

## Overview of Unified Development Ordinance

### Summary

The Unified Development Ordinance (the “UDO”) is organized into fourteen (14) chapters, which are summarized herein. The UDO incorporates both the zoning and subdivision control ordinance regulations. The summary herein is intended to highlight the following for each chapter:

1. **Purpose:** Explains why the chapter exists.
2. **Summary:** Provides an overview of what the chapter does.
3. **Existing Ordinance Cross-Reference:** Generally lists for reference those sections of the existing zoning and subdivision ordinance that were incorporated into the chapter.
4. **Sections of Note:** Identifies specific sections of the UDO that includes revisions of note (e.g., modification of standards, new standard) or sections that are otherwise noteworthy.

A few quick highlights about the document structure:

1. **Document Structure:** *Article 2.2: Ordinance Format / Quick Links* provides an overview of the UDO’s structure, including cross-references and hyperlinks internal and external to the UDO.
2. **Hyper-Links:** If viewing the document in an electronic format, then: (i) clicking on the tabs in the right margin of every page will direct you to that chapter; (ii) clicking on colored and italicized font will direct to that cross-reference or external hyper-link; and (iii) clicking on the headings in each individual chapter’s table of contents will direct you to that article.
3. **Amendment Log:** An amendment log is provided at the end of every chapter to provide an annotation system for future amendments to the document.

### Chapter 1: Table of Contents

This is the table of contents for the document:

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8. Design Standards
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10. Processes and Permits
11. Enforcement and Penalties
12. Definitions
13. Use Table
14. Adopted PUD Districts

## Chapter 2: Basic Provisions

- 1) **Purpose:** To establish the basic structure and underlying assumptions with regard to the use and authority of the UDO.
- 2) **Summary:** Generally formalities; no new concepts.
- 3) **Existing Ordinance Cross-Reference:** Title 1: Land Use Controls title sheet; WC 16.04.010 General Provisions
- 4) **Sections of Note:** *Article 2.2: Ordinance Format / Quick Links* provides an overview of the document's structure, including cross-references and hyperlinks both internal and external to the document.

## Chapter 3: Administration

- 1) **Purpose:** To establish and briefly summarize the decision-making bodies and officials referenced in the UDO.
- 2) **Summary:** In general, Indiana law already establishes the duties and powers of these bodies and officials; however, this chapter is structured as a “base” for users of the UDO. This Article establishes a relationship within the UDO between these bodies and the established processes; particularly for those users of the UDO that may not be familiar with Indiana law or planning and zoning processes.
- 3) **Existing Ordinance Cross-Reference:** The existing zoning ordinance does not provide a comparable section in its entirety; however, there are existing sections for the Board of Zoning Appeals (WC 16.04.170) and Floodplain Administrator (WC 16.04.080).
- 4) **Sections of Note:** None identified.

## Chapter 4: Zoning Districts

- 1) **Purpose:** To establish a simple, standardized format for each zoning district that includes the basic bulk (e.g., building height, minimum living area) and lot standards (e.g., setbacks, lot size and dimensions).
- 2) **Summary:** This chapter is formatted for simplicity in its application and for consistency throughout the various zoning districts (e.g., terminology, format). No revisions are proposed to the standards of this chapter.
- 3) **Existing Ordinance Cross-Reference:** Residential Districts (WC 16.04.030), Multi-family Districts (WC 16.04.040), Business Districts (WC 16.04.050), and Industrial Districts (WC 16.04.060).
- 4) **Sections of Note:** Formatting changes include:
  - a) Articles listed as “[reserved for future use]” were set aside for potential Zoning Districts (e.g., Grand Junction).
  - b) Permitted uses are consolidated into a single use table in *Chapter 13: Use Table*, and cross-referenced accordingly (rather than being listed individually in each zoning district section).
  - c) A quick cross-reference table is provided at the bottom of each zoning district page for easy reference of frequently used sections.

## Chapter 5: Overlay Districts

- 1) **Purpose:** Consolidate the overlays into one chapter. The overlay districts include enhanced standards that “overlay”, or are in addition to, the property’s underlying zoning district (as set forth in *Chapter 4: Zoning Districts*).
- 2) **Summary:** The specifics of each overlay district are set forth below.
- 3) **Article 5.2: U.S. Highway 31 Overlay District:** No revisions are proposed to the standards of this overlay district; however, the Department and Council’s Committee have identified this overlay district to be further revisited after the adoption of the UDO.
  - d) **Existing Ordinance Cross-Reference:** WC 16.04.070
  - e) *Article 5.2(C) Permitted Uses:* The lengthy list of prohibited uses in the existing zoning ordinance is relocated as an excluded use column in *Chapter 13: Use Table*, which identifies the prohibited uses in the US31 column.
- 4) **Article 5.3: State Highway 32 Overlay District:** Revisions to this overlay district are primarily intended to clarify existing standards. In some instances, sections of the SR32 Overlay are relocated elsewhere in the UDO for standards that are now proposed to be community-wide (e.g., dumpster enclosure design, detention/retention pond design).
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.065
  - b) *Article 5.3(D) Administrative Waiver for Existing Developments:* This section was added to provide greater flexibility when new improvements are proposed for sites that were developed prior to the adoption of the overlay. As a result, the intent of this section is to recognize there are inherent issues that may occur when trying to apply the overlay to the entirety of these properties while still encouraging new, desirable investment in existing developments.
  - c) *Article 5.3(F) Access Control Requirements:* The frontage road width is reduced from 100’ wide to 70’ to be consistent with recently approved developments. In addition, this section clarifies the requirement for the frontage road to be dedicated as right-of-way.
  - d) *Article 5.3(K) Architectural Design Requirements:* There has been expressed a disappointment in proposed architecture with recent developments within the corridor and a concern that many of the standards were more guidelines than standards. As a result, the UDO includes the following changes:
    - i. Most of the standards that read “should” or “encouraged” now read “shall” and “required”, respectively.
    - ii. *Article 5.3(K)(2)(b) Building Elevations:* This section was revised to provide clarity on the depth and length of required building offsets as well as clarification that architectural elements can be considered if the dimensional requirement is met. This section also includes a new standard for buildings less than 10,000 sq. ft. in size.
    - iii. *Article 5.3(K)(2)(f)(ii) Flat Roofs:* This section is revised to require articulated cornices be “three-dimensional” and to incorporate specific standards establishing what qualifies as a “variation” or “modulation” in the roofline.
    - iv. *Article 5.3: (K)(2)(h) Windows:* This section is revised to clarify acceptable design elements to accent windows, including the addition of new images that depict the intent.

- 5) **Article 5.4: Economic Development District Overlay:** This overlay district is new. This overlay district designates uses that result in a property not paying property taxes to only be permitted as a special exception (which is considered by the Board of Zoning Appeals in accordance with the review criteria set forth in *Article 10.11: Special Exceptions*). This overlay district is intended to protect the City and its taxpayers in areas of the community (e.g., TIF Districts) where investment in substantial public infrastructure is occurring that relies upon the future property taxes to meet the debt obligations of the infrastructure.
- a) **Existing Ordinance Cross-Reference:** None.
  - b) **Sections of Note:** None identified.
- 6) **Article 5.5: Floodplain District:** No revisions are proposed to the standards of this article; however, new countywide floodplain maps have been produced for Hamilton County and will become effective on November 19, 2014. As a result, the Department of Natural Resources recently shared an updated floodplain ordinance for the City's consideration. As a result, it is likely this article will be updated prior to the Plan Commission's consideration for recommendation to the Council.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.080
  - b) **Sections of Note:** None identified.
- 7) **Article 5.6: Planned Unit Development (PUD) District:** The PUD District section of the existing ordinance is split into two sections in the UDO. This article sets forth the enabling parameters to create a PUD District, while the second section, *Article 10.9: Planned Unit Development Districts* sets forth the process to create and then implement a PUD District.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.190
  - b) **Sections of Note:** This article is consistent with the existing zoning ordinance; however, revisions include the following:
    - i. *Article 5.6(B) Applicability* codifies the requirement to establish an underlying zoning district. *Article 5.6(F) Standards* then provides that the City's standards, as they apply to that underlying zoning district, will apply, except as otherwise modified by the PUD Ordinance.
    - ii. *Article 5.6(G) Amendments to Unified Development Ordinance* codifies that future changes to the UDO shall also apply to the PUD District.
- 8) **Article 5.7: Wellhead Protection District:** This overlay district incorporates the previously adopted wellhead protection zones into the zoning ordinance. No revisions are proposed.
- a) **Existing Ordinance Cross-Reference:** Council Ordinance #5-31.
  - b) **Sections of Note:** None identified.

## Chapter 6: Development Standards

- 1) **Purpose:** This chapter consolidates the development standards of the existing zoning ordinance that apply to improvements on lots, as opposed to *Chapter 8: Design Standards* that generally establishes standards for public improvements and subdivision design.
- 2) **Summary:** The specifics of each article are set forth below. In many cases, no changes are proposed; however, each article is still listed to provide the existing ordinance cross-references.
- 3) **Article 6.1: Accessory Use and Building Standard:**
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.100.2, Residential Districts (WC 16.04.030.A.2).
  - b) *Article 6.1(G) Swimming Pools:* Revised pursuant to Indiana Building Code.
  - c) *Article 6.1(H) Screening of Receptacles and Loading Areas:* This section is expanded to accommodate the relocated standards from the SR32 Overlay to apply to all development.
  - d) *Article 6.1(I) Agriculture-Related Accessory Buildings and Uses:* This is a new section intended to clarify and better address standards that apply to agriculture-related structures (e.g., stables, riding stables, hobby farms). Under the existing ordinance, these uses are permitted, but historically have required interpretations because the existing zoning ordinance does not clearly define (see also summary regarding *Chapter 12: Definitions*) or differentiate between the varying types of agriculture-related uses and accessory structures.
- 4) **Article 6.2: Adult Entertainment Establishment Standards:** No revisions are proposed to the standards of this article.
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.085
  - b) **Sections of Note:** None identified.
- 5) **Article 6.3: Architectural Standards:** The standards of this article are from the existing zoning ordinance's development plan review standards. As part of the Council's Committee review, the revisions noted below are proposed.
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.165
  - b) *Article 6.3(C)(1)(b) Single-Family Districts; Perimeter Lots:* The original intent of the existing zoning ordinance's standard was to encourage the front of homes to face perimeter streets or at a minimum, for rear and side elevations visible from the traversing public (along the City's Collectors and Arterials) to be enhanced in a manner more reflective of the attention to detail typically given to front elevations. However, existing developments have not had the result as originally intended by the standard. As such, the revised standard better defines what specific architectural features will have the desired effect.
  - c) *Article 6.3(C)(2)(c) Single-Family Districts; Streetscape Diversity:* This revision is intended to provide greater clarity to the existing standard. The proposed standard is generally consistent with recently adopted PUD Ordinances, with the exception that the proposed standard only regulates lots immediately adjacent to the subject lot and not additional lots. The Council's Committee recognizes that similar floor plans on adjacent lots may not result in monotony as long as the front elevations are otherwise substantially different. So rather than prohibit similar floor plans, or variations of the same floor plan on adjacent lots, the standard was revised to at least require varying architectural styles.

- d) *Article 6.3(E) Multi-Family Districts:* New standards, based on recently approved PUD District Ordinances include: *Article 6.3(E)(2)(b) Four-Sided Architecture; Article 6.3(E)(3)(a) Permitted Materials; Article 6.3(E)(4) Windows; Article 6.3(E)(5) Roof Design; and Article 6.3(E)(6)(a) Streetscape Diversity.*
  - e) *Article 6.3(F) Business Districts:* The existing zoning ordinance only includes standards regarding building materials. The proposed revisions:
    - i. Incorporate the basic architectural standards from the SR32 Overlay District.
    - ii. Prohibit flat roofs for one-story buildings in the LB District in order to encourage a residential roof character.
    - iii. Incorporate standards for gasoline service station canopies.
  - f) *Article 6.3(G) Industrial Districts:* The existing zoning ordinance includes standards for facades facing a residential district or street. As revised, the UDO broadens this section to also apply to facades oriented toward an alternative transportation trail (e.g., Monon Trail, Midland Trace Trail). In addition, the revisions include a building façade offset standard for these facades.
- 6) Article 6.4: Building Standards:** This article consolidates the existing zoning ordinance’s standards into this one Article. No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** Residential Districts (WC 16.04.030), Multi-family Districts (WC 16.04.040), Business Districts (WC 16.04.050), and Industrial Districts (WC 16.04.060).
  - b) **Sections of Note:** None identified.
- 7) Article 6.5: Fence Standards:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.165.3
  - b) **Sections of Note:** None identified.
- 8) Article 6.6: Height Standards:** No revisions are proposed to the standards of this article, except as noted below.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.010.G and general requirements of the Residential Districts (WC 16.04.030.A.4), Business Districts (WC 16.04.050.A.7 and 8) and Industrial Districts (WC 16.04.060.A.4).
  - b) **Sections of Note:** *Article 6.6(D) Buildings for Agricultural Uses* allows for agricultural buildings to exceed the maximum building height of 35’ in order to encourage buildings with a greater pitched-roof. Without this standard, most agricultural buildings lack the desired character with minimal (almost flat) roof pitches in order to comply with the current maximum building height.
- 9) Article 6.7: Home Business Standards:** The existing ordinance does not include standards specific to home businesses; rather, each individual residential zoning district simply includes a list of permitted home occupations. As a result, this section is proposed to provide better parameters to protect the residential character of neighborhoods.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.030 Residential Districts
  - b) **Sections of Note:** None identified.
- 10) Article 6.8: Landscaping Standards:**
- a) **Existing Ordinance Cross-Reference:** WC 16.04.010

- b) *Article 6.8(E)(6) Incentives to Preserve Trees* is revised to clarify scenarios when preserved natural areas overlap buffer yards or other landscaping requirements.
  - c) *Article 6.8(F)(1)(e) Substitutions* is revised to remove conflicting standards for permitted tree substitutions.
  - d) *Article 6.8(F)(2) Mounds* is a new section added to provide standards for mounding.
  - e) *Article 6.8(F)(3) Installation* is revised to clarify the timing requirement to install common area and development amenity improvements.
  - f) *Article 6.8(G)(4)(d) and (e) Placement* is added to be consistent with recently adopted City Construction Standards to ensure plantings don't interfere with pedestrian and stormwater structures.
  - g) *Article 6.8(E)(9) Detention and Retention Areas* is relocated from the SR32 Overlay District to apply to all development (to further encourage the natural design of these areas).
  - h) *Article 6.8(H) Street Trees* is new and requires street trees for residential developments.
  - i) *Article 6.8(I) Minimum Lot Landscaping* (titled "on-site landscaping" in the existing ordinance) is revised to clarify that this standard applies to individual lots (for ease of administration) rather than to an overall development. This section also clarifies that other required landscaping may be credited towards this minimum total lot landscaping requirement. A minimum tree requirement is proposed for open space and common areas.
  - j) *Article 6.8(J) Foundation Plantings* is expanded to require enhanced foundation landscaping along the front of non-residential buildings.
  - k) *Article 6.8(K) External Street Frontage Landscaping Requirements* (titled "road frontage" in the existing ordinance) is revised to require different perimeter road landscaping for residential and non-residential developments.
  - l) *Article 6.8(L) Buffer Yard Requirements* is revised to be more responsive to desired intensity of screening (both in separation and planting densities). The revisions are intended to better address different buffer yard intensities because the existing ordinance only provides different separation requirements, but does not require varying plant densities. This section also now specifies who is responsible to install the buffer yards and it clarifies that buffer yards are not required along road frontages (rather the External Street Frontage Landscaping Requirement applies).
- 11) Article 6.9: Lighting Standards:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.07.010
  - b) **Sections of Note:** None identified.
- 12) Article 6.10: Lot Standards:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.010.I and WC 16.04.060.A.4
  - b) **Sections of Note:** None identified.
- 13) Article 6.11: Manufactured Home and Park Standards:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.090
  - b) **Sections of Note:** None identified.
- 14) Article 6.12: Outside Storage and Display:** The Council's Committee recommends revisions to the standards of this article to clarify and better regulate and differentiate between "storage" and

“display” and clarifies “sales lot”. In addition, the revisions incorporate standards to ensure that permitted storage is properly screened. As a result, most of the standards of this article are new with the exception of *Article 6.12(C)(2)(a) Outside Sales Display*.

- a) **Existing Ordinance Cross-Reference:** Business Districts (WC 16.04.050.11)
- b) **Sections of Note:** None identified.

**15) Article 6.13: Outdoor Café and Eating Areas:** The standards of this article are currently located within the Temporary Use and Events section of the existing zoning ordinance; however, to acknowledge that these regulations should apply to both temporary and permanent outdoor dining areas, these standards were given its own article within the UDO. In addition, *Article 6.13(F)(1) Permanent Areas* requires that permanent outdoor dining areas be included on approved development plans. No other revisions are proposed to the standards of this article.

- a) **Existing Ordinance Cross-Reference:** WC 16.04.095
- b) **Sections of Note:** None identified.

**16) Article 6.14: Parking and Loading Standards:** The revisions to this Article are noted below.

- a) **Existing Ordinance Cross-Reference:** WC 16.04.120
- b) *Article 6.12(E) Drive-Through Stacking Requirements* is proposed to better ensure that stacking for drive-through facilities does not interfere with vehicular or pedestrian circulation patterns, both internal to the site and onto adjacent rights-of-way.
- c) *Article 6.12(G)(5) Parking Space Size* is modified to reduce the minimum parking space size from 10' by 20' to allow spaces to be 9' by 18', which is consistent with previously approved variances and recent development proposals.
- d) *Article 6.12(H) Bicycle Parking* is a new section that incorporates bicycle parking standards.

**17) Article 6.15: Performance Standards:** This article is consistent with the existing zoning ordinance (which applies to industrial districts) with the exception of *Article 6.15(B) General Requirements*, which is a new section intended to provide general standards for all uses. No other revisions are proposed to the standards of this article.

- a) **Existing Ordinance Cross-Reference:** WC 16.04.060
- b) **Sections of Note:** None identified.

**18) Article 6.16: Setback Standards:** This article consolidates the existing zoning ordinance’s standards. No revisions are proposed to the standards of this article.

- a) **Existing Ordinance Cross-Reference:** WC 16.04.030.3 and WC 16.04.230.6
- c) **Sections of Note:** None identified.

**19) Article 6.17: Sign Standards:** The revisions to the standards of this article are noted below.

- a) **Existing Ordinance Cross-Reference:** WC 16.08.010
- b) *Article 6.17(E)(12) Prohibitions* is added to prohibit manual changeable copy signs.
- c) *Article 6.17(F)(6) Electronic Signs* is modified to allow electronic signs on monument signs and to restrict the size accordingly. The existing zoning ordinance currently restricts the content of electronic signs to allow only time, temperature and gas prices. No other revisions are proposed to the other standards regulating electronic signs.
- d) *Article 6.17(E)(8) Identification with Grand Park* is proposed to provide that if identification with Grand Park is permitted by the City, then such identification shall not count against the sign’s permitted sign area (similar to the existing standard for identification with the City).

- 20) Article 6.18: Temporary Uses and Events:** The revisions to the standards of this article are noted below.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.095
  - b) *Article 6.18(I) Firework Sales* is added to cross-reference the existing municipal code regulations.
  - c) *Article 6.18(J) Model Homes* is added because although model homes are contemplated, they are not specifically regulated in the existing zoning ordinance. As a result, the proposed standards provide parameters to better acknowledge the use and regulate their compatibility with the surrounding neighborhood.
  - d) *Article 6.18(K) Food Vendors and Food Vending* was added to cross-reference the existing municipal code regulations.
  - e) *Article 6.18(L) Farm Stands* is added because although these are contemplated, they are not specifically regulated in the existing zoning ordinance. As a result, the proposed standards provide parameters to better regulate them through the temporary use permit.
- 21) Article 6.19: Vision Clearance Standards:**
- a) **Existing Ordinance Cross-Reference:** Various sections of the existing ordinance make reference to vision clearance standards (e.g., landscaping, signage, street standards). All of those sections in the UDO now cross-reference this one section.
  - b) **Sections of Note:** None identified.
- 22) Article 6.20: Wireless Communication Service Facilities:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.125
  - b) **Sections of Note:** None identified.
- 23) Article 6.21: Yard Standards:** No revisions are proposed to the standards of this article.
- a) **Existing Ordinance Cross-Reference:** General Provisions (WC 16.04.010.H), Residential Districts (WC 16.04.030.1), Business Districts (WC 16.04.050.3 and 6)
  - b) **Sections of Note:** None identified.

## Chapter 7: Subdivision Regulations

- 1) Purpose:** Establishes the right and authority to subdivide property.
- 2) Summary:** This chapter sets forth the basic parameters that apply to subdivisions.
- 3) Existing Ordinance Cross-Reference:** Establishment of Controls (WC 16.04.200), Plat Certificates (WC 16.04.250), Waiver (WC 16.04.260 and WC 16.04.165.F), Principles and Standards of Design (WC 16.04.240.L).
- 4) Sections of Note:**
  - a) *Article 7.3(B) Construction Standards:* The Public Works Department maintains the City's Utility and Infrastructure Construction Standards and Specifications, as adopted by the Board of Public Works ("Construction Standards"). That document has been cross-linked for ease of use and standards that were otherwise duplicated in both the Construction Standards and the zoning ordinance are removed from the UDO to avoid confusion and potentially conflicting standards.

- b) *Article 7.4 Plat Certificates and Deed of Dedication*: A Board of Public Works and Safety certificate is added for purposes of acceptance of public right-of-way that is dedicated.

## Chapter 8: Design Standards

- 1) **Purpose:** To establish site design and improvement standards for development. This chapter includes what would generally be included in a subdivision control ordinance.
- 2) **Summary:** This chapter is different than Chapter 6 in that the standards of this chapter primarily apply to public improvements and subdivision design, whereas Chapter 6 primarily addresses standards for improvements on lots.
- 3) **Existing Ordinance Cross-Reference:** Principles and Standards of Design (WC 16.04.240), Standards of Improvements (WC 16.04.240).
- 4) **Sections of Note:**
  - a) *Article 8.3 Easement Standards*: This article is expanded to address cross-access, private street and subdivision sign easements.
  - b) *Article 8.6 Open Space*: This article pulls together all open space requirements of the existing ordinance into one section. The primary change in this article include sections (F) and (G), which codify and provide clarity with regard to the approval of open space improvements and then what site features qualify towards meeting an open space requirement (e.g., location and design of retention and detention areas).
  - c) *Article 8.9 Street and Right-of-way Standards*:
    - i. *Article 8.9(D) Dedication of Right-of-way*: Provides clarification for the requirement to dedicate right-of-way for both existing streets as well as proposed streets depicted on the Thoroughfare Plan.
    - ii. *Article 8.9(E) Private Streets*: Provides greater clarification and regulation for private streets to ensure that private streets are constructed in accordance with the City's Construction Standards and documented properly (e.g., easements, recorded instruments for maintenance, etc.).
    - iii. *Article 8.9(G)(3)(a) Cul-de-sac Design*: Reduced maximum cul-de-sac length from 600' to 300'.
    - iv. *Article 8.9(G)(3)(c) Drainage Easement*: New section added to require a drainage easement free of vertical improvements at the end of a cul-de-sac for snow removal maintenance.
    - v. *Article 8.9(G)(3)(e) Pedestrian Connection*: Added language to allow the Plan Commission or Director to require pedestrian connections through cul-de-sacs where deemed appropriate.

## Chapter 9: Nonconforming Regulations

- 1) **Purpose:** This chapter establishes the “rules” that apply to a lot, use and/or structure that legally existed prior to a change in the zoning ordinance where a lot, use and/or structure no longer complies with the zoning ordinance.
- 2) **Summary:** There are generally no new concepts in this chapter, except to provide consistency in combining various sections of the existing ordinance or to provide clarity in the existing language.
- 3) **Existing Ordinance Cross-Reference:** WC 16.04.010(Y) Preexisting Nonconforming Lots, Structures and Uses; WC 16.08.010(N) Signs.
- 4) **Sections of Note:** For reference, *Article 9.1* and *Article 9.2* explain the difference between an “illegal” and “legal” nonconformity.

## Chapter 10: Processes and Permits

- 1) **Purpose:** This chapter establishes the permits and processes that are referenced throughout the UDO and consolidates them into this single chapter for ease of use.
- 2) **Summary:** The specifics of each article are set forth below.
- 3) **Article 10.1 Processes and Permits**
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.010.K
  - b) **Sections of Note:** None identified.
- 4) **Article 10.2 Administrative Determination**
  - a) **Existing Ordinance Cross-Reference:** None; rather, this new article codifies the process for what already occurs in application of the ordinance and pursuant to Indiana law.
  - b) **Sections of Note:** None identified.
- 5) **Article 10.3 Appeals of Administrative Decisions**
  - a) **Existing Ordinance Cross-Reference:** None; rather, this new article codifies the process for what already occurs in application of the ordinance and pursuant to Indiana law.
  - b) **Sections of Note:** None identified.
- 6) **Article 10.4 Certificate of Compliance**
  - a) **Existing Ordinance Cross-Reference:** None; rather, this new article clarifies this certificate as a “catch all” for a variety of scenarios as generally outlined in *Article 10.4(A)*.
  - b) **Sections of Note:** None identified.
- 7) **Article 10.5 Certificate of Occupancy:** No revisions are proposed to the standards of this article
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.160
  - b) **Sections of Note:** None identified.
- 8) **Article 10.6 Commitments:** This section is generally consistent with the existing zoning ordinance with the exception of updates pursuant to recently amended Indiana law.
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.010.W
  - b) **Sections of Note:** None identified.
- 9) **Article 10.7 Development Plan Review:** No revisions are proposed to the standards of this article except as set forth below to clarify the two stages of development plan approval.
  - a) **Existing Ordinance Cross-Reference:** WC 16.04.165

- b) **Sections of Note:** *Article 10.7(D) Approvals Required* creates the distinction between an Overall Development Plan and a Detailed Development Plan as follows:
  - i. Overall Development Plan (*Article 10.7(F)*) = Reviewed at the primary plat level to identify shared infrastructure such as common areas, access, drainage, perimeter landscaping.
  - ii. Detailed Development Plan (*Article 10.7(G)*) = Site or lot specific improvements (including buildings, parking, on-site landscaping).
  - iii. Required Approvals: An Overall Development Plans would now be required as part of all Primary Plats. A Detailed Development Plan would now be required as part of all Secondary Plats. The existing zoning ordinance only requires this for single family developments and not for commercial subdivisions.

**10) Article 10.8 Improvement Location Permit:** No revisions are proposed to the standards of this article except as noted below.

a) **Existing Ordinance Cross-Reference:** WC 16.04.160

b) **Sections of Note:**

- i. *Article 10.8(D) Infrastructure:* Codifies the City's ability to: (a) release the construction of a building's foundation early upon certain conditions being in place; and (b) hold up building permits subject to the status of public infrastructure.
- ii. *Article 10.8(O) Farm Buildings:* Establishes a simplified building permit requirement for accessory farm buildings.

**11) Article 10.9 Planned Unit Development Districts:** The PUD District section of the existing ordinance is split into two sections in the UDO. This article sets forth the process to create and then implement a PUD District, while *Article 5.6 Planned Unit Development* sets forth the enabling parameters to create a PUD District. The revisions proposed to this article are noted below.

a) **Existing Ordinance Cross-Reference:** WC 16.04.190

b) **Sections of Note:**

- i. *Article 10.9(C)(1)(f) Neighbor Meeting:* Revised required invitees to meeting to coincide with those interested parties required to receive the public notice.
- ii. *Article 10.9(D) Development Plan Approval:* Simply defaults to *Article 10.7 Development Plan*, rather than restate the Development Plan approval requirements and process.
- iii. District Time Limitations: Removed PUD District time limitations, which would now default to recent Indiana law (I.C. 36-7-4-1109) regarding vested rights.

**12) Article 10.10 Sign Permits:** No revisions are proposed to the standards of this article.

a) **Existing Ordinance Cross-Reference:** WC 16.08.010.O

b) **Sections of Note:** None identified.

**13) Article 10.11 Special Exceptions:** No revisions are proposed to the standards of this article except as noted below.

a) **Existing Ordinance Cross-Reference:** WC 16.04.140

b) **Sections of Note:** *Article 10.11(D) Review Criteria* has been broadened to provide greater discretion and consideration by the Board of Zoning Appeals with regard to the impact of the use on public services/facilities (*Article 10.11(D)(4)*), the impact on the immediate

vicinity (Article 10.11(D)(2)), and whether the use is consistent with the Comprehensive Plan ((Article 10.11(D)(6)).

- 14) Article 10.12 Subdivision:** No revisions are proposed to the standards of this article except as noted below to accommodate the Major and Minor Subdivision processes.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.220
  - b) **Sections of Note:** *Article 10.12(B): Approval Process* establishes a Major and Minor Subdivision (as defined in *Chapter 12: Definitions*) approval process. The distinction will ensure parcel splits that do not require platting will otherwise comply with the applicable lot standards.
- 15) Article 10.13: Temporary Use and Events Permit:** No revisions are proposed to this article.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.095.D
  - b) **Sections of Note:** None identified.
- 16) Article 10.14: Variances:** No revisions are proposed to this article except as noted below.
- a) **Existing Ordinance Cross-Reference:** WC 16.04.170(E)
  - b) **Sections of Note:** The only revision is the addition of *Article 10.14(K) Acknowledgement of Variance*, which now requires the petitioner to record an acknowledgement of approved variances, which codifies what the Board currently requires as a condition of its approvals.
- 17) Article 10.15: Zoning Map Changes (Rezoning)**
- a) **Existing Ordinance Cross-Reference:** None; rather, this new Article codifies the process for what already occurs in application of the ordinance and pursuant to Indiana law.
  - b) **Sections of Note:** None identified.

## Chapter 11: Enforcement and Penalties

- 1) **Purpose:** To establish the formal parameters for enforcing violations of the zoning ordinance.
- 2) **Summary:** This chapter provides the authority, violation, enforcement, penalty and remedy provisions for the UDO. No revisions are proposed to the standards of this article.
- 3) **Existing Ordinance Cross-Reference:** WC 16.04.300 Violation; WC 16.04.310 Penalty; WC 16.04.320 Enforcement; WC 16.08.010(P) Signs
- 4) **UDO Sections of Note:** None identified.

## Chapter 12: Definitions

- 1) **Purpose:** To define terms used throughout the UDO.
- 2) **Summary:** The proposed revisions to definitions are primarily geared towards:
  - a) Providing clarification for existing definitions and cleaning up outdated definitions.
  - b) Incorporating “umbrella” use terms to consolidate similar uses.
  - c) Incorporating terms as needed to accommodate the new format.
  - d) Incorporating terms as needed to accommodate new verbiage (for clarification of existing standards), uses or standards.
- 3) **Existing Ordinance Cross-Reference:** WC 16.04.210 Definitions
- 4) **Sections of Note:** None have been specifically identified; however, brief examples of the proposed revisions (per the summary above) include:

- a) **Provide Clarity:** Right-of-way; Street (or Road); Street, Private; Equestrian Facility; Lot Frontage; Lot Line; Masonry Material; Nonresidential Center; Outlot; Retention and Detention Area; Yard terms (Yard, Established Front).
- b) **Umbrella Use Terms:** Agricultural Processing; Agricultural Uses; Agritourism Uses; Industry terms (e.g., Industry, Heavy); Office term (e.g., Office, Professional); Retail terms (e.g., Retail, Light); Restaurant terms (e.g., Restaurant, Fast Food).
- c) **New Format Terms:** District definitions (e.g., District, Business); Subdivision, Major; Subdivision, Minor.
- d) **New Terms:** Farm Stand; Garden and Lawn Center; Gasoline Service Station; Hobby Farm, Nursery; Polymeric Cladding; Street, External; Street, Internal.

## Chapter 13: Use Table

**1) Purpose:** To consolidate the list of permitted uses into one, easy to use format.

**2) Summary:**

- a) A land use only appears once in the list.
- b) Includes US31 Overlay prohibited uses.
- c) Capitalized uses are defined.
- d) The use list includes “umbrella” uses for ease of administration and to consolidate similar uses. The umbrella uses include within their definitions, as examples, those individual uses that may have otherwise been listed separately in the existing zoning ordinance. Example umbrella uses include:
  - i. Agricultural Processing
  - ii. Office, Construction Trade; Office, General Services; Office, Medical; Office, Professional
  - iii. Restaurant, Specialty; Restaurant, Sit Down; Restaurant, Fast Food / Restaurant, Takeout and Deli-style
  - iv. Retail, Low, Medium, High, Very High and Special Handling
  - v. School, Fine Arts or Commercial; School, Professional Trade or Business
- e) Some uses are now defined as a refinement to address existing issues, such as:
  - i. Agricultural uses that now includes: Agricultural Uses; Agritourism Uses; Equestrian Facility; Hobby Farm; and Farm Stands.
  - ii. Nurseries and landscaping businesses that now includes: Nursery; Garden and Lawn Center; and Office, Construction Trade (for landscaping business).

**3) Existing Ordinance Cross-Reference:** In addition to the list of business and industrial uses of WC 16.04.180, Figure 2 Use List, each zoning district in the existing zoning ordinance includes various lists of permitted uses.

**4) Sections of Note:** None identified.

## Chapter 14: Adopted PUD Districts

- 1) **Purpose:** To summarize the existing PUD District Ordinances in a single location.
- 2) **Summary:** Every PUD District Ordinance and PUD Amendment Ordinance adopted by the Council is listed in this chapter. It is the intent of the Department that every ordinance will eventually be hyperlinked (as some already are in this draft). This will greatly increase efficiencies for access to PUD District Ordinances while also providing a single source of what ordinances were adopted with respect to the various PUD Districts.
- 3) **Existing Ordinance Cross-Reference:** None.
- 4) **UDO Sections of Note:** None identified.