular parking as viewed from the public right-of-way and dissipate the effects of the urban heat island.
2. A well-designed parking lot utilizes landscaped islands and clear delineations to break the parking lot into smaller segments.
3. Tree and shrub plantings should not interfere with the pedestrian circulation on the site.
4. The Department may require a graphic depiction (perspective sketch or elevation) of the parking lot or structure landscaping as seen from the street.



B. Applicability

1. This section applies to all on-site surface parking areas with more than 10 spaces. For purposes of this section, multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.
2. At least two (2) shade trees must be planted in each surface parking area with 10 spaces or less.

C. Perimeter Plantings Islands

1. Perimeter Plantings shall be provided along all parking lot edges adjacent to, or abutting, public streets, private streets, front yards, or residential uses/zones. A landscape perimeter island shall be provided along primary internal access drives.
2. Perimeter Plantings ~~A landscaped perimeter island~~ must be a minimum of five (5) feet wide, landscaped with shrubs installed at a rate of 30 shrubs per 100 linear feet that under typical conditions can be expected to reach a height and spread of three (3) feet within three (3) years of planting; and 2 trees per 100 linear feet. All shrubs shall be a minimum of 18 inches tall when planted. In lieu of planting a hedge, a wall at least three (3) feet in height may be installed.
3. A perimeter island may also serve as the location for a sidewalk connecting the use and the street. In such case, the sidewalk shall be a minimum of six (6) feet wide.

D. Interior Islands

1. A landscaped interior island must be provided every 10 parking spaces. Interior islands must be distributed evenly throughout the parking area.
2. An interior island must be a minimum of 8 feet in width and be a minimum of 300 square feet in area.
3. All rows of parking must terminate with a landscaped interior terminal island. No more than 30 parking spaces may be located between terminal islands.
4. Interior islands may be consolidated or intervals may be expanded to preserve existing trees.

E. Median Islands

1. A landscape median island must be provided between every six (6) single parking rows.
2. A landscape median island must be a minimum of six (6) feet wide.
3. A median island may also serve as the location for a sidewalk connecting the parking and the use served by the parking area. The sidewalk must be a minimum of six (6) feet wide. If trees or shrubs are planted in the median, the median width must be expanded by at least five (5) feet.
4. Median islands may be consolidated or intervals may be expanded to preserve existing trees.

F. Required Tree Coverage Quantities

1. Each interior island (and terminal interior island) must include at least one (1) shade tree.
2. In no case shall there be less than two (2) shade trees for every 2,000 square feet of parking area.

G. Parking Structure Perimeter Landscaping

1. Parking structures shall have a minimum of a 10-foot-wide planting area along any elevation that faces a public space, common area, open space, mixed-use, residential, public street, or private through street. That planting area shall include one (1) shrub per four (4) lineal feet and one (1) tree per 15 lineal feet of applicable building perimeter. Plant material may be clustered.
2. Parking structures shall have a minimum of an eight (8) foot wide planting bed along any other elevation. That planting bed shall include grouped shrubbery to provide a more Pedestrian Scale to abutting pedestrian ways and trees provided at a ratio of one (1) tree per 20 lineal feet of applicable building perimeter.
3. Trellises intended for vines and other plants are encouraged to be used along large blank walls.
4. All plantings shall feature a mix of deciduous and evergreen species. Tree plantings shall be

predominately of a species that grows to a height that effectively screens the parking areas. In addition, the minimum size at planting for all trees shall be: eight (8) feet tall for evergreens and two-inch (2") caliper measured using standard nursery practices for deciduous trees.

H. Administrative Alternate Findings

The Director in accordance with [Sec. 10.2.1 Administrative Alternate](#) may approve an administrative alternate subject to all the following findings:

1. The approved administrative alternate meets the intent of the vehicle parking lot regulations;
2. The approved administrative alternate conforms with the Comprehensive Plan and adopted City plans; and
3. The approved administrative alternate is considered equal or better to the standard.

Effective on: 7/20/2018

Sec. 6.11.5. Required Parking

A. Parking Requirements by Use (Off-Street Parking Schedule)

A development shall provide the minimum number of required parking spaces according to the Off-Street Parking Schedule in Table 6.11.8.

- B. **Determining Parking Requirements for Unknown Uses.** If a use is not clearly listed in Sec. 6.11.8. Off-Street Parking Schedule, the Director shall determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The last edition of the ITE, Parking Generation: Summary of Parking Occupancy Data may also be used as a guide for determining the appropriate number of parking spaces in the event a use is not listed in Sec. 6.11.8. Off-Street Parking Schedule. For uses located within the Nickel Plate District, refer to the Nickel Plate District Code.

- C. **Bicycle Parking.** The minimum number of required bicycle parking spaces shall follow the requirements in Sec. 6.11.6.

- D. **Electric Vehicle Charging Stations.** The minimum number of required EV charging stations shall follow the requirements in Sec. 6.11.11.

1. If a use is not clearly listed in [Sec. 6.11.8. Off-Street Parking Schedule](#), the Director shall determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The last edition of the [ITE, Parking Generation: Summary of Parking Occupancy Data](#) may also be used as a guide for determining the appropriate number of parking spaces in the event a use is not listed in [Sec. 6.11.8. Off-Street Parking Schedule](#). For uses located within the Nickel Plate District, refer to the [Nickel Plate District Code](#).
2. **Multiple Uses on a Lot.** When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduced parking (see Sec. 6.11.7.A).
3. **Parking Space Designations.** ADA, EVCS, Drive-through stacking spaces may be counted toward the total number of required parking spaces.
4. **Distinction between Parking and Loading Areas.** Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

E. **ADA-Accessible Required Parking.**

1. **Intent.** The City of Fishers encourages all development that serves the public to provide facilities that are accessible to people with disabilities as defined by this Ordinance and the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal and pursuant to the ADA, accessible parking shall be provided by any building or use initiated after the effective date of this Ordinance

- according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.
2. **Required Number.** The minimum required number of accessible parking spaces shall be provided according to Table 6.11.5.A.
 3. **Calculating Required Accessible Spaces.** The required number of accessible parking spaces shall be calculated prior to any applied reduction in parking requirements otherwise approved by the Director or provided pursuant to Section 6.11.8.
 4. **Location.**
 - a. Accessible parking spaces must be located on the shortest accessible route to an accessible entrance, relative to other spaces in the same parking facility.
 - b. Where parking serves multiple entrances to a facility, accessible spaces must be dispersed among accessible entrances.
 5. **Design and Layout of Accessible Parking Areas**
 - a. **Access Aisles.**
 1. Every accessible parking space shall have access to an access aisle.
 2. Two accessible parking spaces may share one access aisle if the parking spaces are designed at 90-degree angle. If the parking spaces are angled less than 90 degrees, or otherwise restrict entry into the space to one direction only, then every accessible space shall have its own accessible aisle.
 3. Access aisles shall measure at least sixty (60) inches in width when adjacent to a standard accessible space and at least ninety-six (96) inches in width when adjacent to a van accessible space.
 4. For each access aisle which is eight (8) feet or wider, bollards shall be placed at the driveway end of the aisle to prevent vehicles from parking in the aisle illegally.
 - b. **Accessible Routes.** Each access aisle shall abut an accessible route to the building entrance. The minimum width of said accessible route shall be three (3) feet.
 - c. **Maximum Slope.** Accessible parking spaces, access aisles, and accessible routes shall not exceed a slope of 1:48, and the ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.
 6. **Signage And Marking**
 - a. All accessible spaces shall be identified by the International Symbol of Accessibility. In addition to the International Symbol of Accessibility sign, van-accessible signs shall include "Van Accessible" on the sign.
 - b. Signs shall be placed a minimum of sixty (60) inches above ground level measured from grade to the bottom of the sign so that the sign is visible to the vehicle when it's parking.

B. Excessive Parking

A parking lot that exceeds the minimum parking space requirements (listed in Sec. 6.11.8. Off-Street Parking Schedule) by more than 10% shall also:

1. Increase the number of landscape bump-outs (in single-aisle parking lots) or landscape bump-outs and islands (in multiple-aisle parking lots) required in Sec. 6.11.4. Parking Area Landscaping by the same percentage. [Example: If the number of parking spaces is increased by 30%, then the number of landscape islands and/or bump-outs shall be increased by 30%].

2. Each additional landscape island or bump-out shall be installed according to the requirements of Sec. 6.11.4. Parking Area Landscaping.

Table 6.11.5.A Minimum Number of Accessible Parking Spaces			
Provided total parking spaces per development	A: Standard Space	B: Van Space	C: Total Spaces (Standard + Van)
<u>1-25</u>	<u>0</u>	<u>1</u>	<u>1</u>
<u>26-50</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>51-75</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>76-100</u>	<u>3</u>	<u>1</u>	<u>4</u>
<u>101-150</u>	<u>4</u>	<u>1</u>	<u>5</u>
<u>151-200</u>	<u>5</u>	<u>1</u>	<u>6</u>
<u>201-300</u>	<u>5</u>	<u>2</u>	<u>7</u>
<u>301-400</u>	<u>6</u>	<u>2</u>	<u>8</u>
<u>401-500</u>	<u>7</u>	<u>2</u>	<u>9</u>
<u>501-1000</u>	<u>= 80 % of Column C</u>	<u>Column C – Column A</u>	<u>2 % of total provided parking spaces</u>
<u>1001+</u>	<u>= 80 % of Column C</u>	<u>Column C – Column A</u>	<u>20, plus 1 for each 100 spaces over 1,000</u>



Effective on: 7/20/2018

Sec. 6.11.6. Bicycle Parking

A. Minimum Number of Spaces

A minimum of one (1) bicycle parking space shall be provided per 30 vehicle parking spaces required. No more than 15 bicycle parking spaces shall be required for any primary structure.

B. Proximity to Primary Structure

The bicycle parking spaces shall be near the main entryway into the primary structure or be located inside the primary structure.

C. Bike Rack Requirement

A bike rack shall be installed to secure the bicycles. One (1) rack shall count as two (2) bicycle parking spaces.

D. Pedestrian Ways

Bicycle parking areas shall be designed such that when fully occupied, the bicycles, including trailers, shall not obstruct an adjacent sidewalk, path, or other pedestrian way.

E. Exception

The Director may waive this requirement if it is determined that bicycle facilities do not support the specific use or location of the property.

(Ord. 081919D, 08/19/2019)

Effective on: 8/19/2019

Sec. 6.11.7. Additional Parking Provisions

A. Shared Parking

A group of adjacent properties may provide a shared parking area if all the following criteria are met:

1. **Minimum Number of Parking Spaces Required.** The shared lot shall provide at least 80% of the cumulative total of parking spaces required for each use
2. **Administrative Approval.** The Director approves the shared parking area.
3. **Reciprocal Parking Agreement.** A written reciprocal parking agreement signed by all property owners involved is required and shall include provisions concerning at least the following items: maintenance, snow removal, ownership, and liability and shall be recorded in the County Recorder's office. The agreement may be reviewed and approved by the City Attorney. A copy of the recorded agreement shall also be submitted to and kept in the Department office.

B. Stacking Spaces

~~In accordance with Sec. 6.11.12. Drive-Through Design Standards. The following uses shall provide adequate stacking lane space to accommodate the number of vehicles per lane specified in the following chart:~~

Bank	4
Car wash, automated	3
Car wash, full-service	6
Car wash, self-service	3
Dry cleaner	3
Fast food/quick service	7
Pick-up windows	5



C. Tandem Spaces

1. Tandem parking is allowed for single-unit, two-unit and multi-unit living.
2. Two parking spaces in tandem must have a combined minimum dimension of nine (9) feet wide by 36 feet long.
3. Both parking spaces in tandem must be assigned to the same dwelling unit.
4. Tandem parking may not be used to provide guest parking.

D. Valet Parking

Valet parking may be permitted as a means of satisfying the parking requirements where all the following standards have been met:

1. An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking.
2. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.
3. Valet spaces do not require individual striping and may consider the mass parking of vehicles.

E. Reserved Parking

Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded.

1. **Residential.**
 - a. One (1) space per efficiency or 1-bedroom multi-living dwelling unit.
 - b. Two (2) spaces per two-bedroom or greater multi-living dwelling unit.
2. **Non-residential.**
No more than 1/3 of the total provided spaces may be reserved.

F. Electrical Vehicle Parking

~~In accordance with Sec.6.11.11 Electric Vehicle Charging, In multi-family developments, one (1) Electric Vehicle (EV) power source shall be provided for every 50 required parking spaces.~~

Effective on: 7/20/2018

Sec. 6.11.8. Off-Street Parking Schedule

<u>PROPOSED 6.11.8. Off-Street Parking Schedule</u>	
DU = dwelling unit, GFA = gross floor area, sf = square feet	
<u>Use Category</u>	<u>Minimum Stalls Required</u>
RESIDENTIAL	-
Household Living	-
Single-unit living	2 spaces per DU
Two-unit living	1.5 spaces per DU
Multi-unit living:	-
Triplex, fourplex	1 space per DU
Studio - 1-bedroom DU	1 space per DU
2-bedrooms DU	1.5 spaces per DU
3 and more bedrooms DU	2 spaces per DU
Cottage court	1 per DU
Manufactured home development	1 per DU
Mobile home	1 per DU
Group Home Living	-
Group home	1 per 8 beds design capacity
Nursing home	1 per 8 beds design capacity

Special care facility	-
Residential facility for the developmentally disabled	1 per 8 beds design capacity
Residential facility for the mentally ill	1 per 8 beds design capacity
Senior Living	-
Senior Living Community	1 spaces per DU
Assisted Living	1 per 3 assisted living rooms and/or nursing rooms
Independent Living	1 spaces per DU
Nursing Home	1 per 3 rooms and/or nursing rooms
PUBLIC & INSTITUTIONAL	-
CIVIC	-
Cemetery	1 space per 50 gravesites + the parking requirement for an assembly if an indoor chapel / mausoleum provided.
Crematory	5 visitor spaces + 1 per 1,000 sf GFA
Drug or alcohol rehabilitation clinic	1 space per 8 client capacity
Facility for developmentally disabled or mentally ill	1 space per 8 client capacity
Library	1 space per 1,000 sf of GFA
Mortuaries or funeral home	5 spaces + 10 spaces per 1,000 sf of the largest assembly space
Place of Worship	10 spaces per 1,000 sf of the largest assembly space
Police, fire or rescue station	1 per employee
Recycling center	1 per collection bin + 1 per employee on the largest shift
Water/sewage treatment plant	1 visitor space per 5 employees + 1 space per employee on the largest shift
EDUCATIONAL FACILITIES	-
School, Preschool through Kindergarten	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
School, Elementary and Middle School	1 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
School, High School	1 per classroom + 2 spaces per 1,000 sf GFA of administrative office space + 1 per 10 high school student enrollment capacity
School, Trade/Business	1 per classroom + 1 space per 1,000 sf GFA of administrative office space
HEALTHCARE FACILITIES	-
Hospital	1 per 3 patient beds at design capacity
Medical office/clinic	3 per 1,000 sf of GFA
PARKS & OPEN SPACE	-
Open Space and Greenway	No parking required
Outdoor Living History Museum	Per Sec. 5.3.2.B
Parks below 2 acres	No parking required
Parks above 2 acres	2 spaces per 1 acre of the park
UTILITIES AND COMMUNICATION	-
Minor utilities	1 space per facility
Major utilities	1 space per facility
Telecommunication tower	1 space per facility
Micro (small cell) tower	1 space per facility
Wind turbines	1 space per facility
COMMERCIAL & INDUSTRIAL USES	-
Child Care	-
Child care center	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space
Child care ministry	2 per classroom + 2 spaces per 1,000 sf GFA of administrative office space. If existing parking spaces at a Place of Worship already meet this requirement, no additional parking spaces need to be provided.
Child care home	Same as home occupation parking requirements
Entertainment, Fitness and Recreation	-
Indoor	-
Adult entertainment establishment	3 spaces per 1,000 sf GFA
Bowling alley	2 spaces per lane
Community Center	2 spaces per 1,000 sf GFA
Conference center, event venue, banquet hall	4 spaces per 1,000 sf of assembly area
Fitness Center	2 spaces per 1,000 sf GFA
Golf Clubhouse	1 space per 1,000 sf GFA
Sports arena, indoor stadium	1 space per 20 seats
Studios, martial arts/dance/gymnastics/etc.	1 space per 1,000 sf GFA
Swimming pool, commercial or community	4 spaces per 1,000 sf of the swimming pool area
Theater, indoor	10 spaces per 1,000 sf of all seating areas
Other indoor assembly areas	1 space per 1,000 sf GFA
Outdoor	-
Commercial Court, tennis/basketball	2 per court
Golf Course	1 space per golf hole
Stadium	1 space per 20 seats
Swimming pool, commercial or community	4 spaces per 1,000 sf of the swimming pool area
Theater, outdoor	200 spaces maximum

<u>Outdoor recreation & entertainment (excludes parks)</u>	1.5 spaces per 10,000 sf of outdoor recreation / entertainment area
Food & Drink Establishments	-
<u>Bar, tavern, lounge</u>	4 spaces per 1,000 sf GFA
<u>Brewery, distillery, or winery</u>	Indoor tasting/seating area: 3 spaces per 1,000 sf GFA Outdoor tasting/seating area: 1.5 spaces per 1,000 sf of outdoor seating area.
<u>Eating establishments (restaurants, fast-food, coffee shops, etc.)</u>	Indoor seating area: 3 spaces per 1,000 sf GFA Outdoor seating area: 1.5 spaces per 1,000 sf of outdoor seating area.
Manufacturing, Research and Development	-
<u>Light industrial</u>	1.5 spaces per 1,000 sf GFA of administrative office area.
<u>Light manufacturing</u>	1.5 spaces per 1,000 sf GFA of administrative office area.
<u>Research & Development</u>	1.5 spaces per 1,000 sf GFA of administrative office area.
Lodging	-
<u>Bed and Breakfast</u>	1 per quest room plus 1 per employee
<u>Hotel, Motel</u>	0.5 per quest room
<u>Short-term rentals, owner-occupied</u>	No additional parking
<u>Short-term rentals, not owner-occupied</u>	No additional parking
Office	-
<u>Office: business, professional, or government (includes post office).</u>	1.5 spaces per 1,000 sf GFA
Personal Services	-
<u>Personal Services</u>	3 spaces per 1,000 sf GFA
Retail Sales	-
<u>All retail uses, indoor</u>	3 spaces per 1,000 sf for the first 5,000 sf GFA + 2 spaces per 1,000 sf for GFA between 5-25k + 1 space per 1,000 sf for GFA beyond 25,000 sf
<u>All retail uses, outdoor display</u>	0.5 spaces per 1,000 sf of outdoor display area
Vehicle-Related Operations	-
<u>Car wash</u>	1 space per 1,000 sf of GFA of indoor sales/office area
<u>Electric Vehicle Charging Station</u>	No additional parking
<u>Electric Vehicle Charging Facility</u>	No additional parking
<u>Vehicle fuel sales</u>	2 spaces per 1,000 sf GFA of convenience/gas store
<u>Vehicle repair (minor, major)</u>	1 space per 1,000 sf of GFA
<u>Vehicle sales/rentals</u>	0.5 spaces per 1,000 sf of GFA
Warehousing and Storage	-
<u>Self-service storage</u>	1 space per 1,000 sf of GFA of indoor sales/office area
<u>Warehouse & distribution</u>	1.5 spaces per 1,000 sf GFA of administrative office area.
<u>Wholesale trade</u>	1.5 spaces per 1,000 sf GFA of administrative office area.
AGRICULTURAL & ANIMAL USES	-
<u>Beekeeping</u>	No additional parking
<u>Community garden</u>	No additional parking
<u>Domestic Pets</u>	No additional parking
<u>Domestic Farm Animals</u>	No additional parking
<u>Kennel</u>	1 space per 1,000 sf GFA
<u>Pet Grooming</u>	1 space per 1,000 sf GFA
<u>Plant nursery</u>	1 space per 1,000 sf GFA of retail sales space
<u>Produce stand</u>	Per Sec. 5.8.2.C.2
<u>Urban farm</u>	No additional parking
<u>Veterinary Clinic</u>	2 spaces per 1,000 sf GFA
<u>Other agricultural uses as defined in this UDO</u>	No additional parking
ACCESSORY USES	-
Accessory uses, general	-
<u>Caretaker's residence</u>	1 space per DU
<u>Drive-through</u>	No additional parking
<u>Home Occupation</u>	Additional parking may be required depending on the type of Home Occupation.
<u>Outdoor Dining</u>	See parking requirements under "Food Establishment" category.
<u>Recreational Use related to a Residential Development</u>	See parking requirements under "Entertainment, Fitness, & Recreation" category.
<u>Residential Accessory Service</u>	No additional parking
TEMPORARY USES	-
Temporary uses, general	-
<u>Construction Trailer</u>	No additional parking
<u>Event Tents</u>	No additional parking
<u>Garage/Yard Sale</u>	No additional parking
<u>Institutional</u>	No additional parking
<u>Sales Office for Model Home</u>	Per Sec. 5.8.2.C
<u>Special Event</u>	Per this table based on the use(s) and occupancy most applicable to the event.
<u>Temporary off-street parking</u>	No additional parking
<u>Temporary trash receptacle</u>	No additional parking
<u>Temporary storage unit (POD)</u>	No additional parking

6.11.8. Off-Street Parking Schedule

Use Category	Minimum Stalls Required
Residential Uses	
Assisted living facility and home	1 per 4 beds; plus 1 per employee for the largest shift
Bed and breakfast	1 per bedroom
Children's homes/orphanage	1 per 15 children + 1 per employee for the largest shift
Fair housing facility	1 per 4 people living in the facility
Group home	1 per 6 people living in the facility
Household living, as listed below:	-
Single-unit and two-unit living	2 per unit
Multi-unit living: 0 - 1-bedroom	1 space per unit + 1 space per 10 units for visitors
Multi-unit living: 2 bedrooms	2 spaces per unit + 1 space per 10 units for visitors
Multi-unit living: 3 bedrooms	3 spaces per unit + 1 space per 10 units for visitors
Multi-unit living: 4 bedrooms	4 spaces per unit + 1 space per 10 units for visitors
Multi-unit living: 5+ bedrooms	4.5 spaces per unit + 1 space per 10 units for visitors
Manufactured home development	2 per unit
Nursing and convalescent home	1 per 4 beds + 1 per employee for the largest shift
Recreational or amenity facility	1 per 300 square feet + 1 per 250 sf of water surface area of a pool+ plus 1 per employee of the largest shift
Retirement community	1 per non-assisted living room + 1 per 3 assisted living rooms and/or nursing rooms + 1 visitor per 8 rooms + 1 per employee
Public & Institutional	
Above ground utility facilities	1 per facility
Airport and heliport	1 per 2-emplaning passengers
Cemetery	1 per 50 gravesites
Crematory	5 visitor spaces + 1 per employee for the largest shift
Drug or alcohol rehabilitation clinic	2 spaces per 3 client capacity
Facility for developmentally disabled or mentally ill	1 space per 3 client capacity + 1 per employee for the largest shift
Government office	1 space per 500 gross sf or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
Hospital	2 per 1 bed
Libraries	1 per 3 people
Mortuaries or funeral home	5 + 250 sf of usable and accessible paved parking area for every 25 sf of assembly room floor area
Places of worship	3 per 7 seats
Police, fire or rescue station	1 per employee
Post office	1 per 150 sf accessible to the public + 1 per employee for the largest shift
Recycling center	1 per collection bin + 1 per employee for the largest shift
School (P-12)	3 per elementary or junior high classroom + 1 per 10 high school student enrollment capacity + 1 per 4 seats in the largest assembly space + 1 per teacher and administrator
School, trade or business	1 per teacher, staff and administrator
Water/sewage treatment plant	1 visitor space per 5 employees + 1 space per employee on the largest shift
Retail, Service, Entertainment & Office Use	
Appliance stores	2 per 1,000 sf
Bank machines, ATM (walk-up)	2 per ATM
Bowling alley	4 per lane

6.11.8. Off-Street Parking Schedule

Use Category	Minimum Stalls Required
Coffee shop	1 per 2 seats
Drugstores	3 per 1,000 sf
Financial institutions and savings and loan offices	2 per 1,000 sf
Furniture stores	2 per 1,000 sf
Plant nursery with outdoor sales and display ⁵	2.5 per 1,000 sf of gross building area excluding greenhouse area
Grocery stores	3 per 1,000 sf
Health spas	3 per spa suite
Hotel/motel	1 per guest unit + 1 per employee for the largest shift
Integrated center	1 per 250 sf
Kennel	1 per 10 pet accommodation spaces
Lumber yards	2 per 1,000 sf of floor area + 1 per 1,000 sf of open area for sales and display
Medical, clinics (dental, optical included)	4 per treatment room
Medical, hospitals	1.75 per bed
Offices	1 per 300 sf
Office, construction trade	1 per employee of the largest shift
Personal services (nail salons, massage, etc.)	3 per chair
Resort hotels	1.1 per guest unit
Restaurants	8 per 1,000 sf
Restaurants, deli/fast food/parlor	1 per 2 seats
Restaurants, family	1 per 3 seats + 1 for each employee of the largest shift
Restaurants, fine dining	1 per 2 seats + 1 for each employee of the largest shift
Retail, low intensity	1 per 300 sf + 1 per 400 sf for GFA beyond 2,000 sf
Retail, moderate and high intensity	1 per 250 sf for the first 5,000 sf + 1 per 300 sf for GFA between 5,000 sf and 25,000 sf + 1 per 400 sf for GFA beyond 25,000 sf
Retail, unique	1 per 500 sf of indoor showroom + 1 per 20 outdoor vehicles displayed
Shopping centers, community and regional	4 per 1,000 sf
Sexually oriented business, entertainment	2 per 5 people
Studios, martial arts/dance/gymnastics/etc.	1 per 3 people
Theater, movie	1 per 4 seats
Theater, drive-in	200 max
Veterinary clinic	4 per treatment room
Automobile and Vehicle Uses	
Auto rental agencies	2 spaces per employee for the largest shift
Auto body shop/repair/service stations/car wash	2 per bay + per employee for the largest shift
Auto gas/convenience	3 per 1,000 sf + 1 per 3 seats + 1 per employee for the largest shift
Auto and vehicle sales	2 per 1,000 sf
Industrial, Manufacturing, & Processing Uses	
Industrial uses, general	1.1 per employee for the largest shift + 1 visitor space per 10 employees
Storage, personal storage facility	1 space per 5,000 sf for single tenant facility; or 1 per 6 storage units
Warehouses and storage facilities	1.1 per employee for the largest shift + 1 visitor space per 10 employees
Wholesaling and distribution	1 per 3,000 sf

6.11.8. Off-Street Parking Schedule

Use Category	Minimum Stalls Required
Open Space & Recreation	
Community center	1 per 3 people
Driving range	2 per 3 tee boxes
Golf course	20 per 9 holes
Golf, miniature	20 spaces per 18-hole course
Gym	1 per 300 sf
Park, active	2 per 1 acre of land
Park, passive	2 per mile of trail or 1 per 3 acres
Nature preserve	4 per 1,000 sf
Skate park, skating rinks, ice and roller	1 per 500 sf of skating area
Sports arenas and stadiums	20 per field or court
Swimming pools, commercial	1 per 75 sf of pool area
Tennis facilities, commercial	3 per court

(Ord. 011822, 02/21/2022; Ord. 121922E, 01/17/2023)

Effective on: 1/17/2023

Sec. 6.11.9. Parking Reductions

A parking lot may be built with fewer spaces than the required minimum spaces in [Sec. 6.11.8. Off-Street Parking Schedule](#) if the following standards are met:

- A. Adequate and appropriate space shall be land-banked such that the full number of parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) can be built on site later, should the need arise.
- B. The property owner shall record a Plot Plan in the County Recorder's office that clearly denotes the land-banked area, and that identifies the area as a "no build zone."
- C. The property owner shall present a design showing how the full number of parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) would be installed, and how drainage would be handled, should the need arise. This design shall be recorded in the County Recorder's office.
- D. Under no circumstances shall less than 40% of the parking spaces required in [Sec. 6.11.8. Off-Street Parking Schedule](#) be permitted to be installed.

Effective on: 7/20/2018

Sec. 6.11.10. Off-Street Loading

A. Number of Loading Berths Required

Off-street loading berths shall be provided in accordance with the following minimum requirements:

	Loading Berths	Distance from Nearest Residential Use
Agricultural		
Commercial greenhouse	1 berth for 15,000 sf or less. 2 berths for 15,000 sf or more.	100'
Hospital	1 berth for 200 beds or less. 2 berths for 200 to 500 beds. 3 berths for 500 beds or more.	100'

Private or public recreational club with restaurant	Not required, but if there is 1, then separation distance must be met.	100'
Non-residential Districts		
Auditorium, hotel, office building, sports arena, or similar use	1 berth for over 10,000 sf but less than 40,000 sf of gross floor area, + 1 berth for each additional 60,000 sf over 40,000 sf	150'
Retail stores and shopping centers	1 berth for over 10,000 sf but less than 25,000 sf of gross aggregate floor area + 1 berth for each additional 50,000 sf over 25,000 sf up to 225,000 sf	150'
Wholesale, warehouse, distributor storage or transfer establishment, heavy commercial, custom fabrication, crating, packaging, lumberyard or other similar industrial or commercial uses	1 berth for up to 40,000 sf of gross aggregate floor area, + 1 berth for over 40,000 sf but less than 100,000 sf, but 1 berth for each additional 150,000 sf over 100,000 sf	150'
Use not specified	To be determined by the Commission	

B. Dimension

A required off-street loading berth shall be at least 12 feet in width by at least 55 feet in length exclusive of aisle and maneuvering space and shall have a vertical clearance of at least 15 feet.

C. Access to and from Off-street Loading

- Berth Access.** Each required off-street loading berths shall open directly upon an aisle or driveway of such width and design as to provided safe and efficient means of vehicular access to such loading space.
- Access to a Public Way.** All off-street loading berths shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
- Maximum Width.** No driveway from a loading berth that extends into the street right-of-way (between the lot line and street pavement) shall exceed the widths specified in [Article 6.4. Entrance & Driveway Standards](#); provided, however, two (2) driveways not exceeding 25 feet in width each may constitute a single entrance or exit.
- Acceleration/Deceleration and Passing Lanes.** Each industrial use which is so located that it fronts upon and provides access to a highway, thoroughfare, or collector, shall provide an acceleration/deceleration lane paralleling and adjoining the improved part of the right-of-way and at 11 feet in width for right-turn traffic entering the lot; except, however, that uses located on the left-hand side of a one-way street shall provide a left-turn lane. The access point shall be located so that the acceleration/deceleration lane shall be a minimum of 100 feet in length, exclusive of the entrance way. Provided, however, if the lot frontage is too small to provide such 100 feet of acceleration/deceleration lane, the entrance shall be so located that the acceleration/deceleration lane shall extend the entire width of the lot. A passing lane opposite the entrance and 75 feet either side of the center of the entrance shall be provided if there are only two (2) traffic lanes.
- Entrance Location.** Driveways from off-street loading berths shall comply with the requirements of [Article 6.4. Entrance & Driveway Standards](#).

D. Location and Setback

- All required loading berths shall be located on the same lot as the use served and shall be so designed and located that trucks shall not back from or into a public street.
- No open loading berth shall be in a minimum required front yard or the area between the front lot line and the front line of the primary building.
- No loading berth shall be in a minimum required side or rear yard.

E. Screening

All loading berths on any lot abutting a residential zoning district or separated by an alley from a residential zoning district shall be enclosed within a building or sufficiently screened and landscaped to conceal completely the doors of the loading berths and any vehicles that access the loading berths from view from the residential zoning district.

F. Surface of Loading Area

1. **Open and Enclosed Loading Area.** Off-street loading berths may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other major structure and subject to all requirements thereof.
2. **Surface Drainage.** The surface shall be graded and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.
3. **Lighting Standards.** When lighting facilities are used to illuminate a loading area, they shall follow all standards established in [Article 6.5. Exterior Lighting Standards](#).

Effective on: 7/20/2018

Sec. 6.11.11. Electric Vehicle Charging

To reach the City of Fisher's sustainability goals, provide its residents with clean transportation alternatives, protect public health, and promote general welfare, certain new construction needs to include Electric Vehicle Charging Stations, as well as infrastructure to add more stations in the future.

A. Minimum EVCS design standards.

1. Required EV-Ready parking spaces must include space, electrical conduit or cable raceway, electric banks, and access points.
2. Required EVCS shall be at minimum a Level 2 EVCS, supplying a current at 240 V or 208 V.
3. Charging equipment must be mounted on the wall or on a structure adjacent to the EV parking space.
4. No EVSE or EVCS accessory equipment may be placed within the dimensions of a parking space.
5. When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the parking lot as to reduce conflicts with pedestrians and vehicle maneuvering.
6. Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk.
7. Equipment mounted on structures such as pedestals, lighting posts, bollards, or other devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.
8. Upon a showing of good cause, alternative designs may be approved by the Director or their designee.

B. Required EVCS.

1. **Applicability.** The requirements of this section shall apply to the following developments:
 - a. A new parking facility requiring installation of at least 50 parking spaces OR an existing parking facility to be expanded by 50 parking spaces, as measured in parking spaces created after July 1, 2025. A parking facility may be maintained or reconstructed without triggering the requirements of this subdivision. However, where more than 50 parking spaces in place on July 1, 2025, are removed and new paving and base is installed, these requirements shall apply.
 - b. The development includes one or more of the uses identified in Table 6.11.11.
2. **Required Amount.**
 - a. The parking requirements of this Section are intended to provide minimum standards.
 - b. The EVCS parking requirements are based on a percentage of the provided parking spaces per a project's approved zoning, use, Special Exception, or after approval of any variance.
 - c. Where the calculation of percent results in a fractional parking space, it shall be rounded up to the next whole number.

- d. EVCS parking spaces existing on site shall be counted towards meeting the minimum required EVCS parking spaces if the spaces meet all applicable requirements in this section.
- e. The minimum number of EV-Ready, EV-Installed and Total EVCS shall be as listed in Table 6.11.11. Column A specifies the minimum required number of installed EVCS to meet the current EV charging demand. To meet anticipated demand for EVCS in the future, Column B specifies the required EV-Ready parking spaces to enable future EVCS installation. Column C specifies the total number of EV-Ready and EV-Installed spaces.
- f. The total number of required EV-Ready spaces shall be reduced by the number of provided EV-Installed spaces that exceed the minimum required percentages for EV-Installed provided in Table 6.11.11, Column A. (E.g., A new parking lot for a multi-family development required to provide at least 100 spaces, would be required to provide at least 5 EV-Installed spots and 15 EV-Ready spaces for a total of 20 EVCS spaces. If the developer provides 10 EV-Installed spaces (10 %) and by that increases the number of EVCS-Installed spaces by 5, then the developer can provide 10 EV-Ready spaces instead of 15. The resulting total minimum required number of EVCS spaces remains 20.)

Table 6.11.11 Required Minimum Electric Vehicle Charging Stations			
Land Use	A: EVCS Installed Spaces	B: EVCS-Ready Spaces	C: Total EVCS Spaces
Tier I			
<u>Multifamily dwelling</u>	<u>5 %</u>	<u>20 %</u>	<u>25 %</u>
<u>Stand-alone parking</u>	<u>5 %</u>	<u>15 %</u>	<u>20 %</u>
<u>Hotel</u>	<u>2 %</u>	<u>18 %</u>	<u>20 %</u>
<u>Motel</u>	<u>2 %</u>	<u>18 %</u>	<u>20 %</u>
<u>Office</u>	<u>2 %</u>	<u>18 %</u>	<u>20 %</u>
Tier II			
<u>Group Residential Facility</u>	<u>2 %</u>	<u>13 %</u>	<u>15 %</u>
<u>Convention or Exposition Center</u>	<u>2 %</u>	<u>13 %</u>	<u>15 %</u>
<u>Hospital</u>	<u>2 %</u>	<u>13 %</u>	<u>15 %</u>
<u>School, Trade/Business</u>	<u>2 %</u>	<u>13 %</u>	<u>15 %</u>
<u>School, University/College</u>	<u>2 %</u>	<u>13 %</u>	<u>15 %</u>
Tier III			
<u>School, Pre-K through K-12</u>	<u>2 %</u>	<u>8 %</u>	<u>10 %</u>
<u>Retail/Commercial (retail, grocery, restaurants, etc.)</u>	<u>2 %</u>	<u>8 %</u>	<u>10 %</u>

- 3. **Exemptions.** One a case-by-case basis, where the Director determines that EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 - a. Where there is no local power supply, or the local utility is unable to supply adequate power. OR
 - b. Where there is evidence suitable to the Director substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 6.11.11, may adversely impact the construction cost of the project.
- C. **ADA-accessible EVCS design standards.** Unlike gas stations where an attendant may be available to assist with refueling vehicles, EV charging stations are often unattended. Thus, it is important that EV charging stations be sufficiently accessible to allow independent use by drivers with disabilities. In addition to the standards in subdivision “A” of this section, an ADA-accessible EV-Installed parking space shall meet the following standards:
 - 1. It shall be clearly marked as an ADA- and EV-charging space by using special paving markings and/or parking vertical signage.

2. It shall be located as close to the building entrance as possible to permit safe maneuvering from the vehicle to the building.
3. The parking space shall measure at least twelve (12) feet wide and twenty-five (25) feet long to fit a vehicle and a maneuvering area around the vehicle to get to the access aisle and the EVCS.
4. The adjoining access aisle shall be at least five (5) feet wide.
5. The access aisle must be connected by an accessible route to the clear floor or ground space at the EVCS.
6. The “clear floor or ground space” at chargers must be a minimum of 30 inches in depth by 48 inches in length.
7. Grass, curbs, wheel stops, and bollards may not be located within the “clear floor or ground space”.
8. When the bollards are used to protect EVCS equipment, such bollards shouldn’t create obstructions of the accessible route to reach the EVCS.
9. Accessible EVCS shall not be installed on top or behind the curbs.
10. Accessible EVCS shall have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVCS and the Electric Vehicle.
11. Upon showing a good cause, an alternative ADA-accessible design may be approved by the Director guided by the principles from the latest adopted version of the “Design Recommendations for ADA-Accessible EVCS” released by the United States Access Board.

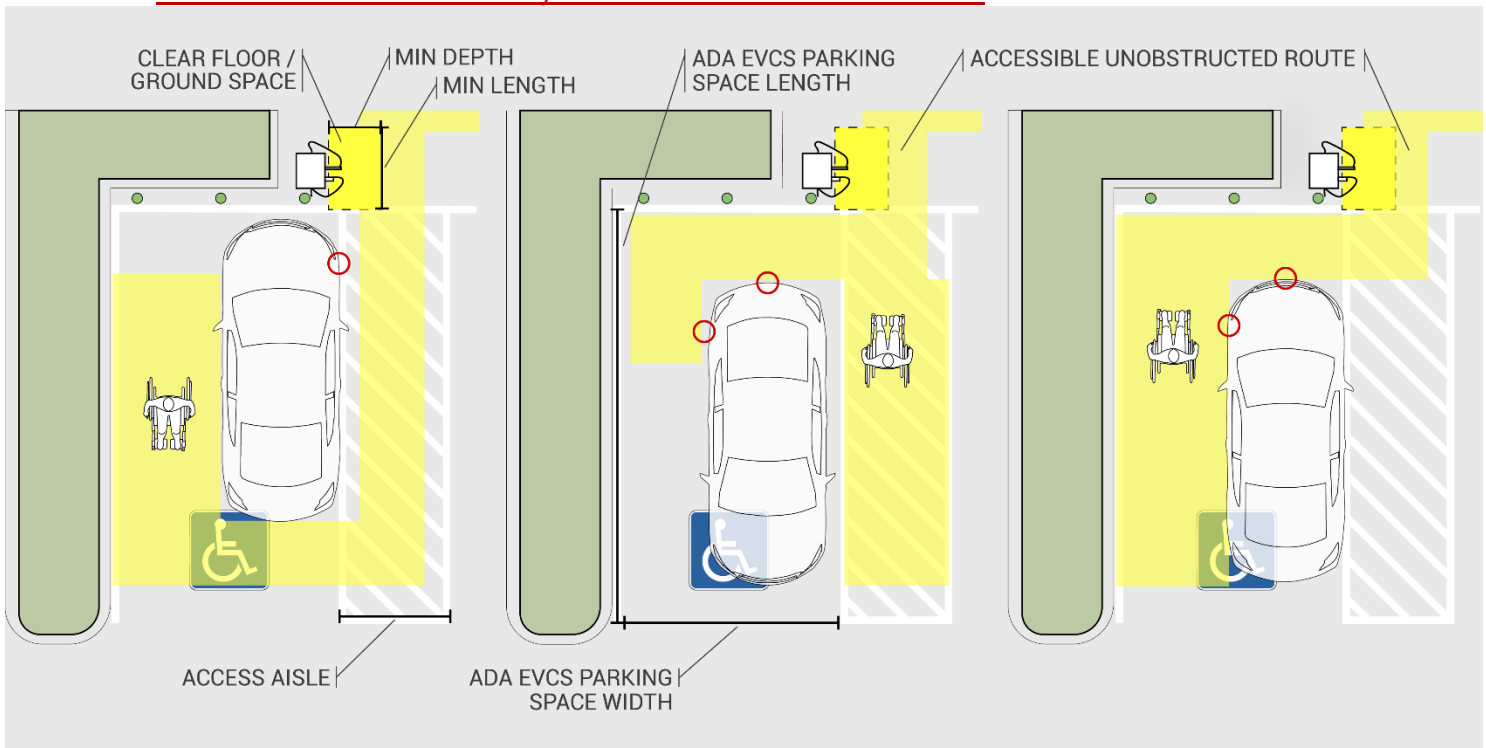


Figure 1. This image illustrates several scenarios of different locations of a charging port on a vehicle, different parking position, and the consequent need to create a clear path around the vehicle for a person with physical disabilities to reach the EVCS.

- D. Required number of ADA-accessible EV-Installed spaces.** The minimum required number of ADA-accessible EV-Installed spaces shall be based on the sum of required EV-Ready and EV-Installed spaces:
1. 0-4 EV parking spaces: 0 EV-ADA spaces.
 2. 5-50 EV parking spaces: 1 EV-ADA space.
 3. 51+ EV parking spaces: 1 EV-ADA space per 50 EV parking spaces (e.g., 51-100 EV parking spaces would lead to requiring at least 2 EV-ADA spaces, 101-150 would lead to 3 EV-ADA spaces and so on).

Sec. 6.11.12. Drive-Through Design Standards

Drive-through service is enabled in appropriate locations to improve service to customers, protect the public from contagion, and promote economic development, while also reducing the negative impacts that they may create by reducing the noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow.

A. Movement Design:

1. Drive-through lanes shall not obstruct on-site vehicular traffic flow to and from required parking and loading spaces or other driveways providing ingress and egress into and within the site.
2. Drive-through lanes may not be located within required driveway, internal circulation, or parking aisle widths.

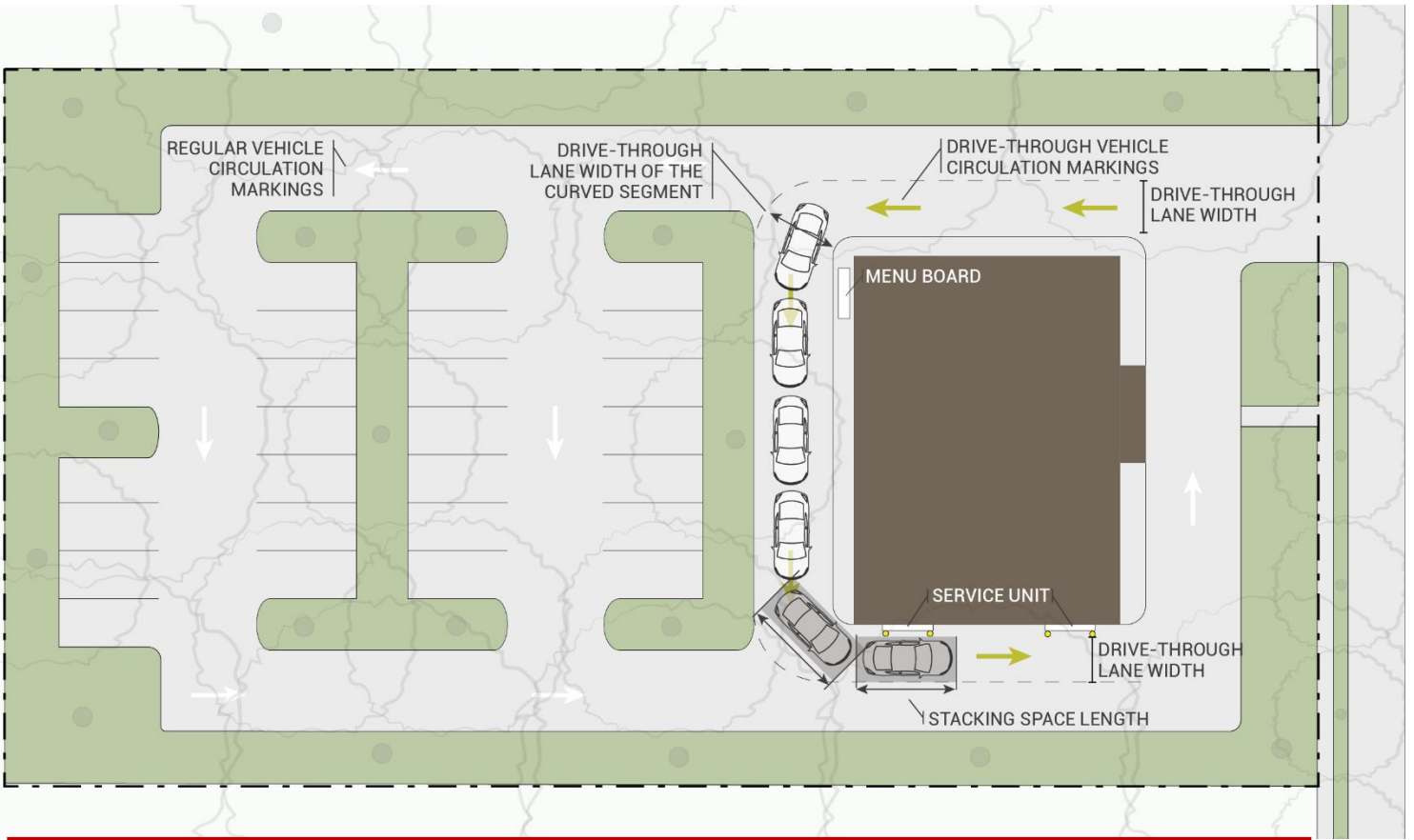
B. Drive-through Design Standards.

1. A stacking space shall be at least 25 feet long.
2. The width of a drive-through service lane shall be at least 9 feet.
3. The width of a drive-through service lane closest to the building shall be measured from the bollards or any other protective accessory structures located by the building.
4. The width of the curved segment(s) of the service lane shall be at least 12 feet.
5. Each entrance to, and exit from, a drive-through lane should be clearly marked to show the direction of traffic flow by signs and pavement markings or raised curbs.

C. Required Stacking Spaces.

1. **Required Amount.** All uses with drive-through facilities shall provide the minimum number of on-site stacking spaces indicated in Table 6.11.12: Minimum Number of Stacking Spaces and shall comply with the standards in Section 5.7.2.C.

Table 6.11.12 Minimum Number of Stacking Spaces	
Use	Required Stacking Spaces
<u>Food or beverage establishment</u>	<u>7 spaces per lane</u>
<u>Car wash</u>	<u>6 spaces per bay or lane</u>
<u>Financial institutions</u>	<u>4 spaces per lane</u>
<u>Other uses</u>	<u>3 spaces per lane</u>



Article 6.16. Setback Standards

Contents:

Sec. 6.16.1. Applicability

Sec. 6.16.2. Building Setbacks

Sec. 6.16.3. Setback Encroachment

Sec. 6.16.1. Applicability

This Article shall apply to all zoning districts.

Sec. 6.16.2. Building Setbacks

A. Setback Types

1. There are three (3) types of setbacks measured from property lines: front setback, side setback, and rear setback.
2. Setbacks are measured from the edge of the existing or proposed right-of-way as specified in the Thoroughfare Plan, whichever is greater.

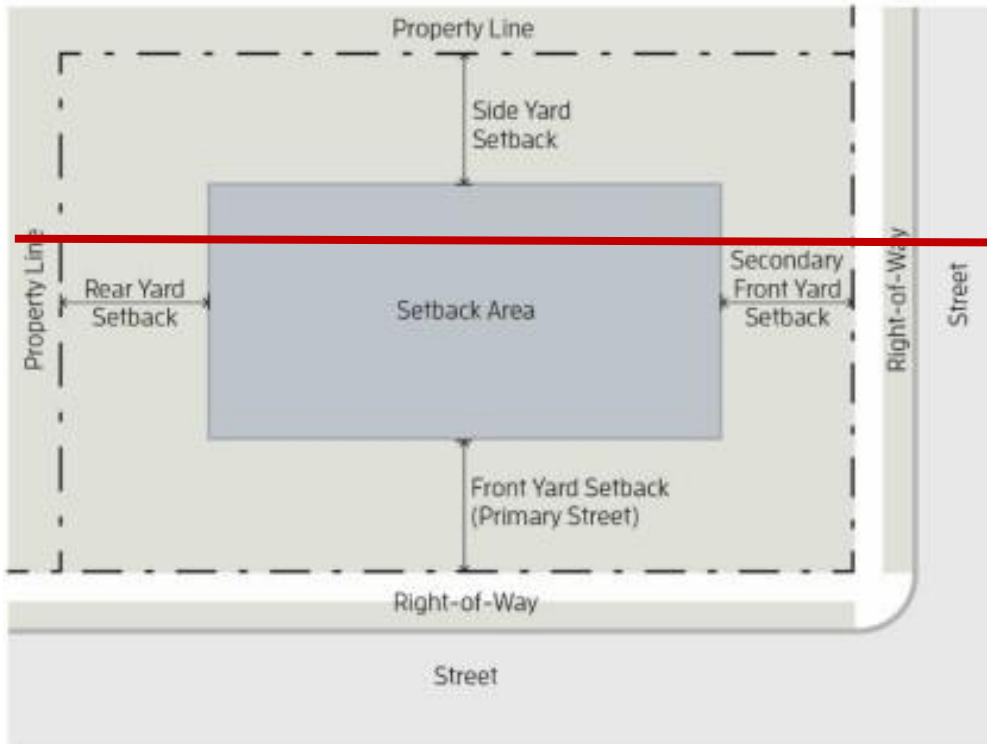
B. Measurement of Building Setbacks

1. **Front.** Front setbacks are measured perpendicular from the front property line.
2. **Side.** Side setbacks are measured perpendicular from the side property line.
3. **Rear.** Rear setbacks are measured perpendicular from the rear property line or the edge of the existing or proposed right-of-way, whichever is greater, where there is an alley.
4. **Average Measurement.** Where a subdivision has been platted and substantially built-out utilizing any setback standard less than that required by [CHAPTER 3. ZONING DISTRICTS](#), an infill lot may utilize the average setback as defined in [CHAPTER 12. DEFINITIONS](#).

~~C. Multiple Street Frontages~~

~~A multiple street frontage lot must designate at least one (1) primary street. The Director will determine which street or streets are the primary streets based on:~~

- ~~1. The street with the highest street classification in the Thoroughfare Plan;~~
- ~~2. The established orientation of the home; and~~
- ~~3. The street parallel to an alley within the block.~~



Residential One-, Two-Family Required Yards



D. Other Setbacks

1. **Top of Slope.** Primary and accessory structures shall be set back a minimum of 1/4 the height of the structure, plus the width of the eaves, plus an additional five (5) feet from the top of bank of any watercourse.
2. **Floodplain Setback.** Primary and accessory structures shall be set back a minimum of 25 feet from the edge of the 100-year floodplain.

E. Commercial Setbacks

1. In addition to A. and D. above, the buffer yard standards of [Article 6.7. Landscaping Standards](#), where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards for perimeter yards apply:
 - a. The side yard shall not be less than 30 feet, exclusive of any driveway or parking area, and the rear yard 50 feet.
 - b. The rear yard may be used for off-street parking, if a 30-foot wide buffer yard is maintained along the entire length of the yard exclusive of any easement.
 - c. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists

upon such adjoining lot or abutting frontage property, although residentially zoned.

2. Frontage roads or drives paralleling any road or street shall require a setback or front yard of 50 feet.
3. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending across 50% of the length of the side yard exclusive of all easements.

F. Industrial Setbacks

1. Frontage roads or drives paralleling any of the above roads or streets shall require a setback or front yard of 100 feet.
2. If any portion of the side yard is used for a driveway, there shall be provided and maintained a five-foot (5') planting area extending 50% of the length of the side yard exclusive of all easements.
3. In projects containing two (2) or more separate buildings, the minimum side yards shall be equal to the combined total of all required side yards.
4. Where a front yard abuts a street, on the opposite side of which is a residential zoning district, either zoned or occupied, the following standards apply:
 - a. The minimum front setback shall be 100 feet.
 - b. The front yard may not be used for parking, unless the street is designated as an expressway, interstate, major thoroughfare or thoroughfare.
5. Where a side or rear yard abuts either the side or rear lot line of an adjacent residential zoning district, the following standards apply:
 - a. The side yard shall be not less than 75 feet, exclusive of any driveway or parking area, and the rear yard shall be not less than 100 feet.
 - b. The rear yard may be used for off-street parking, if a 50-foot wide buffer yard is maintained along the entire length of the yard exclusive of all easement.
 - c. The requirements for perimeter yards shall not apply in those instances where commercial or industrial uses, legally established by permanent variance or lawful nonconforming use exists upon such adjoining or abutting frontage property, although residentially zoned.

Sec. 6.16.3. Setback Encroachment

All buildings and structures must be located at or behind required setbacks and shall not encroach into a required easement, except as listed below:

A. Building Features

1. Overhangs, wingwalls, bay windows, and residential chimneys may encroach two (2) feet into a required setback. An overhang or cornice on a commercial project may encroach four (4) feet into the required setback.
2. No part of any non-residential or mixed-use structure or building, excluding eaves or a cornice overhang (described above), or a canopy over an entrance, not exceeding 15 feet, shall be within a required yard area.
3. A porch that does not extend above the level of the first floor of the building may encroach into any required front or side yard up to four (4) feet.
4. Window wells may encroach up to four (4) feet into a required side setback so long as the minimum setback is no less than three (3) feet from the side property line.
5. Decks, attached patio covers, and sunrooms may encroach up to 50% into a required rear setback so long as the minimum setback is no less than five (5) feet from the rear property line.
6. Commercial projects may have an entrance canopy that extends 15 feet into the required setbacks.

B. Mechanical Equipment and Utility Lines

1. Mechanical equipment associated with residential uses, such as HVAC units, may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
2. Solar panels or wind turbines may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
3. Rainwater collection or harvesting systems may extend into a required rear or side setback, if such extension is at least three (3) feet from the vertical plane of any lot line.
4. Utility lines located underground and structures accessory to utility lines (such as hydrants, manholes and transformers and other cabinet structures) may extend into any setback.

C. Other Setback Encroachments

1. Walls and fences may encroach into a required easement and shall comply with [Article 6.18. Wall & Fence Standards](#).
2. Sidewalks and multiuse paths along any right-of-way or ingress/egress easement and that connect buildings to the public sidewalk system are exempt from the setbacks in this Article.
3. Driveways in single-family residential zoning districts are exempt, but shall not be closer than one-foot (1') to side and rear property lines unless a shared drive is utilized in accordance with [Article 6.4. Entrance & Driveway Standards](#). Non-residential driveways shall comply with [Article 6.4. Entrance & Driveway Standards](#).
4. Accessory Structures per [Article 6.2. Accessory Structure Standards](#).
5. Landscaping is exempt from this Article, but shall abide by the landscaping standards in [Article 6.7. Landscaping Standards](#).
6. Trails in parks and recreation facilities are exempt from the setbacks in this Article.

7. A community guard house is exempt from the setbacks in the zoning district; however, it must be in the median of boulevard entrance with a 25-foot setback from the right-of-way of the intersecting street.

Article 6.17. Signage Standards

Contents:

Sec. 6.17.1. Purpose & Intent

Sec. 6.17.2. Applicability

Sec. 6.17.3. Sign Permit Required

Sec. 6.17.4. Exempt Signs

Sec. 6.17.5. Prohibited Signs

Sec. 6.17.6. Free-Standing Signs

Sec. 6.17.7. Building Signs

Sec. 6.17.8. Temporary Signs

Sec. 6.17.9. Other Sign Types

Sec. 6.17.1. Purpose & Intent

The intent of this Article is to encourage the effective use of signs as a means of communication while maintaining the City's aesthetic environment by ensuring compatibility of signs with the area surrounding them. The sign regulations are not intended to censor speech or to regulate viewpoints. The purpose of these regulations is to:

- A. Provide each sign user an opportunity for adequate identification while guarding against excessive advertising and the confusing proliferation of signs by regulating the time, place and manner under which signs may be displayed.
- B. Ensure signs are in harmony with the building, the neighborhood (both existing commercial and residential or existing or proposed), and other signs in the area by eliminating sign clutter and promoting compatibility, proportion, simplicity, design quality, and sign effectiveness.
- C. Protect the safety of motorists and pedestrians by minimizing the distraction of excessive and intrusive signs as well as to protect the life, health, property, and general welfare of residents and visitors.

(Ord. [081919C](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 6.17.2. Applicability

A. *Signs Allowed*

The sign standards provided in this Article are intended to apply to all types of signs in all zoning districts, notwithstanding Section B. below. The only signs permitted are those stated in this Article; all other signs are prohibited unless otherwise stated within the UDO.

B. *New Zoning District*

If a new zoning district is created after the enactment of this Article, no signs shall be allowed until this Article is amended to govern the new zoning district.

C. *Official Signs*

Nothing contained in this Article shall prevent the installation, construction, or maintenance of official traffic, fire, or police signs, temporary traffic-control signs used during construction and maintenance of utility facilities, and substructure location and identification signs required to protect these facilities, devices, and markings of the state Department of Transportation, Director, Council, or of other competent public authorities, or the posting of the notices required by law. For the purposes of this Article, Official Pond Safety Signs shall be considered to be Official Signs regardless of location and/or responsibility for construction and maintenance of said signs.

D. Viewpoint Neutrality

1. No sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
2. Signs shall be regulated in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected commercial speech by message content.

(Ord. [081919C](#), 08/19/2019; Ord. [101121H](#), 11/15/2021)

Effective on: 11/15/2021

Sec. 6.17.3. Sign Permit Required

- A. It is unlawful for any person to place, alter, or to permit the placement or alteration of a sign, including painted signs, upon any lot without first obtaining an approved sign permit application from the Department (see also [Sec. 10.2.18. Sign Permit](#)). Signs that are exempt from this requirement are listed in the [Sec. 6.17.4. Exempt Signs](#) below.
- B. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Department. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Department.
- C. A permanent sign permit shall not be issued before a change of use, change of occupancy, or tenant space finish permit application has been filed.

(Ord. [101121H](#), 11/15/2021)

Effective on: 11/15/2021

Sec. 6.17.4. Exempt Signs

The following types of signs are exempt and do not require a permit in accordance with this Article:

- A. Corner stone signs up to nine (9) square feet per face that are carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure.
- B. Signs on an ATM up to 20% of the entire ATM machine.
- C. Artwork, murals, sculpted elements, and the like as reviewed and confirmed by the Director.
- D. Three (3) flags per site.
- E. Decorations for holidays and special events. Signs for special events shall comply with this Article.
- F. A change to the sign copy or panel replacement in a manner that will not alter or relocate the sign structure in any manner is exempt.
- G. Maintenance-Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure that does not include a structural change.
- H. Public safety, traffic control and other signs established on City owned property or within the right-of-way that have been reviewed and approved by the City.
- I. Official Pond Safety Signs in accordance with [Sec. 8.5.4. Official Pond Safety Signs](#) on public or private property where and when required by the UDO.
- J. Window signs in accordance with [Sec. 6.17.9.D. Window Signs](#).

(Ord. [111620B](#), 12/21/2020; Ord. [101121H](#), 11/15/2021)

Effective on: 11/15/2021

Sec. 6.17.5. Prohibited Signs

- A. No sign or other advertising device with visible moving parts or with flashing, animated, or intermittent illumination shall be erected.
- B. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon, or flashing illumination resembling any emergency lights shall be used. No sign shall emit any form of sound or sounds.
- C. No permanent sign shall contain any fluorescent paint or the like, including mirrors, which has the effect of intensifying reflected light.
- D. No sign of a permanent or temporary nature shall be affixed to any fence, tree, or any utility structure.
- E. Ribbon, pennants, balloons, streamers, strings of light bulbs, spinners, feather flags or any other similar device is prohibited unless otherwise allowed in the UDO.
- F. No sign structure shall obstruct any window, door, fire escape, stairway, or any opening intended to provide air, egress, or ingress for any building or structure.
- G. No sign shall be placed within the City of Fishers right-of-way other than traffic and designation signs or others approved by the City of Fishers or their designee.
 - 1. Exemptions: The following signs are exempt from the prohibition on placement in the right-of-way so long as they do not obstruct any traffic or designation signs or obstruct the view of drivers on City of Fishers streets:
 - a. Government signs that are placed by government officers in the performance of their official duties;
 - b. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties; and
 - c. Temporary signs necessary to prevent an immediate threat to public health and safety.
 - 2. "Right-of-way" shall mean the land contiguous to a City of Fishers street, extending a minimum of twenty (20) feet from the centerline of the street, pursuant to Indiana Code § 8-20-1-15, and shall include additional land which contains sidewalks, multi-use paths, drainage ditches along the road, land conspicuously used for the placement of public utilities, and/or directional signs.
 - a. In the event there is no obvious designation of the right-of-way based upon the above, the term City of Fishers right-of-way shall include at least the area between the edge of pavement of a City of Fishers street to the farthest of the following distances:
 - 1. The area between the City of Fishers street and the furthest edge of a public trail or sidewalk; or
 - 2. The edge from the City of Fishers street to above-ground utility poles or other utility structures, which are installed parallel to the City of Fishers street.
 - b. Any person seeking the information concerning the width of City of Fishers right-of-way at a specific location of a City of Fishers street may contact the Department of Engineering. A request must specifically identify the location of the right-of-way by street location.
 - 3. The Director of Planning & Zoning, the Director of Permitting & Inspections, or their designee may remove any sign placed or maintained in violation of this Section. Any person designated above may remove a sign located within City of Fishers right-of-way or on property owned by the City immediately and without notice. Neither the City of Fishers, nor a person designated by the City of Fishers, shall be liable to the owner of the sign for the removal of the sign in the City of Fishers right-of-way or on land owned by the City.
- H. No sign shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business.

- I. Electronic message boards and digital sign panels are prohibited unless otherwise allowed in the UDO.
- J. Off-premise signs meaning signs that display a message directing attention to a business, product, service, profession, commodity, event, person, institution, or commercial activity, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere that on the premises where the sign is located.

(Ord. 081919C, 08/19/2019; Ord. 102119C, 10/21/2019; Ord. 101121H, 11/15/2021; Ord. 041822E, 05/16/2022)

Effective on: 5/16/2022

Sec. 6.17.6. Free-Standing Signs

A. In General

1. Landscaping shall be provided around the ground sign equal to the square footage of one sign face. The landscaped area shall radiate out a minimum of three (3) feet from the base of the sign. Landscaping shall be provided and planted to substantially cover the area with landscape materials such as, but not limited to evergreens, annuals, ground covers, perennials, shrubs, and ornamental trees. The landscaping shall be at least 50% evergreen shrubs. Landscaping plans shall be included with the permit application.
2. Free-standing signs may be internally, externally, or non-illuminated in non-residential districts. If the sign is internally illuminated, light may only project through routed out letters. In residential districts, free-standing signs shall use external lighting, reverse (halo-lit) channels or non-illuminated letters only.
3. Free-standing signs shall complement the materials of the community, primary building or non-residential center, complex, business park or campus on which it is located. The support structure shall be covered by masonry materials such as natural flagstone and/or brick.
4. A sign shall be located no closer than five (5) feet to the property line.
5. **Height.** The maximum height for free-standing signs is measured from the grade of the sign to the top of the lettering. The overall height allowed for the sign may be increased by 25% for architectural elements that extend above the lettering height.
6. **Existing Pole Signs.** An existing pole sign that was permitted within special districts encompassing the I-69 highway interchange may be replaced with an Integrated Center Sign (see also *Sec. 6.17.6.F. Integrated Center Signs*) The maximum sign area shall be 240 square feet, with an overall height of 28 feet. To replace an existing pole sign, a written request and permit application must be submitted to the Department for review.

B. Signs Located at a Subdivision/Condominium/Apartment Complex



A ground mounted sign that defines the entrance to a subdivision, condominium or apartment complex.

Location	
Number of signs per subdivision entrance	Either one (1) with two (2) facing, or two (2) signs with one (1) facing each
Placement	Allowed at an intersecting right-of-way
Size	
Sign area (max) per face	32 sf
Height Sec. 6.16.6.A.6.	6'

C. Signs Located in the Interior of a Subdivision



A ground mounted sign located at the entrance to an individual neighborhood within a larger subdivision.

Location	
Number of signs	Either one (1) with two (2) facing, or two (2) signs with one (1) facing each.
Placement	Allowed at an intersecting right-of-way.
Size	
Sign area (max) per face	16 sf
Height Sec. 6.16.6.A.6.	3'

D. Signature Monuments



A sign that is located at the entrance to a subdivision or apartment complex that is mounted on a signature monument. This monument shall be designed to enhance the identity of the community. Examples of signature monuments, include, but are not limited to: a fountain, clock tower, masonry gazebo, outdoor plaza with water feature, etc.

Location	
Number of signature monuments per subdivision	1
Placement	At an intersection of two (2) collector streets or higher classification roadways
Size	
Sign Area (max) per face	32 sf
Height Sec. 6.16.6.A.6.	6'
Miscellaneous	
Signature monuments shall be reviewed by the PUD Committee for approval within a PUD District.	

E. Ground Signs Located on Lots with Non-Residential Uses



A ground mounted sign with up to two (2) faces located on a standalone lot that is not part of an integrated center.

Allocation	Property Frontage		
	0-250 ft.	250-500 ft.	> 500 ft.
Number of signs per lot	1	2*	2*
Size			
Sign area (maximum) per face	32 sf	32 sf each or one (1) 60 sf sign	45 sf each or one (1) 90 sf sign.
Height Sec. 6.16.6.A.6.	6'	6' each or one (1) at 8'	7' each or one (1) 10 ft.
Miscellaneous			
Ground signs may contain an area for changeable copy; however, no more than 25% of the sign area shall be changeable copy.			
*Ground signs on the same street frontage shall be separated by a minimum distance of 200 lineal ft. between signs on the same lot			

F. Signs Located at Integrated Center



A permanent ground mounted sign with multiple tenant signs erected on a single sign structure. An Integrated Center Sign in lieu of individual or multiple ground signs.

Property Frontage					
Frontage Requirement	1. 37 – 141 st St. to I-69 (Exhibit A)	126 th , 131 st , and 141 st St. within the SR. 37 Corridor (Exhibit A)	96 th St., Hague Rd., & South Lantern Rd. (Exhibit B)	Other 5-acre sites along primary arterials	Other 5-acre sites along a secondary street
Min frontage to qualify*	1,320'	660'	660'	none	none
SIZE					
Sign area (maximum) per face	240 sf	180 sf	180 sf	180 sf	90 sf
Height (max) Sec. 6.16.6.A.5.	28'	20'	20'	20'	10'
MISCELLANEOUS					
1. Integrated developments having a 2 nd entrance on a primary arterial may be permitted a 2 nd integrated sign provided both signs are reduced in area by 50%.					
2. Lots within the integrated center development shall be permitted one (1) additional 32 sf ground sign, with an overall height of 5 ft. Individual lot signs shall be located along an internal street within the integrated center, and not along the perimeter street.					
* Frontage may include multiple adjacent property owners					

EXHIBIT A

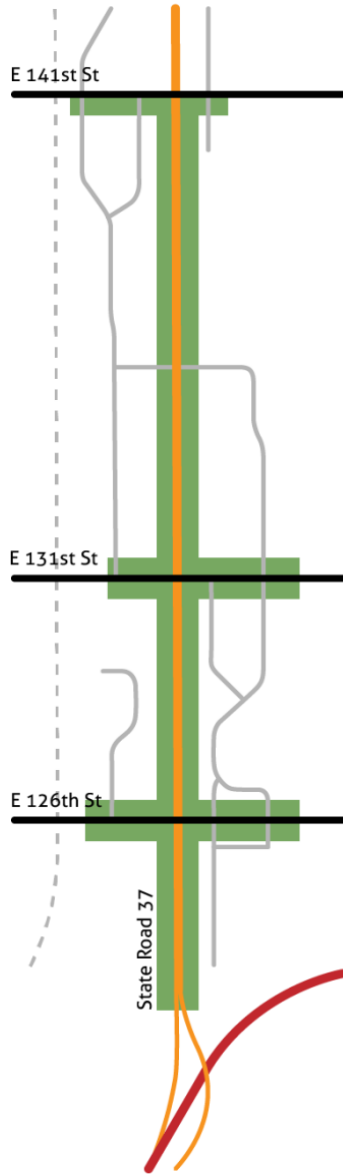
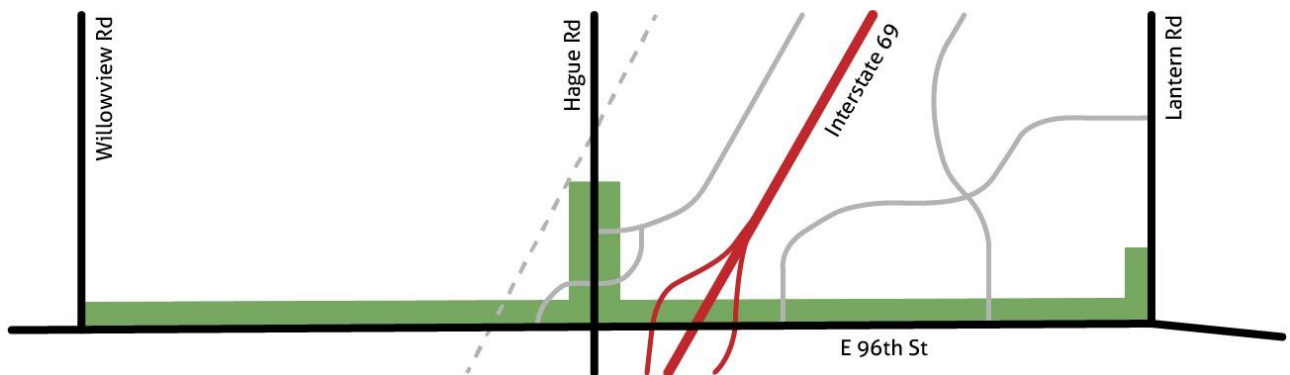


EXHIBIT B



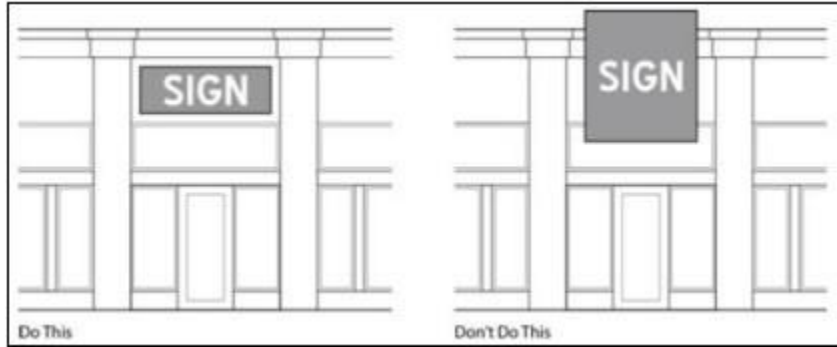
Sec. 6.17.7. Building Signs

A. Description

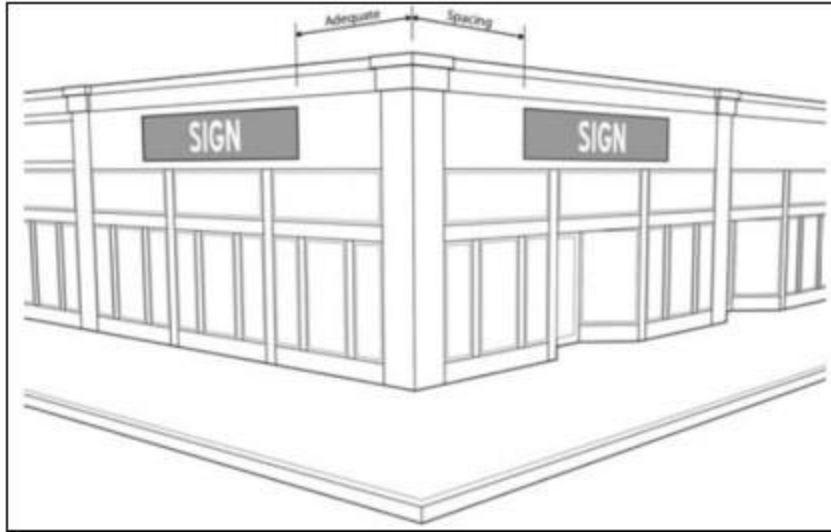
A wall sign is a sign attached flat to or mounted away from but parallel to the building wall. Wall mounted signs shall be individually mounted letters affixed directly on a wall or on an internal raceway. Cabinet signs will be permitted if they are mounted flush with the façade of the building and use routed out letters with internal illumination.

B. General Requirements

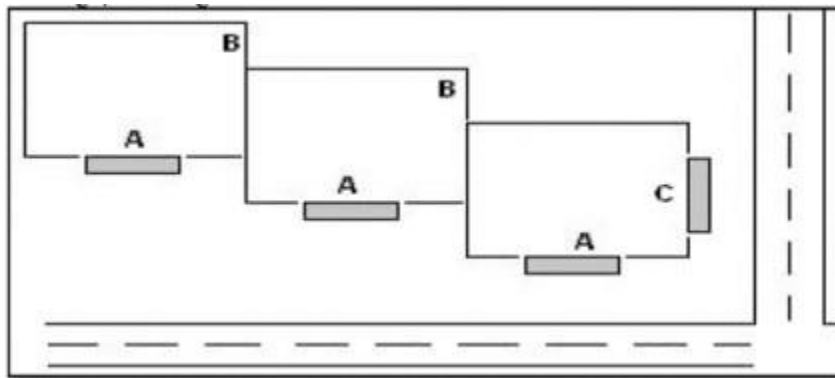
1. **Sign Construction.** Permanent signs shall be constructed of materials, including but not limited to, metal, wood, acrylic, or other durable weatherproof materials. Painted or vinyl signs may be approved when the sign design is compatible with the building design.
2. **Sign Removal or Replacement.** When a sign is removed, all brackets, poles, and other structural elements that supported the sign shall also be completely removed. The property owner shall restore all holes and affected building surfaces to match the adjacent portion of the building.
3. **Sign Integration.** All signs shall be designed as an integral part of the overall building design and shall be in a manner consistent with the building's design.



4. No sign shall be placed in or on an architectural designed area of a primary structure that is created for the sole purpose of gaining more signage or additional height for the wall sign.
5. **Frontage on Two (2) or More Streets.** A building on a lot that has frontage on more than one (1) street shall be allowed the authorized sign area on each street; provided, that the permitted sign areas may not be accumulated on one (1) street and shall not exceed the allowed sign area of any one (1) street.
6. **Primary Frontage and Secondary Frontages.** When building has frontage on two (2) or more streets, one of the frontages is a primary frontage and the other(s) are considered secondary frontages. The allowable sign area on secondary frontages must be reduced by 25% of what is allowed on the primary frontage.
7. **Transfer to Non-Frontage Walls.** If a permitted wall sign is transferred to an elevation with no frontage, the allowable sign area on the non-frontage wall shall be reduced by 25%.
8. **Corner Buildings.** Signs located on adjacent walls on the same building shall be separated at the corners of the building with adequate spacing to avoid a bookend design at the corner of a building (see image below).



9. **Staggered Buildings.** If the secondary frontage, elevation B (as shown in the following image), is not greater than or equal to the primary frontage, elevation A, then elevation B does not qualify as sign frontage; see the following diagram.



10. **Sign Area Computation.** The area of signs shall be calculated according to the following (see image):



- a. The area of a sign shall be measured within a single continuous perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.
 - b. In the case of a sign designed with more than one (1) exterior surface (e.g., 2 sides), the area shall be computed as including only the maximum single display surface that is visible from any ground position at one (1) time.
 - c. The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless the supports, uprights, or structures are designed in a manner as to form an integral background of the display.
11. **Increased Signage Area Allowed.** Two (2) story buildings, or less, featuring at least 50% unpainted/unglazed brick or natural stone materials, on all frontages, may receive a 10% increase in the maximum wall sign area allowed.
 12. **Secondary Sign.** Within the allowable sign area, a business may incorporate the use of a cabinet sign as a secondary sign. Secondary signs are limited to 20% of the allowable sign area.
 13. **Sign Color.** In any instance where corporate colors (striping) are used on buildings or accessory structures, in continuation of a wall sign, the total wall sign allowance shall be reduced by 50 %.
 14. **Sign Illumination.** Wall signs may be illuminated with external, internal, or reverse (back-lit) channel illumination.
 15. **Electrical Raceways and Conduits.** Electrical raceways and conduits shall be placed so that they are not within Public View. Where this is physically impractical, or doing so would damage significant architectural features or materials, this requirement may be waived provided all raceways, conduits, and similar devices are designed in a way that they appear to be part of the overall sign or building design.

C. Wall Signs (Single-Level Buildings)



Allocation	Tenant frontage		
	< 50 ft.	50 - 100 ft.	> 100 ft.
Signs per frontage for single-tenant buildings or multi-tenant buildings with shared entrances	1	2	3
Signs per frontage, multi-tenant buildings with independent customer entrances	1 per tenant space	2 per tenant space	3 per tenant space
Size			
Area of each sign on primary frontage (maximum)	1.5 sf per lineal foot of frontage		
Total sign area allowed on primary frontage (maximum)	300 sf		

Area of each sign on a secondary frontage (maximum)	Not to exceed 75% of the allowable square footage on the primary sign. Primary sign area must be reduced by the size of each secondary frontage sign.
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D. Wall Signs (Multi-Level Buildings)



Allocation	Building floor area	
	< 50,000 sf	> 50,000 sf at least 3 levels
Signs per frontage (primary sign)	2	3
Signs for additional retail tenant spaces	1 per ground floor tenant space	
Signage shall be located above the windows on the highest floor or above the customer entrances on the ground floor.		
Size		
Total primary sign area (max)	150 sf	300 sf
Area of each retail tenant sign (max)	50 sf	

E. Awning & Canopy Signs



A sign attached flat to an awning or canopy. An awning or canopy sign is permitted for commercial buildings, in lieu of a permitted wall sign for tenant spaces located on the 1st floor only.

Size

Maximum size of the sign area on an awning shall be equal to the sign area permitted by the wall sign standards

Miscellaneous

Only the sign area of an awning or canopy may be illuminated. The balance of the awning or canopy shall be opaque to prevent the transmission of light. If the entire awning or canopy is illuminated, then the entire awning/canopy shall count towards the allowable sign area.

F. Pedestrian Blade Signs



A sign attached directly to a supporting building at a right angle. Such sign may be suspended from an arm or bracket, or may be directly mounted to a building wall or the underside of a canopy, a ceiling, or awning. Pedestrian blade signs are encouraged for tenants within a multi-tenant building.

Location

Signs per ground floor tenant space or second floor tenant space having a ground floor entrance	1
Distance between bottom of sign and existing grade (minimum)	8'
Distance projected from the wall (maximum)*	3'

Size

Sign Area (max)	4 sf
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Pedestrian Blade Signs do not count towards the overall allowable wall sign area

Miscellaneous

Blade signs shall be of the same orientation, design and color for the building to create a sense of uniformity for the sidewalk-scape along each building's facade.

Pedestrian blade signs shall be non-illuminated.

If the sign projects into the right-of-way, the owner may be required to file for an encroachment permit, submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.



A projecting sign is a sign that is oriented vertically, perpendicular to the building's facade. Projecting signs shall be individually mounted letters affixed directly on a panel or on an internal raceway. Cabinet signs will be permitted if they are mounted flush with the façade of the building and use routed out letters with internal illumination.

Location	
Signs per ground floor tenant space or second floor space tenant having a ground floor entrance	1
Distance between bottom of sign and existing grade (minimum)	8'
Distance projected from the wall (maximum)*	No projecting sign or sign structure shall extend more than eight (8) feet from or beyond its supporting building. If the sign projects into the right-of-way, the owner may be required to file for an encroachment permit, submit proof of insurance and certified engineered drawings detailing how the sign is attached to the building.
Size	
Area (maximum)*	Per Sec. 6.17.7.C and 6.17.7.D.
Maximum height and width	Maximum height permitted for a projecting sign is 12 feet for a single level building and 18 feet for multi-level building. Maximum width is three (3) feet for a single level building and four (4) feet for a multi-level building.

*Any combination of wall and projecting signs may be utilized, so long as the total surface area of signs on a particular building side does not exceed the allowances noted in Sec. 6.17.7.C and 6.17.7.D., and subject to any additional provisions of Sec. 6.17.7.

(Ord. 101121H, 11/15/2021)

Effective on: 11/15/2021

Sec. 6.17.8. Temporary Signs

A. General Requirements

1. Temporary signs shall require a Temporary Sign Permit unless otherwise stated herein.
2. Temporary signs for applicants which are non-profit organizations or otherwise tax-exempt shall have no permit fee, provided they comply with all other requirements of this Article.
3. Temporary signs for tenant spaces waiting on the installation of an approved permanent sign are allowed without permit fee for up to 30 days, provided they are placed in the same location as the approved permanent sign and comply with all other requirements of this Article.
4. Temporary signs greater than 32 square feet in sign area which are displayed longer than six (6) months shall be required to install landscaping. Required landscaping shall be at least 50% evergreen. Landscaping plans must be included for review as part of the sign permit application.
5. Temporary signs must be removed upon conclusion of their permitted display duration and may not be issued another permit for a minimum of 30 days, unless otherwise approved by the Director.
6. Freestanding temporary signs shall only be placed in yards with road frontage.
7. Temporary signs shall be located outside of the public right-of-way, wholly on private property, and at least 10 feet from the edge of road pavement.
8. Temporary signs shall not be located within medians.
9. Temporary signs shall not interfere with pedestrian traffic or any existing ADA-accessible features.
10. Nothing in this Article shall be construed as approval to place a sign on private property not owned by the applicant.
11. Temporary signs shall be non-illuminated unless otherwise stated herein.

B. Post Signs on Residential Lots



A freestanding sign constructed of rigid materials intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Residential lots less than 3 acres	1 per frontage	6 sf (each)	5'	6 months	No
Residential lots 3 acres or more	1 per frontage	32 sf (each)	6'		Yes, if greater than 6 sf
Subdivision	1 per major entrance, or 1 per corner of an external intersection	32 sf (each)	6'	6 months	Yes

Model home	2 per frontage	32 sf (aggregate)	5'	During the time the model home is available to the public	Yes
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C. Yard Signs on Residential Lots



A freestanding sign constructed of lightweight and/or non-durable materials intended to be displayed for a short period of time. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Residential lots	1 per frontage	6 sf (each)	3'	30 Days	No

D. Post Signs on Non-Residential Lots



A freestanding sign constructed of rigid materials with buried supports intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Frontage along State Road 37 and Interstate 69	1 per frontage	64 sf	10'	6 months	Yes
Along all other frontages	1 per frontage	32 sf	6'	6 months	Yes

E. Yard Signs on Non-Residential Lots



A freestanding sign constructed of lightweight and/or non-durable materials intended to be displayed for a short period. This does not include signs otherwise described in this Article.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Street frontage	1 per frontage	6 sf	3'	30 Days	No

F. Banner Signs on Non-Residential Lots



A hanging or mounted sign constructed of vinyl, fabric, or similar material intended to be displayed for a designated period. This does not include signs otherwise described in this Article.

Note: May not be attached to fences, balconies, or railings.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Building-mounted	1 per frontage or tenant space	32 sf (first or second story) 64 sf (third story or higher)	N/A	60 Days	Yes
Freestanding	1 per frontage or tenant space	32 sf	6 ft.	60 Days	Yes

G. Sandwich Board Signs on Non-Residential Lot



A movable sign not secured or attached to the ground upon which it is located and constructed in such a manner as to form an "A" or a tent-like shape.

Location	Quantity (Max)	Area (Max)	Height (Max)	Duration	Permit Required
Sidewalk (within 8 feet of tenant entry with at least 6 feet of clear space for pedestrian traffic)	1 per tenant space	6 sf	42 inches	Displayed only during business hours	No

H. **Feather Flags/Blade Signs**

1. Not permitted unless approved as part of a Temporary Use Permit

I. **Balloon/Air-Activated Signs**

1. Not permitted unless approved as part of a Temporary Use Permit

(Ord. [081919C](#), 08/19/2019; Ord. [101121H](#), 11/15/2021; Ord. [091922D](#), 10/10/2022)

Effective on: 10/10/2022

Sec. 6.17.9. Other Sign Types

A. **Fueling Stations**

Fueling station shall follow the same standards as described in [Sec. 6.17.6. Free-Standing Signs](#) and [Sec. 6.17.7. Building Signs](#). In addition to the above-mentioned standards, fueling stations may incorporate the following signs into their gas pumps.

1. Fueling stations may place one (1) fueling pump decal on each of the vehicle fueling dispensers (double sided) having a maximum of one (1) square foot in sign area per decal.
2. Animated TV screens may be incorporated into fueling station pumps with a maximum size of two (2) square feet.

B. **Signs for Food Operation with a Drive-Through Lane**

In addition to other permitted signs, food operations with drive-thru services may also display one (1) primary sign and one (1) secondary sign per drive-thru lane with the following limitations:

1. Primary signs shall have a maximum height of six (6) feet with a maximum sign area of 40 square feet.
2. Secondary signs shall have a maximum height of six (6) feet with a maximum sign area of 14 square feet.
3. Both primary and secondary signs shall have a masonry base or materials architecturally compatible with the property's primary use.
4. Both primary and secondary signs may utilize digital sign panels, provided that:
 - a. Changes of image shall not occur more than once per hour, except up to 25% of installed signage area may change more frequently than once per hour for the purpose of customer feedback.
 - b. Image shall be a static display with no flashing, animation, or intermittent illumination.
 - c. Signs shall use automatic illumination controls to reduce light levels during night and cloudy or other darkened conditions.
 - d. Signs shall have a maximum daytime brightness of two thousand five hundred (2,500) nits and a maximum nighttime (sunset-to-sunrise) brightness of five hundred (500) nits as measured at the sign face.

C. **Signs at [Site Vehicular Entrances and Proximate to Drive Lanes/Aisles](#)**

Signs shall have the following guidelines:

1. Shall not exceed four (4) square feet in sign area.

2. Ground mounted signs shall have a maximum height of three (3) feet, and be located on private property.
3. Wall-mounted signs shall not exceed four (4) square feet in area.
4. Illumination of these signs may be internally, externally or non-illuminated.
5. Horizontal signs on and flush with paved areas are exempt from these standards.

D. *Window Signs*

In addition to other permitted signs, tenant space signs are allowed a first-floor window sign based on the following limitations:

1. The aggregate area of all window signs shall not exceed 25% of the total window area and shall not interfere with pedestrian ingress/egress.
2. Illuminated (LED, neon, etc.) window signs shall be allowed as permanent window signs and shall not exceed 15 square feet in size. The area covered by the illuminated sign(s) shall count towards the maximum window coverage limitation as described above. These signs shall not rotate, move, flash, blink, or appear to do any of the foregoing.
3. Signs interior to the tenant space that are within five (5) feet of a storefront window shall be counted as window signs.

E. Pole Banner Signs

1. Permitted for Institutional Uses only.
2. Shall not exceed two (2) square feet in sign area.

(Ord. 081919C, 08/19/2019; Ord. 101121H, 11/15/2021)

Effective on: 11/15/2021

Article 6.18. Wall & Fence Standards

Contents:

- Sec. 6.18.1. Purpose & Intent
- Sec. 6.18.2. Walls & Fences

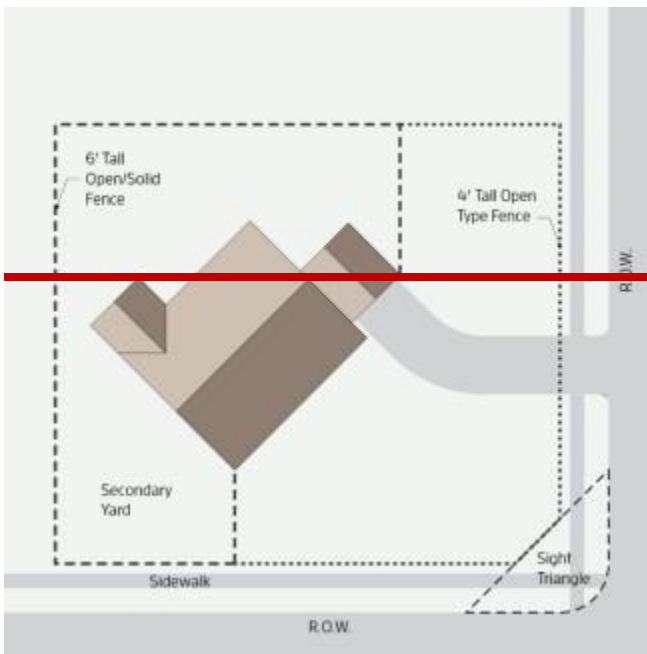
Sec. 6.18.1. Purpose & Intent

The intent of this Article is to regulate the location, height, and appearance of fences and walls in all zoning districts to maintain visual harmony within neighborhoods and throughout the city, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties. Walls and fences do not require a building permit, but they must comply with the requirements of this Article.

Sec. 6.18.2. Walls & Fences

A. Location

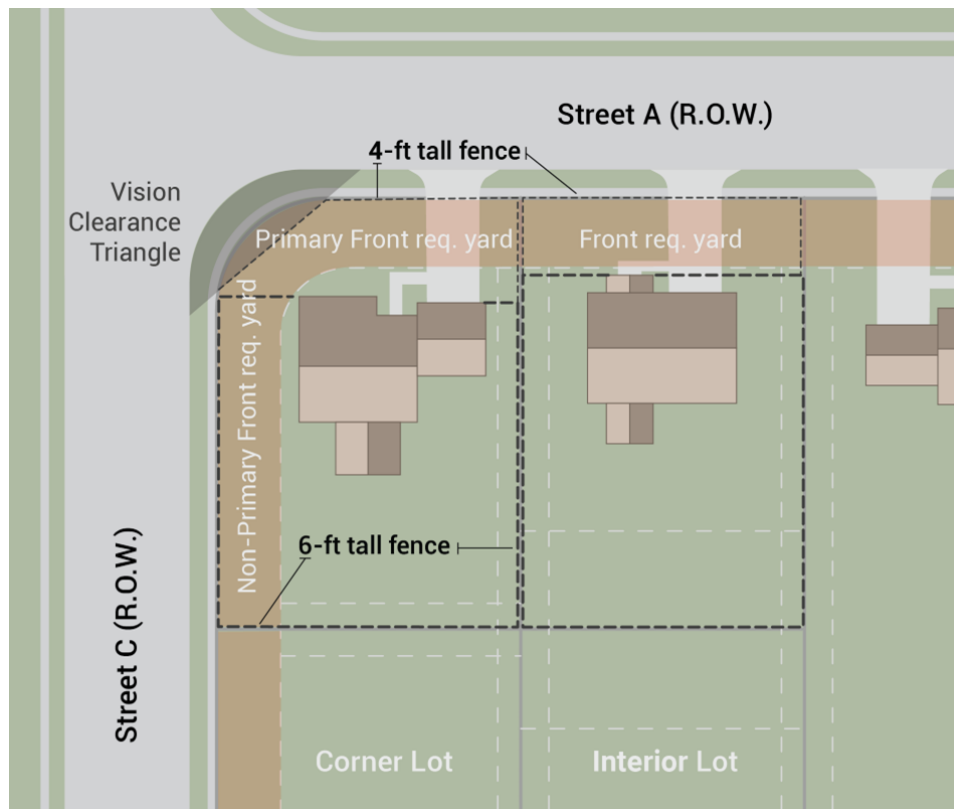
1. Fences may be built directly along a property line; however, fences shall not encroach into the public right-of-way, and not into easements that otherwise prohibit the installation of fences (e.g., drainage and utility easements).
- ~~2. Lots with multiple street frontages shall follow Sec. 6.16.2.C. Multiple Street Frontages for determining the front yard and secondary front yard requirements.~~



B. Standards

Wall or fence height is measured from the topmost point of the fence to the grade of the ground adjacent to the wall or fence. The following standards shall apply, unless required or permitted in this UDO otherwise:

Wall or Fence Location	Max Height	Openness	Trees ¹	Shrubs ²
Within a <u>required primary</u> front yard of a <u>residential zoning district</u> and a <u>required front yard</u> of any zoning district and a secondary front yard of any commercial district. Industrial zoning districts not included, except for industrial zoning districts. (See Illustration below).	4'	50%	-	-
Within a <u>secondary required non-primary</u> front yard of a <u>one- or two single</u> family residential <u>corner</u> lot (See Illustration below).	6'	Opaque > 50%	2 per 10 ft. 1 per 10 ft.	5 per 15 ft. 3 per 10 ft.
Within a required or established side or rear yard of a <u>one- or two single</u> family residential lot. <u>Perimeter wall or fence around a residential subdivision.</u>	6'	-	-	-
Within a required or established side or rear yard in a mixed use, commercial, and non-residential districts	6'	-	-	-
Enclosing an institutional <u>use</u> or <u>a business or an industrial property use.</u>	8'	May consist of open mesh	-	-



C. Fence Installation

Walls and fences shall be constructed with the non-structural (e.g., posts, beams) facing outward (e.g., toward the property line). Walls or fences on a property line in which two (2) or more property owners share in the expense of the wall or fence, shall not be subject to this provision.

D. Vision Clearance

Walls and fences shall meet all the requirements of [Article 6.20. Vision Clearance Standards](#).

E. Landscape Easement & Common Area.

1. Where landscape easements and/or common areas are established on the perimeter of a project along adjoining streets, fences or walls installed by the developer or owner shall be consistent in size, shape, character, and design.
2. Where landscape easements and/or common areas are established on the perimeter of a project along adjoining streets, all required landscaping shall be located outside any fence or wall.

F. Proximity to Lakes, Ponds, or Waterways

1. Walls and fences shall not be built within 15 feet of the top of bank of any lake, pond, or waterway.
2. Walls or fences shall not be built within easements for lakes, ponds, or waterways.
3. This provision does not apply to retaining walls that do not obstruct access.

G. Athletic Facilities

Fences used for ball diamonds, tennis courts, or other similar uses shall be exempt from the height limitation, but shall be subject to the minimum setback standards for the zoning district in which it is located.

H. Maintenance

1. Walls or fences are required to be properly maintained and kept in good repair always.
2. Walls and fences shall be maintained by the owner of the real estate and their successors in title.

I. Safety Restrictions

Except where used for agricultural purposes or City facilities, fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, electrified wires or the like.

J. Safety Fencing

1. The Director may require that safety fencing be placed around all construction sites or other hazards presenting an immediate danger to the public health, safety and welfare.
2. Construction fencing shall be consistent throughout the property, shall be in place at the time construction activity begins and shall be removed upon issuance of a Certificate of Occupancy. Removal of safety fencing when necessary for work or access during operational hours is permitted, but the fencing shall be replaced when the site is not occupied or is not operational.
3. Temporary utility fencing (e.g. barrier fencing, snow fencing, etc.) may be erected to address short-term environmental and safety situations, and shall be removed upon the cessation of the conditions it was installed to address or upon the order of the Director.

K. Declaration of Covenants

Property owners are advised to refer to their subdivision's Declaration of Covenants, which may impose greater restrictions than are found in the UDO.

L. Chain-link Fences

1. Chain-link fences shall be vinyl-coated.
2. Slats are prohibited in chain-link fences.
3. Chain-link fences shall only be erected in side or rear yards, and are prohibited adjacent to any street right-of-way and in any required front yard.
4. Chain-link fences shall be permitted in the front yard of an industrial zoning district.

CHAPTER 8. SUBDIVISION & PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

Article 8.4. Open Space, Common Area & Amenity Standards

Contents:

Sec. 8.4.1 Purpose & Intent

Sec. 8.4.2 Applicability

Sec. 8.4.3 Ownership, Operation, & Maintenance

Sec. 8.4.4. Common Area

Sec. 8.4.5. Perimeter Landscaping

Sec. 8.4.6. Open Space

Sec. 8.4.7. Conservation Development

Sec. 8.4.1. Purpose & Intent

- A. The purpose and intent of this Article is to ensure green space is preserved for aesthetic quality in the community, while providing standards that will create a strong identity and character by creating greenspace and amenities that will ensure that open space is activated for recreation and used in a purposeful manner.

Sec. 8.4.2. Applicability

- A. The standards of this Article shall apply to all types of development and redevelopment, including but not limited to: Planned Unit Developed District Ordinances, Development Plans, Primary and Secondary Plats.
- B. The ownership and future maintenance of any required open space, common areas, development amenities shall be documented and recorded prior to the issuance of any permits for land development.

Sec. 8.4.3. Ownership, Operation, & Maintenance

All open space, common area and amenities shall be owned, operated and maintained in perpetuity by an owners' association, condominium association, or similar legal entity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed to the City.

Sec. 8.4.4. Common Area

A. General

- 1. Requirement:** All development is required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways. All development that electively has amenities in the development or on private streets shall designate those areas as common area on the Primary Plat, Improvement Location Permit or within the Planned Unit Development District Ordinance.
- 2. Ownership.** Where a common area is designated in a PUD, a plat or a Development Plan, an owner's



association shall be formed and shall be required to provide necessary maintenance to said common areas.

3. **Site Features that Do Not Qualify as Open Space.** The following features shall not count toward the minimum open space requirement, unless they are preserved as conservation areas (see [Sec. 8.4.7B. Conservation Development](#)).
 - a. Floodway: The floodway of any stream, regulated drain, river or other water body;
 - b. 100-year Floodplain: The 100-year floodplain of any stream, regulated drain, river or other water body;
 - c. Steep Slopes: Any area with slopes exceeding a 25% grade;
 - d. Wetlands: Any wetlands on the development site.

B. Design Elements

1. **Fences and Walls.** A fence or wall that was installed as a part of the original development shall be maintained (e.g. finish, materials, location, and size). New fences or walls installed in common areas shall be of uniform design throughout the common area and shall be substantially like fences or walls established elsewhere within the development.
2. *Landscaping.*
 - a. Street Trees: One (1) canopy tree per 40’ of common area shall be required. Street trees shall not be planted in the planting strip, and shall be planted 10 feet from the sidewalk.
 - b. Replacement: Any plant materials that were installed within a common area shall not be removed unless diseased or dead. If landscaping is removed, an equivalent type of replacement plant shall be installed. Additionally, a minimum of 2/3 of the diameter at breast height (DBH) of the removed landscaping shall be installed, whether as one plant or multiple plants.
 - c. Additional Landscaping: Additional landscaping may be added to common areas if it is outside an easement that prevents that activity.

(Ord. 081919D, 08/19/2019)

Effective on: 8/19/2019

Sec. 8.4.5. Perimeter Landscaping

A. General Requirements

1. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.
2. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet.
3. To the greatest extent possible, trees and shrubs shall be planted in clusters or irregular patterns; and combined with, mounds, walls and fences.
4. All required plant materials shall be located on the street-side of any fence or wall established within the perimeter landscaping area.
5. Additional landscaping may be added to common areas if it is outside any easement that prevents that activity.

B. Number of Trees and Shrubs Required

8.4.5 Number of Trees and Shrubs Required		
	Development Trees per 100'	Shrubs per 100'
Where no fence or wall is located	9	40-33
Along a solid decorative fence	4	5-16
Along a masonry wall	6	7-16
Non-residential development	6	5-16

C. Location

1. The perimeter landscaping standards shall apply to any portion of a residential development that abuts an expressway, interstate highway, primary arterial, secondary arterial, or collector.
2. The perimeter landscaping area shall be at least 20 feet in depth and of the length of the frontage. Perimeter landscaping area, including walls and fences, and berms shall be in a common area or landscape easement controlled by the developer or owners' association.

D. Perimeter Walls and Fences

1. Perimeter walls and fences shall be constructed of masonry, stone, wood, metal, or synthetic material that simulate natural materials.
2. The minimum height of a perimeter wall or fence shall be 36 inches, and the maximum height shall be 72 inches.
3. Perimeter walls and fences installed by the developer or owners' association shall be consistent in size, shape, character, and design.

E. Berms

1. Berms shall be a minimum of three (3) feet in height.
2. Maximum side slope shall not exceed a 3:1 ratio.
3. Engineering design requirements shall determine the setback of the berm from the right-of-way line of a public or private street and from the property line of an adjoining property

(Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

Sec. 8.4.6. Open Space

A. Connectivity

1. Open space shall have direct access to the citywide bicycle and pedestrian circulation system. Sidewalks, paths, or other pedestrian ways will provide connections between buildings, land use areas and adjacent to existing and new development, connecting residential, office and retail/commercial areas.
2. Sidewalks, paths, or other pedestrian ways shall provide access to all open space, common area and amenities within a development and adjacent developments. Shared access easements (see also [Sec. 10.2.11 Easements](#)) shall be required when open space access crosses another parcel.

B. Conservation Area

Any conservation area required below that is not specifically excluded per [Sec. 8.4.4.A.2. Site Features that Do Not Qualify as Open Space](#) shall count towards the secondary open space requirements in [Sec. 8.4.6.D.1.b. Secondary Open Space](#). In addition, Conservation developments may receive the incentives listed in [Sec. 8.4.7. Conservation Development](#).

1. Intensity Bonus.

- a. Land proposed to be developed that has environmental features shall conserve those features. In conjunction with that conservation, the [developer](#) may be granted development incentives to offset the requirement (see [Sec. 8.4.7. Conservation Development](#)).
- b. Environmental features that qualify as conservation areas do not include watercourses, floodways, natural lake surfaces, or slopes over 25% grade. These features are considered undevelopable and no intensity bonus shall be granted for these areas.

2. **Determination of Environmental Features.** The following are deemed qualifying environmental features:
 - a. Woodland area;
 - b. Natural lake filtration strips;
 - c. Riparian corridors for a river or stream; or
 - d. Wetlands.
3. **Conservation of Environmental Features.** The following standards apply:

Total Site (%) with Environmental Feature	Conservation % of the Environmental Feature In Perpetuity	Structure Setback from the Environmental Feature
20% or less	100%	15'
More than 20% but less than 50%	25%	15'
50% or more	35%	15'

C. Minimum Open Space

The minimum open space required for each development shall be provided as described in the following table:

Minimum Open Space	
Zoning District and Development Type	Minimum Open Space Required
ER & R1	5%
R2 & R3	10%
R4 & R5	15%
MF & PUD	20%
Optional Conservation Residential Development	40%

- D. **Open Space Allocation.** In allocating land for required open space, the following hierarchy of primary and secondary open space applies.
 1. **Primary Open Space:**

A minimum of 50% of the required open space ~~must come from one (1) or more of the following requirements: shall be designed as Salutogenic Amenities (SA), consistent with the Open Space Guide. In addition to meeting requirements of the Open Space Guide, these amenities shall meet the following standards:~~

 - a. **Size.**
 - i. A Regular Salutogenic Amenity shall be at least 0.3 acres.
 - ii. A Community Salutogenic Amenity shall be at least 0.5 acres.
 - b. **Spacing and Amount.** Regular and Community Salutogenic Amenities shall be provided in a way that allows dwelling units to be located within a certain walking distance from the said amenities. The required number of Regular and Community amenities shall be determined based on the residential lot size and the walking distances as provided in the table below.
 - c. **Salutogenic Amenities Outside of the Development.** If there is an amenity located outside of the proposed development that meets the definition of a Regular or Community SA and is in a walkable distance as defined in this UDO, it may be used to satisfy the required amount and spacing of the amenities.
 - d. **Additional Primary Open Space.** If the minimum required open space area has been exhausted and no other Salutogenic Amenities outside of the development can help the development meet the Spacing and Amount standard in this Section, then the developer shall allocate more open space to



comply with the Spacing and Amount requirement.

SPACING AND AMOUNT OF REQUIRED SALUTOGENIC AMENITIES	
<u>Residential lot size</u>	<u>Required amenities</u>
<u>0.20-acre or smaller SFR + all multifamily</u>	<u>100 % of dwelling units shall be within a 3,960-foot walking distance* of any Community SA and 100 % of dwelling units shall be within a 1,320-foot walking distance** from any Regular SA.</u>
<u>0.21-0.3 acres</u>	<u>100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA and 75 % of dwelling units shall be within a 1,320-foot walking distance from any Regular SA.</u>
<u>0.31-0.5 acres</u>	<u>100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA and 50 % of dwelling units shall be within a 1,320-foot walking distance from any Regular SA.</u>
<u>0.51 + acres</u>	<u>100 % of dwelling units shall be within a 3,960-foot walking distance of any Community SA. Regular SA amenities not required.</u>
* A 3,960-foot walking distance is 0.75 miles which is about a 15-minute walk.	
** A 1,320-foot walking distance (or 0.25 miles) is about a 5-minute walk.	

- ~~a. Multi-use trails and/or greenways that are connected to the City of Fishers Bicycle and Pedestrian Master Plan. Trails already required along the roadways shall not qualify as primary open space;~~
- ~~b. A custom park, neighborhood park, or mini park as described in the Comprehensive Plan;~~
- ~~c. Pools, recreational amenities, common patios, and/or plaza with outdoor seating areas and amenities;~~
- ~~d. Play area, play grounds, and/or outdoor active areas for children and families;~~
- ~~e. Spaces that provide educational, historic, cultural, and/or sensory experiences; such as sculptural gardens, soundscapes, and interactive water features;~~
- ~~f. Detention and retention areas that are designed in such a way that they are located and used for the benefit of the public as an amenity to the development with low impact landscaping and pedestrian amenities, as determined by the Director;~~
- ~~g. Conservation areas with pedestrian amenities, trails, or other recreational features, as determined by the Director.~~

2. **Secondary Open Space:** ~~The following are considered secondary open space areas and may be included as required open space once the maximum of the primary open space areas is exhausted: Once the primary open space area is exhausted and developed per subsection 8.4.6.D.1 Primary Open Space, the remaining open space may be considered secondary open space and be developed as a Regular Salutogenic Amenity that is not required to meet the minimum area size. The following areas may count up to 10 % of the total minimum required open space:~~

- ~~a. Third party regulated utility easements (e.g. gas or oil pipelines) that existed prior to development; and~~
- ~~b. Buffer yard and street frontage landscaping area.~~

- ~~a. Detention or retention areas, if it does not comply with the standards above;~~
- ~~b. Third party regulated utility easements (e.g. gas or oil pipelines) that existed prior to development; and~~
- ~~c. Buffer yard and street frontage landscaping area.~~



E. Drainage Areas

Detention and retention areas cannot be calculated towards the open space percentage requirement unless it is integrated into the overall open space design as a Salutogenic Amenity. ~~such that the use provides a site design amenity, as determined by the Director.~~

F. Alternative Open Space Standard

The developer may propose alternative forms of open space not specifically identified in this Article. Such proposals for alternative forms of open space shall be subject to approval per [Sec. 10.2.1 Administrative Alternate](#).

G. Payment-in-lieu

If the Director determines there is ample open space in close proximity to a new development, open space requirements can be lowered in exchange for fees to be applied to the nearby regional park; with such fees to be standard fees established by resolution, from time to time, by City Council.

(Ord. 012120C, 02/17/2020)

Effective on: 2/17/2020

Sec. 8.4.7. Conservation Development

A. Purpose & Intent

The purpose and intent of this Section is to provide incentive-based development to:

1. Prevent the unnecessary cutting, removal or killing of trees in wooded areas;
2. Prevent the unnecessary cutting, removal or killing of specimen trees; and
3. Promote and maintain a high level of community aesthetics through the conservation and planting of trees.
4. Protect critical habitats which contain rare, threatened or endangered species, wooded 100-year floodplains, wooded wetlands and wooded slopes, wooded or partially wooded stream corridors with drainage areas greater than 50 acres, and riparian areas.

B. Prerequisites

1. The parent tract must have a natural amenity covering at least 20% of the parent tract; and the most significant natural amenities on site must be preserved; or
2. If a natural amenity does not exist, then a woodlot must be created as per [Sec. 8.4.6. Open Space](#).
3. Tree Conservation Areas shall be protected within Common Areas and are not allowed to be placed on private Lot home-sites.

C. Development Standards Incentive

Conservation development offers smaller lot sizes with reduced setbacks in exchange for preserving existing trees, wooded areas, and creating larger common open space. Developers that choose to use the conservation development option must set aside 40% of the total project area as common open space. Requirements for the open space standards are provided in [Sec. 8.4.6. Open Space](#). The incentives for conservation development are:

1. Reduce Lot width by 20%
2. Reduce setbacks all by 5 feet

D. Preservation of Existing Healthy Trees

The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape requirements in this UDO. The healthy tree shall be measured per arborist standard of measurement (Diameter at Breast Height (DBH)) in this preservation area. A credit shall be given per tree that contributes

to and satisfies similarly the intent of [Sec. 8.4.5. Perimeter Landscaping](#) of the UDO. The following credits shall be granted for an existing tree as follows:

1. For each preserved deciduous tree over four (4) inches but less than eight (8) inches DBH a credit for three (3) deciduous trees shall be granted.
2. For each preserved deciduous tree of at least eight (8) inches but less than 12 inches DBH a credit for four (4) deciduous trees shall be granted.
3. For each preserved deciduous tree of at least 12 inches DBH a credit for five (5) deciduous trees shall be granted. The Director may grant larger credits for trees over 12 inches DBH upon request.
4. Each preserved evergreen tree of at least six (6) feet tall but less than 10 feet tall shall be granted credit for two (2) evergreen trees.
5. Each preserved evergreen tree of at least 10 feet tall shall be granted credit for three (3) evergreen trees. The Director may grant larger credits for evergreen trees over 10 feet tall upon request.

E. Preservation of the Natural Landscape

If preserving the natural landscape is chosen, prior to construction on or removal of trees from a wooded area, the following standards apply:

1. **Tree Conservation Plan:** Provide a Tree Conservation Plan outlining strategies for retaining, protecting and replanting trees on a site. The Indiana Department of Natural Resources can provide guidance. Prepare a Tree Conservation Map that outlines existing tree cover, priority protection areas, proposed grading, utility installation, and proposed protective devices.
2. **Designated Conservation Areas:** Within designated conservation areas, no trees with a DBH more than six (6) inches or evergreens eight (8) feet or more in height shall be removed from any lot unless trees are:
 - a. Within the building site pad;
 - b. Within 15 feet of the perimeter of the primary structure or accessory structures;
 - c. Between the front of the primary structure and the interior roadway of the subdivision;
 - d. Required to be removed to comply with safety requirements of any governmental agency; and/or
 - e. Required to be removed to install utility infrastructure.
3. Trees removed from designated conservation areas to facilitate the installation of utilities shall be replaced in a quantity consistent with the trees removed. For example, if a six-inch (6") caliper tree is removed, the developer shall replace such tree by installing three (3), two-inch (2") caliper trees or two (2), three-inch (3") caliper trees to total the caliper of the trees removed. If the utility installation prevents the trees from being replaced within the conservation area, the Tree Conservation Plan shall include the area in which the replacement trees are to be planted.
4. **Tree Conservation Areas:** Tree conservation areas shall be a minimum of 35 feet wide and minimum contiguous area of 10,000 square feet. Tree conservation areas shall be protected within Common Area. The Director may approve smaller areas that are determined to be of significant value.
5. **Violation of the Tree Conservation Plan.** Once the Tree Conservation Plan has been established, any person who violates the Tree Conservation Plan and improperly removes trees shall be required to reestablish such trees consistent with the trees removed. For example, if a six-inch (6") caliper tree is removed, the builder may reestablish such tree by installing either two (2) six-inch (6") caliper trees or three (3), three-inch (3") caliper trees to replace the caliper of the trees removed. Under no circumstance will a tree less than three-inches (3") in caliper be permitted as a replacement tree.

F. Construction Fencing

Prior to construction around a conservation area, the following standards apply:

1. Install highly visible construction fencing (e.g. orange barrier fencing) at least three (3) feet outside

the dripline of the trees being conserved.

2. Avoid injuring roots when installing anchoring posts for fencing.
3. Signs should be posted clearly identifying the plant protection zone.
4. If a portion greater than 30% of the area within the drip line is unavoidably impacted, developer shall install a root aeration system, tree well, retaining wall or raised boardwalk as appropriate permanent protection.

G. Construction in Riparian Areas

Prior to construction in a riparian area:

1. The applicant shall work with the Department regarding conservation of riparian areas on site.
2. Establish or enhance forest buffers of at least 50 feet wide adjacent to intermittent and perennial streams.
3. Newly planted trees and shrubs shall be species native to central Indiana.
4. Trees sizes may be a minimum of one-inch (1") caliper unless otherwise approved by the Director.
5. For optimal survival and unless irrigated with an automatic system, planting should occur in the spring or autumn.
6. Coordinate with Hamilton County if the riparian area is near or along a legal regulated drain.

H. Created Woodlot

If a property does not have any environmental features or existing wooded area, a created woodlot that complies with the purpose of this Section can utilize the incentives by establishing a created woodlot protected in a Common Area based on the following:

1. A created woodlot shall replicate a quality Indiana forest using indigenous trees.
2. Created woodlots shall include a minimum of:
 - a. 1/3 minimum two-inch (2") caliper trees; and
 - b. 1/3 minimum three-inch (3") caliper trees.
3. Created woodlots shall be at least one (1) contiguous acre in area.
4. Created woodlots shall be at least one-quarter (1/4) hardwood trees. The use of evergreen trees is limited to a maximum of 15% of the total number of trees planted.
5. Ornamental or dwarf trees shall not be utilized.
6. Created woodlots have at least six (6) caliper inches per 400 square feet.
7. A licensed landscape architect or a licensed arborist shall prepare the Planting Plan and determine the indigenous species to be planted.
8. Irrigation shall be provided if prescribed and as prescribed by the landscape architect or arborist recommendation.
9. A three (3) year maintenance agreement shall be drafted with an independent arborist to ensure the health of the trees.

(Ord. [081919D](#), 08/19/2019)

Effective on: 8/19/2019

ORDINANCE NO. 031725C

**AN ORDINANCE OF THE COMMON COUNCIL
AMENDING THE ZONING ORDINANCE
OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA.**

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. TA-25-3 as required by law in regard to the Text Amendment; and

WHEREAS, the Plan Commission, at its meeting on the April 2, 2025 sent a _____ recommendation to the Common Council by a vote of _____ in favor and _____ opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. AMENDMENT. This Text Amendment amends certain sections of the Unified Development Ordinance;

Section 2. PRUPOSE STATEMENT. The purpose of this ordinance is to refine certain regulatory language in the furtherance of the overall Purpose & Intent provisions of Chapter 4 (Exhibit A), Chapter 6 (Exhibit B), and Chapter 8 (Exhibit C).

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE COMPREHENSIVE PLAN SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

SO BE IT ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 21st of April, 2025.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Pete Peterson, Member		
	John DeLucia, Member		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson, Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2025 at _____ p

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

ORDINANCE NO. 031725C

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey Bennett

Exhibit A

*Unified Development Ordinance
Chapter 4*

Exhibit B

*Unified Development Ordinance
Chapter 6*

Exhibit C

*Unified Development Ordinance
Chapter 8*

**ORDER OF THE CITY OF FISHERS PLAN COMMISSION
DETERMINING THAT A RESOLUTION AND PLAN AMENDMENT
APPROVED AND ADOPTED BY THE CITY OF FISHERS
REDEVELOPMENT COMMISSION CONFORM TO THE
COMPREHENSIVE PLAN AND APPROVING THE RESOLUTION AND
PLAN AMENDMENT**

WHEREAS, the City of Fishers Redevelopment Commission (the “Redevelopment Commission”), governing body of the City of Fishers Department of Redevelopment (the “Department”), previously adopted and amended resolutions (collectively, the “Declaratory Resolution”) establishing and expanding an economic development area known as the “Consolidated Fishers/I-69 Economic Development Area” (the “Area”), designating certain portions of the Area as “allocation areas” for purposes of Section 39 of the Act (collectively, the “Existing Allocation Areas”), which Existing Allocation Areas include, among others, an allocation area designated as the Crossing Lot 3 Allocation Area, and approving an economic development plan for the Area (as subsequently amended, the “Plan”), pursuant to Indiana Code 36-7-14, as amended (the “Act”); and

WHEREAS, on April 1, 2025, the Redevelopment Commission approved and adopted Resolution No. FRC 04R040125 (the "Resolution"), which (i) expanded the Crossing Lot 3 Allocation Area to incorporate the area described on Exhibit A to the Resolution (such area, the “Allocation Area Expansion Parcels”) and (ii) reaffirmed the Plan for the Area in its entirety including the Findings (as defined in the Resolution) which the Commission determined are equally applicable to the Crossing Lot 3 Allocation Area as expanded to include the Allocation Area Expansion Parcels (collectively, the “Amendments”); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Amendments to this Plan Commission.

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF FISHERS PLAN COMMISSION, as follows:

1. That the Resolution and the Amendments conform to the plan of development for the City of Fishers, Indiana (the “City”).
2. That this Plan Commission hereby approves the Resolution and the Amendments.
3. That this Order hereby constitutes the written order of the Plan Commission approving the Resolution and the Amendments pursuant to Section 16 of the Act.
4. That the Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Amendments with the minutes of this meeting.

Passed by the City of Fishers Plan Commission this 2nd day of April, 2025.

CITY OF FISHERS PLAN COMMISSION

President

ATTEST:

Secretary