Overview of Unified Development Ordinance Patch Revisions

Summary

The following is a list of revisions proposed to the Unified Development Ordinance (the "UDO").

Chapter 3: Administration

1) **Article 3.5(C) Floodplain Administrator; Duties (pg. 3-5):** The Indiana Department of Natural Resources (IDNR) has requested modifications to the adopted floodplain overlay as they've determined are necessary in order to comply with the Federal Emergency Management Agency's (FEMA) criteria for the Township's participation in the National Flood Insurance Program and recently released Flood Insurance Rate Maps. IDNR has requested two additional Floodplain Administrator duties be added:
    a) Proposed Language: Add a subsection (11) and (12) as follows: "11. Notify adjacent communities and the State's floodplain coordinator prior to any alteration or relocation of a Watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. 12. Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the flood-carrying capacity is not diminished."

Chapter 5: Overlay Districts

2) **Article 5.5 Floodplain Overlay District (FOD) (pg. 5-26):** IDNR has requested modifications to the adopted floodplain overlay as they've determined are necessary in order to comply with FEMA's criteria for the Township's participation in the National Flood Insurance Program and recently released Flood Insurance Rate Maps.
    a) Article 5.5(C): Definitions (pg. 5-26): Several definitions use the effective date of the UDO (or previous version of the floodplain ordinance, as the case may be) as a benchmark date. IDNR has requested the effective date of the community's first floodplain ordinance be used as the benchmark, rather than the effective date of the UDO. As a result, the following modifications are proposed:
        i. Effective Date of Initial Floodplain Management Regulations: Add an "Effective Date of Initial Floodplain Management Regulations" definition to read as follows: "August 15, 1975."
        ii. Article 5.5(C)(4) Construction, New (pg. 5-27): Modify the definition, as follows: "Any Building or Building Addition for which the Start of Construction commenced after the ~~effective date of this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."
        iii. Article 5.5(C)(28) Manufactured Home Park, Existing (pg. 5-29): Modify the definition, as follows: "A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (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 this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."

iv. Article 5.5(C)(30) Manufactured Home Park, New (pg. 5-29): Modify the definition, as follows: "A Manufactured Home Park for which the construction of Buildings and facilities for servicing the Manufactured Homes (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 this Ordinance~~ Effective Date of Initial Floodplain Management Regulations."

b) Article 5.5(H)(9): Major Subdivisions (pg. 5-40):

i. Existing Language: "Major Subdivisions: All Major Subdivision proposals within this Overlay shall: (a) Be consistent with the need to minimize flood damage. (b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage hazards. (c) Have adequate drainage provided to reduce exposure to flood hazards. (d) Provide BFE data. (e) Minimize development in the SFHA and/or limit density of development permitted in the SFHA. (f) Ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders)."

ii. Proposed Language: "~~Major~~ Subdivisions/Development: ~~All Major Subdivision proposals~~ Subdivisions and other Development (including Manufactured Home Parks), which are greater than either fifty (50) Lots or five (5) acres, within this Overlay shall…"

Chapter 6: Development Standards

3) Article 6.1(B) Accessory Use and Building Standards; General Standards (pg. 6-2):

a) Issue: Architectural incompatibility of carports in residential districts.

b) Existing Language: None.

c) Proposed Language: Add a section (8) under the General Standards to read as follows: "8. Carports shall be consistent in design, appearance and materials with the Principal Building. Carports for Single-family Dwellings shall be attached to the Principal Building."

4) Article 6.3(C) Architectural Standards; Single-family Districts (Residential Uses):

a. Article 6.3(C)(1) Perimeter Lots (pg. 6-11):

i. Issue: In the strictest application of the existing language, there could be lots that are not visible from the External Street and that abut a common area abutting the External Street (see following exhibit).

ii. Existing Language: "A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Lots abutting an External Street, abutting a Common Area abutting an External Street, or abutting an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "Perimeter Lot"):"

iii. Proposed Language: "A minimum of one (1) of the following two (2) design objectives shall be met for Dwellings on Perimeter Lots. For purposes of this section, a Perimeter Lot shall include Lots abutting: (a) an External Street or

PERIMETER LOT STANDARD EXHIBIT

(FOR ILLUSTRATIVE PURPOSES ONLY)

ALL LOTS COLORED COULD BE A PERIMETER LOT UNDER STRICTEST APPLICATION OF EXISTING LANGUAGE

PERIMETER LOT

PROPOSED REVISION IS INTENDED TO REMOVE THESE LOTS FROM BEING QUALIFIED AS A PERIMETER LOT SUBJECT TO THE ENHANCEMENT REQUIREMENTS

EXAMPLE "VIEW SHEDS" OF LOTS FROM EXTERNAL STREET FRONTAGES

iv. alternative transportation corridor bearing a designation on the Thoroughfare Plan~~, abutting~~; or (b) a Common Area abutting an External Street~~,~~ or ~~abutting~~ an alternative transportation corridor bearing a designation on the Thoroughfare Plan ~~(collectively, "Perimeter Lot"):~~ If a Lot abutting a Common Area is not within the view shed (without regard to landscaping and mounding) from the Subdivision's External Street or alternative transportation corridor frontage, then the Perimeter Lot standards shall not apply.

b. Article 6.3(C)(1)(b)(ii)(b) Perimeter Lots; Rear/Side Building Façade Enhancements; Qualifying Characteristics (pg. 6-12):
   i. Issue: A dwelling greater than 250' from the External Street receives one (1) point towards the enhancement requirement for a perimeter lot. The proposed language would allow an additional point to be credited for a dwelling greater than 500' from the External Street, acknowledging the greater separation is desirable.
   ii. Existing Language: "The closest Building Facade of the Dwelling is greater than two hundred and fifty (250) feet from the Right-of-way line of the External Street."
   iii. Proposed Language: "The closest Building Facade of the Dwelling from the Right-of-way line of the External Street or alternative transportation corridor bearing a designation on the Thoroughfare Plan is greater than two hundred and fifty (250) feet ~~from the Right-of-way line of the External Street~~ (1 point); or five hundred (500) feet (2 points)."

c. Article 6.3(C)(2)(a) Streetscape Diversity (pg. 6-14):
   i. Issue: The current standard does not clearly acknowledge that a rear-load garage accomplishes the same objective.
   ii. Existing Language: "The front façade of a front-load garage shall be recessed from the Front Building Facade by at least five (5) feet. A side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Facade oriented toward the Street, shall also meet this objective."
   iii. Proposed Language: "The front façade of a front-load garage shall be recessed from the Front Building Facade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Facade oriented toward the Street, shall also meet this objective."

5) Article 6.4(F) Building Standards; Agriculture-Related Uses (pg. 6-20):

d. Issue: This standard includes the term "Hobby Farms", which is not a term used in the adopted version of the UDO and should have been deleted.

e. Existing Language: "More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, Hobby Farms, and Nurseries."

f. Proposed Language: "More than one (1) Principal Building shall be permitted on a Lot for the following uses: Agricultural Uses, Agritourism Uses, Equestrian Facilities, ~~Hobby Farms,~~ and Nurseries."

6) Article 6.8 Landscaping Standards:

a) Article 6.8(E)(6)(vi) Preservation and Replacement of Trees; Incentives to Preserve Trees (pg. 6-28):

i. Issue: The existing standard only allows "species native to the ecosystem" to receive a tree preservation credit.

ii. Existing Language: "Existing trees that are preserved…may be credited…if the tree … [is] of a species native to the ecosystem."

iii. Proposed Language: Existing trees that are preserved…may be credited…if the tree meets all of the following criteria…"Shall be of a species native to the ~~ecosystem~~ State or on the Master Tree and Shrub List, as maintained by the City."

b) Article 6.8(F)(2)(b); Mounds; Maximum Slope (pg. 6-29):

i. Issue: The existing maximum slope may discourage undulation and may cause buffer yards to be wider than necessary; however, a steeper slope with grass may cause maintenance issues and have undesirable aesthetic results (access for ride-on equipment and equipment causing ruts).

ii. Existing Language: "The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio."

iii. Proposed Language: "The maximum slide slope of mounds shall not exceed a three (3) (horizontal units) to one (1) (vertical unit) ratio. The maximum slide slope of a mound may be increased to a two (2) (horizontal units) to one (1) (vertical unit) ratio for those areas of the mound that only includes trees and shrubs and no-mow Groundcover or mulch."

c) Article 6.8(L); Foundation Plantings (pg. 6-34):

i. Issue: Article 6.17(F)(11)(b); Sign Standards; General Sign Regulations; Monument Signs; Landscaping cross-references that landscaping around monument signs shall be required in accordance with Article 6.8; Landscaping; however, Article 6.8 does not include a landscaping requirement.

ii. Existing Language: No standard.

iii. Proposed Language: Add a section (5) under the Foundation Plantings standards to read as follows: "5. Monument Signs shall include a landscaped area at the base of the Monument Sign. The minimum size of the landscaped area shall be equivalent to one side of the Monument Sign's Sign Face. The landscaped area shall be substantially covered with a variety of planting types such as Groundcover, perennials, shrubs, and ornamental trees."

d) Article 6.8(N)(5)(chart); Buffer Yard Requirements; Required Buffer Yard (pg. 6-36):

i. Issue: A wide buffer yard for a single-family development abutting agricultural land (e.g., fields) may not be necessary, especially if the adjacent land is likely to be developed for a similar or more intense use (e.g., as anticipated in the Comprehensive Master Plan).

ii. Existing Language:

5. Required Buffer Yard: The minimum required Buffer Yard shall be determined by the abutting Zoning District(s) and/or land uses, whichever is more restrictive, in accordance with the following chart.

Chart: Required Buffer Yard

Required Buffer Yard Type		AG-SF1	SF1, SF2	SF3	SF4, SF5, SFA	MF	Institutional	Business	Industrial
Proposed Use / Zoning District	AG-SF1	-	-	-	-	-	-	-	-
	SF1, SF2	A	-	-	-	-	-	-	-
	SF3	B	A	-	-	-	-	-	-
	SF4, SF5, SFA	B	A	A	-	-	-	-	-
	MF	B	B	A	A	-	-	-	-
	Institutional	A	B	B	B	B	-	-	-
	Business	A	C	B	B	B	A	-	-
	Industrial	A	C	C	C	C	B	A	-

a. Institutional Uses: The Plan Commission may approve a smaller Buffer Yard than required above (but no less than 15 feet) for Institutional Uses on Lots of Record (as of December 10, 2001, when Ordinance 01-16 was adopted) that are less than ten (10) acres in size and adjacent to residential uses, provided:

i. The proposed structure shall be finished in a manner that is in character with the adjacent neighborhood.

ii. Landscaping may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses.

iii. No drives or Parking Areas shall be permitted in a reduced Buffer Yard area.

Chart: Buffer Yard Types

Buffer Yard Type	Planting Materials per 100 lineal feet				
	Width	Shade Trees	Evergreen Trees	Shrubs	Mound / Fence
Buffer A (small)	30 feet	3	3	10	none required
Buffer B (medium)	40 feet	4	4	10	4' tall undulating mound for at least 60% of the length of the shared Lot Line
Buffer C (large)	50 feet	5	5	20	4' tall undulating mound for at least 60% of the length of the shared Lot Line and a 6' - 8' tall opaque fence

iii. Proposed Language: Add a section (b) under the Required Buffer Yard chart to read as follows: "b. Single-family Dwelling Subdivisions Abutting Agricultural Uses: If the Plan Commission determines a smaller Buffer Yard is appropriate after consideration of the existing and potential use of the adjacent property, then as

part of the Overall Development Plan review, the Plan Commission may approve a narrower Buffer Yard with fewer plantings than required above (but no less than 15 feet wide) for Single-family Dwelling Subdivisions adjacent to an Agricultural Use."

7) **Article 6.16 Setback Standards** (pg. 6-20):
   a) Issue: Building a home with a side-load garage is difficult with the current side yard setbacks (in combination with the other minimum lot standards) in the single-family residential districts, based on the typical width of a home with a side-load garage. Side-load garages are desirable and should be encouraged. As a result, a proposed language allows a smaller side yard setback but requires the same building separation that would have otherwise occurred if the district's side yard setbacks were applied.
   b) Existing Language: None.
   c) Proposed Language: Add a section (H) to read as follows: "H. Side Load Garages: The Minimum Building Setback Line for a Side Yard in a Major Subdivision in a Single-family District may be reduced to a minimum of five (5) feet for Dwellings with a side or courtyard loading garage, subject to the following: (1) the minimum Building Separation for Dwellings on adjacent Lots shall be the District's Minimum Building Setback Line for a Side Yard multiplied by two (2); and (2) the Side Yard Building Setback Lines shall be established on the Secondary Plat."

Chapter 8: Design Standards

8) **Article 8.6(G) Open Space and Amenity Standards; Qualifying Site Features** (pg. 8-11):
   a) Article 8.6(G)(1) [Third Party Regulated Utility Easements]:
      i. Issue: "Third party regulated utility easements" could potentially include easements that are created to accommodate the development (e.g., landscaping easements, common areas, drainage easements) when the intent was to qualify those existing easements that are undevelopable (e.g., gas pipelines, transmission lines).
      ii. Existing Language: "A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements, legal drains and equivalent land, as determined by the Plan Commission or Director."
      iii. Proposed Language: "A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director."
   b) Article 8.6(G)(3) [Medians in Right-of-Way]:
      i. Issue: Wider medians, which enhance and contribute to the open space value of a neighborhood, are not permitted to qualify as open space.
      ii. Existing Language: None, except that the Open Space definition specifically states that "[o]pen Space does not include medians in Rights-of-way or any area of land included on a Lot used for another primary use such as residential or commercial."

iii. Proposed Language: Add a subsection (4) to read as follows: "4. Street (public or private) medians may qualify towards required Open Space only if the following criteria are met: (a) Medians are placed within Common Areas which are maintained by the homeowners' association; (b) Medians are a minimum of sixteen (16) feet wide from back of curb to back of curb; and (c) Medians are landscaped, at a minimum, pursuant to the Street Tree requirements set forth in *Article 6.8 Landscaping Standards*."

Chapter 10: Processes & Permits

9) Article 10.12(A) Processes & Permits; Subdivision; Applicability (pg. 10-31):

a) Issue: The UDO is not as clear for when a Primary and Secondary Plat is required as it is for when a Development Plan is required.

b) Existing Language:

A. **Applicability:** This Article establishes the process for the subdivision of land in accordance with CHAPTER 7: SUBDIVISION REGULATIONS.

c) Proposed Language:

A. **~~Applicability~~Authority:** This Article establishes the process for the subdivision of land, in accordance with *CHAPTER 7: SUBDIVISION REGULATIONS*, to ensure adherence to the standards of this Ordinance. Subdivision applications shall be generally considered favorably by the Plan Commission and Department.

B. **Applicability**: The procedures set forth in this Article shall be required for all Minor and Major Subdivisions (see also *CHAPTER 12: DEFINITIONS*).