



# Town of Pittsboro, Indiana Unified Development Ordinance

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ADOPTED: March 17, 2015





ORDINANCE NO. 2015- 02

**THE TOWN COUNCIL  
OF THE TOWN OF PITTSBORO, INDIANA**

An ordinance establishing a Unified Development Ordinance for the Town of Pittsboro, Indiana, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of state law and for the repeal of all ordinances in conflict herewith.

WHEREAS, state law empowers the Town of Pittsboro, Hendricks County, Indiana (the "Town") to enact development regulations and to provide for their administration, enforcement, and amendment; and

WHEREAS, the Town Council deems the enactment of such regulations necessary, for the purpose of promoting the health, safety, or general welfare of the citizens of the Town; and

WHEREAS, the Town previously adopted the Town of Pittsboro Zoning Ordinance and the Town of Pittsboro Subdivision Control Ordinance and wishes to modify and combine these ordinances into a Unified Development Ordinance; and

WHEREAS, the Advisory Plan Commission has given due public notice of hearing relating to the Unified Development Ordinance regulations and restrictions, and has held such public hearing; and

WHEREAS, all requirements of IC 36-7-4, Acts of 1995, and as may heretofore be amended, with regard to the preparation of the ordinance have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PITTSBORO, INDIANA, THAT:

Section 1. The Town of Pittsboro Unified Development Ordinance is established and adopted as attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The Town of Pittsboro Zoning Ordinance, the Town of Pittsboro Subdivision Control Ordinance and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be enforced from and after its passage in accordance with Indiana law.

PASSED this 17 day of MARCH, 2015, by the TOWN COUNCIL of  
PITTSBORO, INDIANA, by a vote of 4 ayes and 0 nays.

My C. L.

William Majeske

L. H. Hunter

Kimberly Carmean

ATTEST:

Ashari L. Perry  
Town Clerk/Treasurer

## Town of Pittsboro Unified Development Ordinance

# Amendments

Listed below are text amendments to the Town of Pittsboro Unified Development Ordinance which have been adopted since the initial Ordinance effective date. These text amendments have been incorporated into the body of this Ordinance.

DESCRIPTION	SECTION	ORDINANCE	DATE
"PPW" District Standards and Uses	4.18, A.1	2015-12	11-17-2015
Fence and Wall Standards to allow snow fences	8.3.D.3	2016-14	11-15-2016
Establishment of Districts correction, Accessory Uses, Downtown Overlay, Accessory Structures, Landscape Standards, Landscaped Buffer Requirements	1.11, 3.4, 5.1, 8.1, 8.5, 8.6	2017-09	11-21-2017
Noise Standards	8.4.C	2017-10	11-21-2017
Parking of recreational vehicles in front yards	8.1	2017-11	11-21-2017
Application of recreational vehicle parking to include boats, atvs, etc.; Citations for civil zoning violations and duration of warning tickets	8.1, 12.3	2017-13	12-19-2017
Interstate Overlay District – uses, screening, and building design	5.3	2018-04	4-17-2018
Parking area paving, Residential uses in the GB district	8.12, A.1	2018-07	5-1-2018
Subdivision bonds	9.13	2018-19	12-17-2018
Minimum right-of-way width and on-street parking	10.2, 10.9	2019-07	4-19-2019
Solar and wind energy systems, portable signs	7.18, 7.19, 8.15	2019-19	9-17-2019
Zoning of Annexed Areas	1.14	2020-03	8-18-2020
Fence and Wall Standards	8.3	2020-10	10-6-2020
Sign Standards	8.15	2020-10	10-6-2020

[illegible]



## Town of Pittsboro Unified Development Ordinance

# Acknowledgements

The following have provided invaluable service to the Town of Pittsboro by contributing time, effort, and interest in creating this Ordinance.

### **Ordinance Update Steering Committee**

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Cathy Vandivier





**Town of Pittsboro Unified Development Ordinance**

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## 1.1 TITLE

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These regulations shall hereafter be known as the "Town of Pittsboro Unified Development Ordinance" and may be referred to as the "Zoning Ordinance," "Subdivision Control Ordinance," "Unified Development Ordinance," "UDO," or "Ordinance".

## 1.2 AUTHORITY

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This Unified Development Ordinance is adopted by the Town Council pursuant to its authority under the laws of the State of Indiana, and all other applicable authorities and provisions of Indiana Statutory and common law. Where codes cited in this Unified Development Ordinance refer to Indiana Code which has been amended or superseded, this ordinance shall be deemed amended in reference to the new or revised code.

## 1.3 INTENT AND PURPOSE

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The purpose of this Zoning Ordinance is to regulate the use and development of land within the jurisdiction of the Town of Pittsboro. It is intended to promote the public health, safety and general welfare, and more specifically to:

- A. Support the goals, objectives and policies of the Pittsboro Comprehensive Plan and other plans adopted by the Town;
- B. Guide future growth and development in accordance with the Pittsboro Comprehensive Plan;
- C. Promote the public health, safety, comfort, morals, convenience, and general welfare;
- D. Lessen or avoid congestion in public ways;
- E. Secure adequate light, air, convenience of access, and safety from fire, flood and other danger;

- F.** Prevent the overcrowding of land and avoid undue concentration of population;
- G.** Provide for the efficient development of natural resource, agriculture, business and industry;
- H.** Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- I.** Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for the supply of community services;
- J.** Protect the historic and architectural heritage of the town;
- K.** Provide for performance standards for the emission of pollutants into the air, water, and ground;
- L.** Protect the natural resources of the Town of Pittsboro;
- M.** Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- N.** Prevent pollution of air and water, provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
- O.** Guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land use, and conserve natural resources such as natural beauty, woodlands, open spaces, and energy, both during and after development.
- P.** Cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the persons purchasing the lots rather than be any

direct or indirect burden upon existing property owners beyond the limits of the subdivision who have already paid for the improvements servicing their property.

- Q.** Identify the approximate boundaries of zoning district, by reference to the official zoning map;
- R.** Prohibit uses, buildings or structures incompatible with the stated purpose of such districts, respectively;
- S.** Create and establish standards that regulate the location, construction, reconstruction, and alteration of the uses, buildings or structure within each district;
- T.** Regulate the intensity of the use of each lot and provide adequate safety light and ventilation by requiring open space areas around buildings and structures;
- U.** Designate and define the powers and duties of the bodies and/or officials administering and enforcing this Ordinance and the procedures by which this Ordinance is administered; and
- V.** Prescribe penalties for the violation of this Ordinance.

## **1.4 JURISDICTION**

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This ordinance shall apply to all land, uses, buildings, and structures within the Town of Pittsboro planning and zoning jurisdiction.

## **1.5 INTERPRETATION**

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### **A. Public Provisions**

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as expressly provided herein. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law,

those provisions which are more restrictive or impose higher standards shall govern.

**B. Private Provisions**

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than any easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of 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 the provision of this ordinance, this Ordinance shall not be deemed to override such private agreement or restriction. However, if a project complies with the provisions of this Ordinance, the Town may still issue the permit or otherwise approve the project. Private provisions can only be enforced privately.

## **1.6 SCOPE OF REGULATIONS**

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- A.** All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all the regulations of this Ordinance as they apply to the zoning districts in which such buildings or uses of land shall be located.
- B.** This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the Town of Pittsboro under any section or provision existing at the time of the effective date of this Ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town of Pittsboro, except as shall be expressly provided for in this Ordinance.

## **1.7 VESTING RULES**

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Any application that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Unified Development

Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing for a period of three years after the application was granted. However, any future administrative procedures and fees shall follow those set forth in this Ordinance and any Fee Ordinance as amended.

## **1.8 SEVERABILITY CLAUSE**

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Should any section, subsection, paragraph, clause, word, or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the portion declared to be unconstitutional or invalid.

## **1.9 EXCULSION**

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Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the state or by any state agency, or the use of property owned or occupied by the state or any state agency.

## **1.10 AMENDMENTS**

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For the purpose of providing for the public health, safety, and general welfare, the Town Council, on recommendation of the Plan Commission, may from time to time amend the text of this Ordinance and/or the zoning map(s) incorporated by reference in this Chapter. Public hearings on all proposed amendments shall be held in the manner prescribed by law.



## 1.11 ESTABLISHMENT OF DISTRICTS

The zones or districts established for the territory within the Town of Pittsboro are as follows:

### BASE DISTRICTS

OS	Open Space
A	Agriculture
R-1	Residential; single-family, large lot
R-2	Residential; single-family, medium Lot
R-3	Residential; single-family, medium to small lots
R-4	Residential; single-family and two-family
R-5	Residential; small lot single-family, two-family and multi-family
OTBD	Old Town Business District
GB	General Business
HB	Highway Business
I-1	Industrial; research/ office
I-2	Industrial; light
I-3	Industrial; heavy
PUD	Planned Unit Development
MHP	Mobile Home Park
FH	Flood Hazard Area
INST	Institutional
PPW	Pittsboro Public Works
MU	Mixed Use

### OVERLAY DISTRICTS

DO	Downtown Overlay
IO	Interstate Overlay
JGBO	Jeff Gordon Boulevard Overlay

## 1.12 APPLICATION OF DISTRICT REGULATIONS

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- A. No building, structure, or land shall after the effective date of this Ordinance be used or occupied, erected, constructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located, and any other regulations required by this Ordinance.
- B. No building or structure shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located; or in any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of the Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## 1.13 SUBDIVISION OF LAND

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The subdivision of land shall be permitted in all districts subject to the requirements of this Ordinance.

## 1.14 ZONING ANNEXED AREAS

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- A. All territory which may be annexed to the Town of Pittsboro, shall be classified into one or more of the Districts set forth in Section 1.11. Before the Town Council shall consider the Ordinance for annexation, which shall include a description of the District or Districts, the Pittsboro Plan Commission shall make a recommendation on the new zoning classification to the Town Council.

- B.** Future annexation shall be guided by the principles and directives of the Comprehensive Plan of the Town of Pittsboro, Indiana, as amended, in making zoning district classification recommendations to the Council.
- C.** Newly annexed land submitted without a development proposal shall be classified into the Agriculture (A) zoning district, or at the recommendation of the Plan Commission, a suitable district that is most consistent with the current use of the property. If a different zoning district is desired by the property owner, the owner shall be required to submit a development proposal or concept plan upon application for annexation. If this is the case, the Plan Commission shall hold a public hearing in accordance with the requirements of Section 11.4 and the Plan Commission Rules of Procedure. The zoning district application shall be conditioned on approval of the annexation ordinance by the Town Council and shall not take effect until the effective date of the proposed annexation.

## 1.15 ZONE MAP

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### **A. OFFICIAL ZONING MAP**

The Town is divided into zoning districts as described and defined in this Ordinance and as shown on the Official Zoning Map. The Official Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

### **B. VERIFICATION**

The Official Zone Map shall be identified by the signature of the President of the Plan Commission and attested by the Administrator, under the following words: "This is to certify that this is the Official Zone Map referred to in the "Town of Pittsboro Unified Development Ordinance", adopted March 17, 2015."

### **C. FUTURE MAP AMENDMENTS**

In accordance with Sections 11.4 and 11.8 of this Ordinance, when changes are made in district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered on said map promptly after the amendment has been approved by the Council, with an entry on the Official Zone Map as

follows: "On (date) by official action of the Council, the following changes were made in the Official Zone Map: (brief description of the nature of the changes);"

**D. UNAUTHORIZED CHANGES**

No changes of any nature shall be made in the Official Zone Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Chapter 12 of this Ordinance.

**E. LOCATION OF ZONE MAP**

Regardless of the existence of purported copies of the Official Zone Map which may from time to time be made or published, the Official Zone Map which shall be located in the office of the Administrator, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.

**F. DAMAGED/ LOST OR DESTROYED MAP**

In the event the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may direct the Plan Commission to prepare a new Official Zone Map which shall supersede the prior map upon approval by the Council. The new Official Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof. The new Official Zone Map shall be identified by the signature of the Plan Commission President attested by the Administrator and bearing the seal of the Town under the following words: "This is to certify that this Official Zone Map supersedes and replaces on this day (date) the Official Zone Map adopted (date of adoption of map being replaced) as part of Ordinance Number (date, number) of the Town of Pittsboro, Indiana".

**G. PRESERVATION OF ZONE MAP**

Unless the prior Official Zone Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

## 1.16 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zone Map, the following rules shall apply:

### A. STREETS

Boundaries indicated as approximately following thoroughfares such as highways, streets, or alleys shall be construed as following the centerlines of such thoroughfares.

### B. LOT LINES

Boundaries indicated as approximately following platted lot lines shall be construed as following the lot line.

### C. RAILROAD LINES

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

### D. WATER WAYS

Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines. However, where streams and rivers meander from their beds as they existed on the effective date of this ordinance, the boundary shall be construed as following the original stream or riverbed.

### E. USE OF SCALE ON ZONE MAP

Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.

### F. ADMINISTRATIVE INTERPRETATIONS

Where physical or cultural features existing on the ground are inconsistent with those shown on the Official Zone Map, or in other circumstances not covered by

subsections (A) through (E) herein, the Administrator shall interpret the district boundaries. The Board of Zoning Appeals shall hear appeals to the decision of the Administrator.

**G. VACATIONS AND RELOCATIONS**

The vacation or relocation of rights of way and lot lines shall not affect the location of district boundaries, provided, however, whenever any right of way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

**H. LINES SPLITTING LOTS**

1. Where a boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and the rest of the lot lies in another, use requirements and restrictions that apply to the front part of the lot apply to the entire lot.
2. Where a district boundary line divides a lot which does not have frontage on a street or has frontage on more than one street, the Administrator shall interpret the applicable regulations. The Board of Zoning Appeals shall hear appeals to the decision of the Administrator.

## **1.17 REPEAL OF PRE-EXISTING ORDINANCES**

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All previously enacted zoning ordinances and subdivision control ordinances are hereby repealed.

## **1.18 EFFECTIVE DATE**

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This Ordinance, Ordinance # 2015-02 was adopted and became effective on March 17, 2015.

## Town of Pittsboro Unified Development Ordinance

# Chapter 2: Administrative Bodies

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## 2.1 SUMMARY OF AUTHORITY

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The Town bodies and officials listed below, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Ordinance in the manner described herein.

## 2.2 TOWN COUNCIL

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The Town Council hereby reserves to itself the following powers and duties in connection with the implementation of this Ordinance:

- A. To initiate amendments to the text of this Ordinance and to the Zoning Maps pursuant to the procedures and standards for amendments set forth in Chapter 11 and Indiana law.
- B. To adopt, reject, or amend the text of this Ordinance and the Zoning Maps pursuant to the procedures and standards for amendments set forth in Chapter 11 and Indiana law.
- C. To adopt, reject, or amend a Planned Unit Development Ordinance pursuant to the procedures and standards for amendments set forth in Chapter 6 and Indiana law.
- D. To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this Ordinance.

## 2.3 PLAN COMMISSION

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### A. ESTABLISHMENT

There is established the Advisory Plan Commission, to be known as the Plan Commission of the Town of Pittsboro. The Plan Commission shall be a continuation of the present Plan Commission established under planning law, Indiana Code 36-7-4-200 et seq., as added by Act 1981, Pub. L. 309, Sec. 23.

**B. COMPOSITION**

The Commission shall be composed as specified in Indiana Code 36-7-4-207.

**C. TERMS OF OFFICE**

Following adoption of this Ordinance, each of the above members shall be reappointed for the balance of the term being served on the present Plan Commission. Thereafter, each member shall be for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four-year (4-yr.) term; however, a member of the Plan Commission serves until his successor is appointed and qualified.

**D. TERRITORIAL JURISDICTION**

The Plan Commission shall have jurisdiction over all the land subject to this Ordinance.

**E. POWERS AND DUTIES**

The Plan Commission has the following powers and duties as specified in Indiana Code 36-7-4-400 et seq., and other applicable sections of Indiana law and such other responsibilities as may be assigned to it by the Town Council or Board of Zoning Appeals. For the purposes of this Ordinance, the duties of the Plan Commission include:

1. To initiate amendments to the text of this Ordinance and to the Zoning Maps pursuant to the procedures and standards for amendments set forth in Chapter 11.
2. To review all proposed amendments to this Ordinance and make recommendations to the Town Council pursuant to the procedures and standards for amendments.
3. To review all Planned Unit Developments and make recommendations to the Town Council pursuant to the procedures and standards for amendments.
4. To review, approve, approve with modifications, or deny all subdivision applications pursuant to the procedures and standards for subdivision approval set forth in Chapters 9 and 10.

5. To approve, approve with modifications, or deny all applications for waivers from subdivision control pursuant to the standards and procedures set forth in Chapters 9 and 10.
6. To assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
7. To assume responsibility for the custody and preservation of all Commission documents and papers.
8. To maintain a complete record of all proceedings.
9. All additional duties as established by Indiana Code.

**F. RULES AND PROCEDURES**

**1. Rules and Procedures**

The Plan Commission shall have sole authority to adopt any and all rules under Indiana Code 36-7-4-401 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, other than as to place of filing as herein provided for, procedures, notices for and conduct of meetings and public hearings.

**2. Facilities and Funding**

The Town shall provide suitable facilities for the holding of Plan Commission meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of the Commission and its staff.

**3. Prescribed Filing Forms.**

All applications for subdivision plats, site development plans, Ordinance amendments, improvement location permits, or other petitions coming before the Commission or its staff shall be filed in the form and quantities prescribed by the Commission.

**G. Supplementary Conditions of Approval**

In granting any rezone, primary approval of a proposed subdivision plat, or development plan, the Plan Commission may require written commitments of approval in conformity with Indiana Code 36-7-4-1015 and this Ordinance.

Violation of the commitments, when made a part of the terms under which the rezone, primary approval of a proposed subdivision plat, or development plan is granted, shall be deemed a violation of this Ordinance and punishable under the conditions of Chapter 12.

## **2.4 BOARD OF ZONING APPEALS**

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### **A. ESTABLISHMENT**

The Board of Zoning Appeals is established, to be known as the Board of Zoning Appeals and shall be a continuation of the present Board of Zoning Appeals established under the plan law, being Indiana Code 36-7-4-900, as added by Acts 1981, Pub. L. 309 Sec. 23.

### **B. COMPOSITION**

The Board shall be composed as specified in Indiana Code 36-7-4-902.

### **C. TERMS OF OFFICE**

Following adoption of this Ordinance, each of the above members shall be reappointed for the balance of the term being served on the present Board of Zoning Appeals. Thereafter, each member shall be for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four-year (4-yr.) term; however, a member of the Board of Zoning Appeals serves until his successor is appointed and qualified.

### **D. CONFLICT OF INTEREST**

Pursuant to Indiana Code 36-7-4-909, a member of the Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification.

### **E. TERRITORIAL JURISDICTION**

The Board of Zoning Appeals shall have jurisdiction over all the land subject to this Ordinance.

**F. POWERS AND DUTIES**

The Board of Zoning Appeals has the powers and duties as specified in Indiana Code 36-7-4-900 et seq., for the purposes of this Ordinance, the Board of Zoning Appeals shall have exclusive subject matter jurisdiction for the following:

1. To approve, approve with conditions, or deny any application for a variance from the terms of this Ordinance pursuant to the procedures and standards for variances set forth in Chapter 11. Waivers from the subdivision control requirements are the responsibility of the Plan Commission.
2. To approve, approve with conditions, or deny an application for a use variances pursuant to the procedures and standards for variances set forth in Chapter 11.
3. To approve, approves with conditions, or deny any application for a special exception use pursuant to the procedures and standards for special exception uses set forth in Chapter 11.
4. To hear and decide appeals from any order of final decision made by the Administrator in the administration and enforcement of this Ordinance pursuant to the procedures and standards for appeals of administrative decisions as set forth in Chapter 11.

**G. RULES AND PROCEDURES****1. Rules and Procedures**

The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, other than as to place of filing as herein provided for, procedures, notices for and conduct of meetings and public hearings.

**2. Facilities and Funding**

The Town shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of the Board and its staff.

### 3. Prescribed Filing Forms

All applications for variances, special exception, and requests for appeal shall be filed by the applicant with the Administrator of the Board of Zoning Appeals and in the form prescribed by the Board.

### H. Supplementary Conditions of Approval

In granting any variance or special exception, the Board of Zoning Appeals may require written commitments of approval in conformity with Indiana Code 36-7-4-1015 and this Ordinance. Violation of the commitments, when made a part of the terms under which the variance or special exception is granted, shall be deemed a violation of this Ordinance and punishable under the conditions of Chapter 12.

## 2.5 TECHNICAL REVIEW COMMITTEE

---

### A. ESTABLISHMENT

The Technical Review Committee (TRC) is hereby created for the purpose of providing detailed reviews and recommendations to the Plan Commission or Board of Zoning Appeals concerning any proposed development plans or subdivision plats that may from time to time be submitted.

### B. COMPOSITION

The Technical Review Committee shall consist of the following members (or their delegates) as invited by the Administrator:

1. Town Manager, Chairman
2. Town Engineer
3. Street Superintendent
4. Wastewater Superintendent
5. Water Superintendent
6. Police Chief
7. Fire Chief

8. Building Commissioner
9. Parks Superintendent
10. Town Planner
11. Any other persons deemed appropriate by the Plan Commission

**C. POWERS AND DUTIES**

The Technical Review Committee has the following powers and duties in connection with the implementation of this ordinance:

1. To review and evaluate applications for variances and special exceptions and make recommendations to the Board of Zoning Appeals pursuant to the procedures and standards set forth in Chapter 11, to review and evaluate applications for Planned Unit Developments pursuant to the procedures and standards set forth in Chapter 6, and to review and evaluate applications for waivers of subdivision control regulations and make recommendations to the Plan Commission pursuant to the standards and procedures set forth in Chapters 9 and 10. The Committee shall limit its attention and recommendations to the design and construction aspects of the proposed development or subdivision with emphasis placed on public improvements, utilities, drainage, landscaping, parking, and other development standards. Projects shall be reviewed for compliance to this Ordinance and compatibility with the Comprehensive Plan.
2. To review and evaluate site plans and make recommendations to the Plan Commission or Board of Zoning Appeals as appropriate pursuant to the procedures and standards for site plans set forth in Chapter 11.
3. The Technical Review Committee shall have the authority to request that a docket be continued or tabled by the Plan Commission until the Committee has reviewed revised plans submitted by the petitioner(s).

**D. COMMITTEE MEETINGS**

Because the Technical Review Committee is strictly a committee and does not have the authority to take any official action, the Committee shall not be bound to holding public meetings. The Committee shall meet at least ten (10) days prior to a meeting of the Plan Commission at which a subdivision plat or other site development plans are to be heard, or to a meeting of the Board of Zoning Appeals at which a variance or special exception is to be heard. The Committee



shall then submit its review comments and recommendations in writing to the Commission or Board.

## 2.6 ADMINISTRATOR

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### A. ESTABLISHMENT.

The Building Commissioner of the Town of Pittsboro shall be recognized as the Administrator of the Unified Development Ordinance. If the Building Commissioner position is vacant, the Town Manager shall serve as the Administrator until such time as the Building Commissioner position be filled or the Town Council appoints a designee.

### B. DUTIES.

The Administrator, including his/her designee(s), shall be principally responsible for the administration and enforcement of this Unified Development Ordinance within the Town of Pittsboro's planning jurisdiction. The duties delegated to the Administrator, or his/her designee shall include, but not be limited to the following:

1. Interpretation. Provide interpretation of the Unified Development Ordinance when necessary and provide such technical and clerical assistance as the Plan Commission and Board of Zoning Appeals may require.
2. Public Information. Provide and maintain a public information service relative to all matters or the Plan Commission and arising out of the Unified Development Ordinance.
3. Permits. Reviewing, approving, or disapproving all permits associated with the Unified Development Ordinance and keeping permanent records of applications made and actions taken.
4. Inspections. Conducting inspections of structures and properties to determine compliance with the requirements of this ordinance and all approvals granted by the Plan Commission, Board of Zoning Appeals, or other body in the execution of its duties as established by this ordinance and Indiana State Code.
5. Enforcement. Issue such notices or orders as may be necessary for the purpose of enforcing compliance with law or for the purpose of

preventing a violation of provisions of this Unified Development Ordinance.

6. Record Keeping. Maintaining permanent and current records documenting the application of this ordinance including, but not limited to, all maps, amendments, special exception uses, variances, waivers, and appeals.
7. Plan Commission Applications. Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications.
8. Board of Zoning Appeals Applications. Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exception uses, and other matters upon which it is authorized to act under this ordinance and Indiana State Code.
9. Technical Review Committee. Receiving, processing, docketing, and referring to the Technical Review Committee all appropriate applications.
10. Clerical & Technical Assistance. Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, Town Council, or other body in the execution of its duties as established by this ordinance and Indiana State Code.
11. Other. Other duties set forth herein or that may be delegated by the Plan Commission or Town Council.

**C. SCHEDULE OF MEETING AND FILING DATES.**

The Administrator shall maintain an annual Schedule of Meeting and Filing Dates for the Plan Commission, Board of Zoning Appeals, and Technical Review Committee. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Plan Commission, Board of Zoning Appeals, or Technical Review Committee.

1. Conformance with Indiana Code. All meeting and filing dates shall be based on the requirements of this ordinance, the Plan Commission and Board of Zoning Appeals Rules of Procedure, and Indiana State Code.
2. Approval of Dates. The Schedule of Meeting and Filing Dates shall be prepared by the Administrator and approved by the Plan Commission and Board of Zoning Appeals. The calendar of meeting and filing dates shall be reviewed and updated annually by the Administrator.

**D. APPEALING A DECISION OF THE ADMINISTRATOR.**

An appeal from a decision, interpretation, order, determination, or action of the Administrator shall be to the Board of Zoning Appeals in accordance with Section 11.9 Appeals.

## Town of Pittsboro Unified Development Ordinance

# Chapter 3: Use Classifications

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## 3.1 OFFICIAL SCHEDULE OF USES

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Primary and accessory uses are permitted or prohibited in the zoning districts established by or under Chapter 4: Zoning Districts, and as shown in Appendix A: Schedule of Uses. Appendix A shall be the determining factor as to whether or not a specific use is permitted, prohibited, or requires a special exception use in each of the zoning districts established by this Ordinance.

## 3.2 PERMITTED USES

---

- A. Permitted uses are those uses which are allowed without special permission of the Board of Zoning Appeals, given that they follow the provisions set forth in this Ordinance. No land or building shall be devoted to any use other than those listed as permitted uses for the subject district with the exception of:
  - 1. Uses lawfully established prior to the effective date of this Ordinance.
  - 2. Special exception uses as provided below.
- B. In any district, no more than one (1) principal structure and its customary accessory uses shall be located on a single lot; except that primary structures designed and platted as a single development under single ownership and control, such as a multi-family residential project, business shopping center, or combined industrial operations, may be permissible on a single lot under the terms of this Ordinance.

## 3.3 SPECIAL EXCEPTION USES

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- A. Special Exception Uses are those uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Therefore, the determination of Special Exception Uses as appropriate shall be contingent on their meeting the standards inclusive in Chapter 11, the provisions of their respective zoning districts, and the weighing, in each case, of the public benefit and need against the local impact.

- B. Uses which are considered by the Town of Pittsboro to be Special Exception Uses are indicated as such in Appendix A: Schedule of Uses.

### 3.4 ACCESSORY USES

---

Accessory Uses shall be permitted in all zoning districts in accordance with the provisions of this Section and the accessory use standards and requirements as listed in Section 8.1. Accessory Uses:

- A. Shall be incidental to, and commonly associated with the operation of the principal use of the lot.
- B. Shall be operated and maintained under the same ownership and on the same lot as the principal use.
- C. Shall not be permitted prior to the erection and operation of the principal use, unless a temporary Building Permit is obtained in accordance with Section 3.5.

### 3.5 TEMPORARY USES

---

Temporary Uses shall be permitted in applicable districts by the grant of a Temporary Use Permit issued by the Administrator in accordance with the requirements of this Section and the temporary use standards and requirements as listed in Section 8.18. Temporary Uses:

- A. Shall be subject to all the regulations of the applicable District in which they are located.
- B. Shall have adequate access and off-street parking facilities, which shall not interfere with traffic movement on adjacent streets.
- C. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the period in which the temporary use is permitted.

## 3.6 NON CONFORMING STRUCTURES AND USES

---

### A. PURPOSE AND INTENT

1. Within the districts established by this Ordinance or by amendments that may later be adopted, the following may exist:
  - a. Nonconforming lots.
  - b. Nonconforming structures.
  - c. Nonconforming uses of land.
  - d. Nonconforming uses of land and structures in combination.
2. Nonconforming lots, structures, and/or uses are ones that were lawful before this Ordinance was passed or amended, but they are prohibited, regulated or restricted under the terms of this Ordinance or may be under future amendments hereto. It is the intent of this Ordinance to permit these nonconforming uses, lots, and structures to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that nonconforming uses, lots, and structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district.

### B. ILLEGAL USES

Illegal uses existing at the time this Ordinance is enacted shall not be validated by virtue of its enactment.

### C. INCOMPATIBILITY OF NONCONFORMING USES

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which the use is located. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which the use is located.

**D. RESIDENTIAL SINGLE FAMILY NONCONFORMING LOTS OF RECORD**

1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this Ordinance notwithstanding limitations imposed by other provisions of this Ordinance, as long as the lot was legally subdivided prior to the effective date of this Ordinance and was in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lots shall conform to the regulations for the district in which the lots are located.
2. Variances of requirements listed in this Ordinance shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 11, Processes and Permits.

**E. NONCONFORMING LOTS OF RECORD IN COMBINATION**

Except as provided in Section 1.7, if two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

**F. NONCONFORMING USES OF LAND**

Except as provided in Section 1.7, where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

1. No nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.



2. No nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the uses at the effective date of adoption or amendment of this Ordinance.
3. If any nonconforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of the land shall conform to the regulations specified by this Ordinance for the district in which the land is located.
4. No structure that is not conforming to the requirements of this Ordinance shall be erected in connection with the nonconforming use of land.

#### **G. NONCONFORMING STRUCTURES**

Except as provided in Section 1.7, where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not now be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should the nonconforming structure or nonconforming portion of the structure be destroyed by any means to the extent of more than fifty percent (50%) of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this Ordinance. In the case of a residential nonconforming structure in a business district, the structure may be reconstructed as a residential structure provided that the new structure is between 90% to 100% of the gross floor area of the structure being replaced.
3. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## H. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

Except as provided in Section 1.7, if a lawful use involving individual structures or if a lawful structure is in existence on the effective date of adoption or amendment of this Ordinance that would not now be allowed in the district under the terms of this Ordinance, the lawful use or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  2. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside the building.
  3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the use regulations for the district, and the nonconforming use may not thereafter be resumed.
  4. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- I. REPAIRS AND MAINTENANCE. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official. If a

nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Town of Pittsboro Unified Development Ordinance

# Chapter 4: Zoning Districts

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## 4.1 “OS” OPEN SPACE DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The purpose of the “OS” District is to provide areas for public and quasi-public uses, areas for recreation and conservation purposes, and areas suitable for non-commercial recreation. This district also encourages tree preservation and preservation of unique natural features.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements	Well water and septic systems may be utilized in this district, subject to the approval of the Hendricks County Health Department or the Indiana State Board of Health.
Minimum Lot Size	5 acres
Minimum Lot Width	300 feet
Minimum Front Setback	50 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Maximum Accessory Structure Height	25 feet
Minimum Primary Structure Floor Area	1,500 square feet

## 4.2 “A” AGRICULTURAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The Agricultural District is composed of land being used for agricultural activities, flood plain, and other rural uses, located near the periphery of the jurisdictional boundary, which is not expected to develop for intensive urban uses within the near future. It is the intent of this district to allow agricultural uses, to conserve the desirable characteristics of the land, to preserve prime agriculture land, and to protect the open area from the encroachment of scattered urban-type uses that may inhibit the overall development in accordance with the Comprehensive Plan.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements	Well water and septic systems may be utilized in this district, subject to the approval of the Hendricks County Health Department or the Indiana State Board of Health.
Minimum Lot Size	20 acres
Minimum Lot Width	300 feet
Minimum Front Setback	75 feet
Minimum Side Setback	20 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Maximum Accessory Structure Height	40 feet
Minimum Primary Structure Floor Area	1,500 square feet



## 4.3 “R1” RESIDENTIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “R1” Single Family Residential District is established to promote neighborhoods within the Town of Pittsboro by the development of a variety of housing types including large lot single-family dwellings, accessory uses, and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. This is the most restrictive residential district. The development standards in this district provide for a mixture of housing opportunities similar in scale with a density less than 1.0 dwellings per acre.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district for lots in any subdivision platted and recorded after January 1, 2004.
Minimum Lot Size		43,560 square feet
Minimum Lot Width		145 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	35 feet
	Local Road	35 feet <sup>1</sup>
	Subdivision Road	35 feet <sup>1</sup>
Minimum Side Setback		15 feet
Minimum Rear Setback		25 feet
Maximum Principal Building Height		35 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		2,000 square feet
<sup>1</sup> 25 feet if dwelling features a side load garage.  See Section 7.20 for additional requirements applicable to new subdivisions of 5 or more lots.		

## 4.4 “R2” RESIDENTIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “R2” Single-Family Residential District is established to promote and maintain neighborhoods within the Town of Pittsboro by the development of a variety of housing types including medium to large lot single-family dwellings, accessory uses, and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The development standards and range of permitted uses in this district provide for a mixture of housing opportunities similar in scale to single family dwellings with a density less than 2.5 units per acre.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district for lots in any subdivision platted and recorded after January 1, 2004.
Minimum Lot Size		15,000 square feet
Minimum Lot Width		90 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	35 feet
	Local Road	35 feet <sup>1</sup>
	Subdivision Road	35 feet <sup>1</sup>
Minimum Side Setback		15 feet
Minimum Rear Setback		15 feet
Maximum Principal Building Height		35 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		1,500 square feet
<sup>1</sup> 25 feet if dwelling features a side load garage.  See Section 7.20 for additional requirements applicable to new subdivisions of 5 or more lots.		

## 4.5 “R3” RESIDENTIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “R3” Single-Family Residential District is established to promote and maintain neighborhoods within the Town of Pittsboro by the development of a variety of housing types including medium sized lot single-family dwellings, accessory uses, and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The development standards and range of permitted uses in this district provide for a mixture of housing opportunities similar in scale to single family dwellings with a density less than 3.5 dwelling units per acre.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		10,000 square feet
Minimum Lot Width		80 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	35 feet
	Local Road	35 feet <sup>1</sup>
	Subdivision Road	35 feet <sup>1</sup>
Minimum Side Setback		15 feet
Minimum Rear Setback		15 feet
Maximum Principal Building Height		35 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		1,200 square feet
<sup>1</sup> 25 feet if dwelling features a side load garage.  See Section 7.20 for additional requirements applicable to new subdivisions of 5 or more lots.		

## 4.6 “R4” RESIDENTIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “R4” Single and Two-Family Residential District is established to promote and maintain the original neighborhoods within the Town of Pittsboro and the development of a variety of housing types including detached single-family dwellings, attached single-family dwellings, two family dwelling units, accessory uses and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. No new R4 districts shall be established after the effective date of this ordinance.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		8,400 square feet
Minimum Lot Width		65 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	35 feet
	Local Road	30 feet
	Subdivision Road	25 feet
Minimum Side Setback		10 feet
Minimum Rear Setback		15 feet
Maximum Principal Building Height		35 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		900 square feet



## 4.7 “R5” RESIDENTIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “R5” Multi-Family Residential District is established to promote the development of multifamily dwellings, accessory uses, and limited public and institutional uses that are compatible with the surrounding residential neighborhoods. The development standards and range of permitted uses are designed to encourage clustering in order to promote establishing on-site amenities and to allow multifamily dwelling development with a density of no more than 10 dwelling units per acre.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		43,560 square feet
Minimum Lot Width		145 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	35 feet
	Local Road	35 feet
	Subdivision Road	35 feet
Minimum Side Setback		15 feet
Minimum Rear Setback		15 feet
Maximum Principal Building Height		45 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		800 square feet

## 4.8 “OTBD” OLD TOWN BUSINESS DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The Old Town Business District is established to promote the development of a traditional small town downtown. Generally this district is intended for specialty retail, office, and professional services that are compatible with adjacent residential neighborhoods. More restrictive requirements for landscaping, buffering, and off-street parking are required than for adjacent districts. No new OTBD districts shall be established after the effective date of this ordinance.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		N/A
Minimum Lot Width		N/A
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	10 feet
	Accessory Structure	5 feet
Minimum Rear Setback	Principal Building	20 feet
	Accessory Structure	5 feet
Maximum Principal Building Height		50 feet
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		N/A

**D. ADDITIONAL REGULATIONS**

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.
2. Drive-through windows are not permitted in the OTBD District.
3. All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.

4. Outside storage is not permitted, however, display of merchandise for sale to the public or sidewalk sales may be permitted by the Board of Zoning Appeals as a temporary use when it meets the following requirements:
  - a. Only merchandise for sale shall be displayed.
  - b. Such display shall be limited to directly in front of the commercial establishment offering the items for sale.
  - c. No merchandise display shall be permitted within six (6) feet of the edge of the sidewalk, and there must remain a clear walking path of at least six (6) feet in width.
  - d. No stacks of merchandise shall be greater than five (5) feet tall and may not interfere with intersection visibility as defined in Section 8.18, Vision Clearance Areas.
  - e. No displays using electricity, animation, lights, or noise making devices will be permitted.
  - f. Merchandise may not be displayed for more than three (3) days, and no more than two (2) sidewalk sales shall be permitted each year.
5. A single establishment shall not exceed 12,000 square feet in total gross floor area.

## 4.9 “GB” GENERAL BUSINESS DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The “GB” General Business District is established to provide a location for higher volume and higher intensity commercial or office uses than the OTBD district. This district is for the conduct of retail and personal service enterprises to meet the everyday needs and convenience of the people in the Town of Pittsboro.

Because these businesses and offices may be an integral part of the neighborhood and closely associated with residential and other public and institutional uses, more restrictive requirements for setbacks, off-street parking and buffering are required than provided in other districts. Activities in this district are often large space users located along a primary arterial street.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		N/A
Minimum Lot Width		N/A
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	10 feet
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	30 feet for businesses serviced from rear or 10 feet otherwise
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Minimum Principal Building Gross Square Footage		500 feet
Maximum Lot Coverage		80 %
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		

**D. ADDITIONAL REGULATIONS**

1. The conduct of permitted uses herein shall be within completely enclosed buildings.
2. Accessory uses such as outside storage shall be limited to areas delineated on approved plans if not enclosed and may be open to the sky.
3. The outdoor storage and display of merchandise permitted above shall not be interpreted as meaning the stock piling of materials which are not immediately available for purchase.
4. Accessory uses within the same building as the principal use shall not occupy an area in excess of thirty percent (30%) of the total floor area in that building.
5. Automobile and truck repair shall be conducted entirely within enclosed buildings; and no sales, dead storage, repair work, or dismantling shall take place on the lot.



## 4.10 "HB" HIGHWAY BUSINESS DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The "HB" Highway Business District is established to provide areas for both small and larger scale retail sales and service establishments which are characterized by outdoor display or sales of merchandise (automobile sales or rental), outdoor activities (commercial recreational enterprises), or those uses requiring extensive land areas. These types of uses tend to draw customers from a regional, rather than a local area. This district should be located on a primary arterial street or similar heavy commercial thoroughfare and should avoid being located adjacent to residential districts. Therefore, traffic flow and off-street parking accommodations must be carefully and strategically planned. Shopping centers, big box retail establishments, office parks and shopping malls are common examples of "HB" district uses.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		N/A
Minimum Lot Width		N/A
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	10 feet
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	30 feet for businesses serviced from rear or 10 feet otherwise
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Minimum Principal Building Gross Square Footage		800 feet
Maximum Lot Coverage		70 %
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		

**D. ADDITIONAL REGULATIONS**

1. Off street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards, and access drives may be located in the required front yard, but not within the right-of-way, provided that the access drives may connect with the frontal street
2. Entrances and exits shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than thirty (30) feet at their point of intersection with the street, and all developments shall conform to the general provisions for traffic circulation as set forth in Chapter 10.
3. Except for the sales of gasoline or oil at filling stations, all sales or displays outside of buildings shall require the approval of the Plan Commission.
4. Outside storage, including continued storage of automobiles, trucks, or trailers for hauling purposes, shall not be permitted in the "HB" District.
5. Whenever extensive interior driveways are utilized, the building setback from the centerline of the interior road shall meet the local frontage road designation of forty (40) feet landscaped according to the provisions of Section 8.5.
6. More than one principal building and its accessory building(s) or use(s) may be permitted on one Lot in the "HB" District, provided the buildings are platted as a single unit under single ownership and control.
7. Any other authority required when applicable, such as State Board of Health, State Highway Department, etc., shall accompany the application for any use in the "HB" District.

## 4.11 "I-1" WAREHOUSE INDUSTRIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The "I-1" Warehouse Industrial District is established to encourage development of warehouse, distribution, research facility, testing, laboratories, and administrative facilities. These activities require extensive community facilities, and excellent access to arterial streets or collector streets. Permitted uses in this district may have limited outdoor storage/service areas and may generate heavy traffic, but such operations shall be subject to specific development standards. The uses in this district serve as transitional uses or buffers between commercial and more intense industrial uses.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		20,000 square feet
Minimum Lot Width		100 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	50 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	50 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		70 %
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		

**D. ADDITIONAL REGULATIONS**

1. A development plan for an Industrial Use shall be accompanied by a "Certificate of Compliance", subscribed by a registered professional engineer or architect certifying that the Use intended will satisfy the performance standards set forth in Section 8.4 of this Ordinance.
2. In the I-1 District, it is permissible to erect more than one principal building devoted to an industrial use on a lot, provided the buildings are platted as a single unit under single ownership and control.

## 4.12 "I-2" LIGHT INDUSTRIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The "I-2" Light Industrial District is established to encourage development of manufacturing, processing, and wholesale business facilities. It is the intent of this district that the uses permitted will be clean, quiet, free of hazardous or objectionable elements such as noise, dust, smoke or glare, operated entirely within enclosed structures and generate a low volume of industrial traffic. Uses in this district require excellent access to arterial streets. Permitted uses in this district may have outdoor storage/service areas and may generate heavy traffic, but such operations shall be subject to specific development standards.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		20,000 square feet
Minimum Lot Width		100 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	50 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	50 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		70 %
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		



**D. ADDITIONAL REGULATIONS**

1. A development plan for an industrial use shall be accompanied by a "Certificate of Compliance", subscribed by a registered professional engineer or architect certifying that the use intended will satisfy the performance standards set forth in Section 8.4 of this Ordinance.
2. In the I-2 District, it is permissible to erect more than one principal building devoted to an industrial use on a lot, provided the buildings are platted as a single unit under single ownership and control.

## 4.13 "I-3" HEAVY INDUSTRIAL DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The "I-3" Heavy Industrial District is established to encourage development of heavy manufacturing and processing facilities which may require substantial amounts of outside storage. Uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable to the occupants of adjoining properties and for that reason must be grouped in areas where similar industrial uses are now located or where the permitted uses will be best located in accordance with the comprehensive plan. These activities require extensive community facilities, and excellent access to arterial streets. Permitted uses in this district may have extensive outdoor storage/service areas and may generate heavy traffic, but such operations shall be subject to specific development standards. The permitted uses provided for in this district should never be located in close proximity to residential areas.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		3 acres
Minimum Lot Width		240 feet
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	100 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	50 feet when abutting a residential use or zoning district
		10 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		70 %
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		

**D. ADDITIONAL REGULATIONS**

1. A development plan for an industrial use shall be accompanied by a "Certificate of Compliance", subscribed by a registered professional engineer or architect certifying that the use intended will satisfy the performance standards set forth in Section 8.4 of this Ordinance.
2. In the I-3 District, it is permissible to erect more than one principal building devoted to an industrial use on a lot, provided the buildings are platted as a single unit under single ownership and control.
3. Outdoor storage which is used as an accessory use to an industrial use in the I-3 District, may be permitted, provided the said storage meets the requirements set forth in Section 8.1 and the landscaping requirements set forth in Section 8.7.

## 4.14 "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

---

### A. DESCRIPTION OF DISTRICT

This purpose of a PUD District is to promote the progressive development of land and construction thereon. Planned Unit Developments are large-scale developments incorporating a variety of residential uses, which may be combined with related recreational, business/commercial, or industrial uses. A PUD shall be a separate entity with a distinct character in harmony with surrounding development. For the regulations controlling a PUD, see Chapter 6 for procedures that are intended to have enough flexibility to produce the following:

1. A maximum choice of living environments.
2. Open space and recreational areas directly related to the intended users and, if permitted as part of the project, more convenience in the location of commercial uses and services.
3. A development pattern which utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents erosion and the disruption of natural drainage patterns.
4. A development of suitable character in harmony with land use density, transportation facilities, and the community's facilities objectives of the Comprehensive Plan.
5. A more desirable environment than would be possible through the strict application of other sections of this Chapter.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

4. Home Occupation Uses

See Section 7.7.

5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Development Standards shall be defined as set forth in Chapter 6.

## 4.15 "MHP" MOBILE HOME PARK DISTRICT

---

### A. DESCRIPTION OF DISTRICT

The purpose of the "MHP" District is to encourage the development of well-planned mobile home parks, mobile home subdivisions, and related uses. Such districts should abut a major arterial or collector street. Mobile home parks and subdivisions shall comply with all state regulations, as well as those specified in Section 7.8. Notwithstanding any other provision or restriction provided in this ordinance, the following procedures, standards, and restrictions shall apply to all mobile home developments.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Home Occupation Uses

See Section 7.7.

#### 5. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size	Park	20 acres
	Home Site	4,840 square feet
Minimum Lot Width	Park	300 feet
	Home Site	30 feet
Minimum Front Setback	Park	50 feet
	Home Site	15 feet
Minimum Side Setback	Park	40 feet
	Home Site	10 feet / 5 feet <sup>1</sup>
Minimum Rear Setback	Park	40 feet
	Home Site	10 feet / 5 feet <sup>1</sup>
Maximum Principal Building Height <sup>2</sup>		35 feet
Maximum Accessory Structure Height		25 feet or the height of the principal structure, whichever is less
Minimum Primary Structure Floor Area		700 square feet
<sup>1</sup> Principal Structure / Accessory Structure (under 150 square feet)		
<sup>2</sup> Each Home Site is permitted one principal building		

**D. ADDITIONAL REGULATIONS:**

1. A development plan for a mobile home park use shall be accompanied by a "Certificate of Compliance", subscribed by a registered professional engineer or architect certifying that the use intended will satisfy the performance standards set forth in Section 8.4 of this Ordinance.
2. Prior to the issuance of an Building Permit, an applicant must file with the Administrator a letter from the Indiana State Board of Health evidencing



approval by such board and compliance with the requirements of such board.

3. Access to Public Thoroughfare - Mobile home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of mobile homes into and out of the park.
4. Internal Park Streets - Internal mobile home park streets, if dedicated to public use, shall meet the minimum standards for design and construction as required in this Ordinance. Whether public or not, no street name shall duplicate any other street name in the Town.
5. Private Park Streets - Mobile home park streets that are not dedicated to public use shall meet one (1) of the following width requirements. The street may be either:
  - a. A minimum of twenty-two (22) feet of pavement with no parking allowed on the pavement, or
  - b. A minimum of twenty-eight (28) feet of pavement, with parking permitted on one side only of the pavement.
  - c. Private streets shall otherwise meet construction specifications of this Ordinance and the Town of Pittsboro Design and Construction Standards.
6. Sidewalks - A concrete sidewalk shall be installed on at least one side of each mobile home park street in accordance with Section 10.15.
7. Off-street Parking Spaces - Each mobile home space shall be provided with at least two (2) paved off-street parking spaces adjacent thereto, which parking spaces shall have unobstructed access to a mobile home park street.
8. Playground and Recreational Areas - Each mobile home park shall contain a playground and recreational area which shall be furnished and equipped. The total recreational area shall be adequate for the size of the park and the number of mobile home spaces within the park, as determined by the Plan Commission. In no park shall the recreational area be less than five (5%) percent of the gross area of the park less area taken by dedicated public streets or rights-of-way. Streets, parking areas, dedicated right-of-way, and park service facility areas shall not be included in the required recreational area. The recreational area should generally be centrally located, of proper shape and dimension, with visibly marked and convenient access points for park tenants. The area shall be mowed and maintained.

9. Maximum Mobile Home Density - A maximum of nine (9) mobile homes per acre shall be permitted. This maximum shall be determined from the gross acreage of the mobile home park.

## 4.16 "FH" FLOOD HAZARD DISTRICT

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### A. DESCRIPTION OF DISTRICT

The purpose of the Flood Hazard District is to guide development in floodplains and flood hazard areas. These overlay districts shall coincide with those established by the Indiana Department of Natural Resources (I.D.N.R.) over which the I.D.N.R. exercises primary jurisdiction within the flooding districts under the provisions of I.C. 14-28-1. The Plan Commission reserves the right to place terms and conditions on any permit it issues in the Flood Hazard District which may be more restrictive than those imposed by the I.D.N.R. The Flood Hazard District may stand by itself or may be combined with any district, which the Plan Commission deems appropriate.

Generally speaking, all buildings constructed in this district shall be two (2) feet above regulatory flood profile as established by the I.D.N.R. Where the Flood Hazard District overlaps with any other district, the uses permitted by right or by special exception use in the other district shall be constructed to have a flood protection grade at least two (2) feet above regulatory flood profile as established by the I.D.N.R.

The degree of flood protection established in this Section is considered for regulatory purposes and is based upon engineering and scientific considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice or debris jams. This Section does not imply that areas outside Flood Hazard Districts as defined herein will be free of flooding or flood damage. This Section does not create any liability on the part of the Town, the Indiana Department of Natural Resources, the state, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this Section, or any administrative decision lawfully made thereunder.

## 4.17 “INST” INSTITUTIONAL DISTRICT

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### A. DESCRIPTION OF DISTRICT

The Institutional District is established to facilitate the development of municipal, community, and secular uses. More restrictive requirements for landscaping, buffering, and off-street parking are required than for adjacent districts.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		N/A
Minimum Lot Width		N/A
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	25 feet
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	25 feet
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		N/A
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		

**D. ADDITIONAL REGULATIONS**

1. The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off-street parking and loading facilities.

2. All goods produced on the premises as incidental or essential to the principal use shall be sold at retail on the premises where produced.
3. Outside storage is permissible, but must be screened.

## 4.18 “PPW” PITTSBORO PUBLIC WORKS DISTRICT

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### A. DESCRIPTION OF DISTRICT

The Pittsboro Public Works District is established to provide a location for public and semi-public utility operations and installations, which contribute to the workings of the Town.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size		N/A
Minimum Lot Width		N/A
Minimum Front Setback	Principal Arterial	50 feet
	Secondary Arterial	45 feet
	Collector	40 feet
	Local Road	40 feet
	Subdivision Road	40 feet
Minimum Side Setback	Principal Building	50 feet when abutting a residential use or zoning district
		25 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Minimum Rear Setback	Principal Building	50 feet when abutting a residential use or zoning district
		25 feet when abutting a non-residential use or zoning district
	Accessory Structure	10 feet
Maximum Principal Building Height		50 feet <sup>1</sup>
Maximum Accessory Structure Height		35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage		N/A
<sup>1</sup> The maximum height of the building is unlimited, provided, that the setback for the portion of the building that exceeds 50 feet shall be increased by 1 foot for each 1 foot of height above 50 feet until the ultimate height of the building is allowed.		



**D. ADDITIONAL REGULATIONS**

1. In the PPW District, it is permissible to erect more than one principal building on a lot, provided the buildings are under single ownership and control.
2. Any outdoor lighting shall be placed so as to reflect light away from any adjacent properties.
3. All outdoor storage of materials shall be enclosed to provide effective site screening from adjoining properties or streets by the use of fences, walls, berms and landscape plantings or combinations thereof in accordance with sections 8.5.I. and 8.6 of this ordinance.
4. No materials or wastes shall be deposited upon the property in such a manner that they may be carried off the property by natural forces or causes.
5. Fuel and flammable liquids stored above ground and in storage tanks of 300 gallons or more shall be diked or doubled walled to prevent the complete escape of liquid in the event of a rupture of the storage tank. Such storage tanks shall be at least 20 feet from any building and 50 feet from the boundary lines of the zone lot.

## 4.19 MIXED USE DISTRICT

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### A. DESCRIPTION OF DISTRICT

The Mixed Use District is established to accommodate developments that contain a variety of commercial, residential, civic, and institutional uses. These developments may be characterized by individual buildings that contain a mixture of uses or by single use buildings that contain different uses in close proximity to each other. Appropriate uses include restaurants, retail and professional services, offices, multifamily apartments and condominiums, townhomes, single family homes, and recreation amenities. Projects should accommodate all modes of transportation with particular attention paid to pedestrians. The Mixed Use district requires investment in public spaces that support safe, vibrant pedestrian activity and a variety of housing options.

### B. USES

#### 1. Permitted Uses

See Section 3.2 and Appendix A, Schedule of Uses.

#### 2. Special Exception Uses

See Section 3.3 and Appendix A, Schedule of Uses.

#### 3. Accessory Uses

See Section 3.4.

#### 4. Temporary Uses

See Section 3.5.

**C. DEVELOPMENT STANDARDS.**

Utility Requirements		Attachment to public water and sanitary sewer facilities shall be mandatory for all development in this district.
Minimum Lot Size	Residential Use (per dwelling unit)	1,600 square feet – Townhomes and Multi-family 7,200 square feet – Single Family
	Nonresidential Use (including mixed use)	N/A
Minimum Lot Width	Residential Use	80 feet – Multi-family 20 feet – Townhomes 60 feet – Single Family
	Nonresidential Use (including mixed use)	N/A
Minimum Front Setback	Residential Use	10 feet
	Nonresidential Use (including mixed use)	0 feet
Minimum Side Setback	Residential Use	10 feet (Townhomes – 0 feet when abutting another townhome unit)
	Nonresidential Use (including mixed use)	10 feet (when abutting a residential-only use or district – 25 feet)
Minimum Rear Setback	Residential Use	15 feet
	Nonresidential Use (including mixed use)	15 feet (when abutting a residential-only use or district – 25 feet)
Maximum Principal Building Height		45 feet

Maximum Accessory Structure Height	35 feet or the height of the principal structure, whichever is less
Maximum Lot Coverage	70%

#### D. ADDITIONAL REGULATIONS

1. All permitted uses in the MU District must be conducted within completely enclosed buildings, unless otherwise specifically authorized. This requirement does not apply to parking, loading, outdoor seating/dining, or ATMs, vending machines, and the like.
2. Off-street parking spaces must be located to the rear or side of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.
3. A minimum of 50% of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas. For residential uses, required ground floor windows shall be transparent to allow views into common hallways, foyers, or entryways, but may be translucent or opaque when on individual dwelling units.
4. Doors and Entrances
  - a. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
  - b. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
5. Curb cuts onto arterial roadways shall only be permitted when access cannot be provided from a collector or local roadway.
6. Access driveways shall not be wider than thirty (30) feet at their point of intersection with the street, and all developments shall conform to the general provisions for traffic circulation as set forth in Chapter 10.
7. More than one principal building and its accessory building(s) or use(s) may be permitted on one lot in the MU District, provided the buildings are platted as a single unit under single ownership and control.

## Town of Pittsboro Unified Development Ordinance

# Chapter 5: Overlay Districts

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## 5.1 DOWNTOWN OVERLAY DISTRICT

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### A. DESCRIPTION OF DISTRICT

The purpose of the Downtown Overlay District is to maintain the integrity of downtown Pittsboro. The Downtown Overlay District covers the historic business core of the Town and some of its older neighborhoods. Its commercial and residential nature make it a vibrant community center with pedestrian oriented mixed uses and historical charm worth preserving and enhancing for future generations to enjoy.

### B. DISTRICT BOUNDARIES

The boundaries of the Downtown Overlay District are hereby established as shown on the Zone Map for the Town of Pittsboro.

### C. INTERPRETATION

The Downtown Overlay District regulations apply in addition to the underlying zoning district regulations to impose additional development rules for properties within the downtown. In the case of a conflict between the Downtown Overlay District regulations of this section and other regulations in this Ordinance, the Downtown Overlay District regulations of this section shall control. Where no special Downtown Overlay District regulation is stated, the regulations of the underlying zoning shall control.

### D. PLAN COMMISSION APPROVAL

1. The Plan Commission must approve, approve with conditions, or disapprove a Development Plan for any tract of land in the Downtown Overlay District per the provisions of Chapter 11. Development Plan approval by the Plan Commission is not required for individual single or two family lots.
2. For lots only partially within the Overlay District, a Development Plan shall be submitted to the Commission for the entire tract to be developed.
3. All development plan applications shall be in accordance with the requirements and specifications set forth in Section 11, Subsection 11.11.

**E. PERMITTED USES**

1. All uses which are permitted in a given site's underlying zoning district, except those expressly excluded in Subsection G below, are permitted in the Downtown Overlay District.
2. In addition to the permitted uses of the underlying zoning districts, areas within the Downtown Overlay District shall be permitted more than one primary use within a structure when such uses are arranged as follows:
  - a. First floor retail with office or residential on the upper floors
  - b. First floor office with residential on the upper floors.

**F. SPECIAL EXCEPTION USES**

All special exceptions which are permitted (upon obtaining special exception approval from the Board of Zoning Appeals) in the underlying zoning district(s), except the uses expressly excluded in Subsection G below, shall be special exception uses in the Downtown Overlay District.

**G. EXCLUDED USES**

1. Adult retail
2. Automotive repair
3. Automotive Sales
4. Car washes
5. Cemetery / crematory
6. Drive through restaurants
7. Firing Ranges
8. Garages
9. Filling stations
10. General commercial uses greater than 30,000 square feet
11. Machine shops
12. Mini Warehouse / self-storage facility

13. Outdoor storage or sales
14. Sexually oriented businesses
15. Transmission tower / wireless communication facility
16. Welding shops

**H. ACCESSORY BUILDINGS AND USES**

All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, with the following conditions.

1. Any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.
2. Outdoor dining associated with a restaurant shall meet the following restrictions:
  - a. The limits of the dining area shall be clearly defined.
  - b. The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.
  - c. The outdoor dining area shall be within the required yard areas.
  - d. The outdoor dining area shall not be operated any later than 11:00 PM on Sunday through Thursday or later than 12:00 AM on Friday and Saturday.



## I. AREA REGULATIONS

The minimum area regulations, including lot size, setbacks, and encroachments, shall be modified from the underlying zoning districts as follows:

Minimum Lot Size		Underlying District
Minimum Lot Width		Underlying District
Minimum Front Setback	Commercial Districts	0 feet
	Residential Districts	The minimum front yard setback shall be the average front yard setback of the other buildings on the block
Maximum Front Setback	Commercial Districts	10 feet
Minimum Side and Rear Setback	Abutting Alley	5 feet
	Abutting Residential Use or District	5 feet
	Abutting Non-residential Use	0 feet
Permitted Encroachments	Balconies <sup>1</sup>	3 feet <sup>2</sup>
	Awnings <sup>1</sup>	6 feet <sup>2</sup>
	Signs <sup>1</sup>	4 feet <sup>2</sup>
<p><sup>1</sup> All elements encroaching into sidewalk areas shall provide a minimum 8 foot clearance above the sidewalk.</p> <p><sup>2</sup> Encroachments are only permitted into the sidewalk; where the sidewalk width is less than the permitted encroachment, the permitted encroachment shall be reduced to the equal the width of the sidewalk. Encroachments are not permitted into the roadway or adjacent on-street parking.</p>		

**J. PARKING REGULATIONS**

1. The minimum off-street parking requirements in the Downtown Overlay District may be reduced by no more than one-half (rounded up to the nearest whole number) of the spaces required per Section 8.12 and per the discretion of the Plan Commission during site plan review.
2. Existing buildings constructed prior to July 13, 2004, which are located within the Downtown Overlay District, shall be exempt from the vehicle parking standards. Building additions or expansions to an existing structure that would increase the size of the structure by more than 35% shall nullify this exemption.
3. Parking areas are not permitted on the site between the front property line and the front building façade.
4. Immediately adjacent on-street parking and alley accessed parking spaces may be counted towards the required number of parking spaces.
5. Parking along the sides of buildings must be screened from the public right-of-way while ensuring proper vision clearance areas, pursuant to Section 8.18.

**K. SIGN REGULATIONS**

Sign regulations for the Downtown Overlay District are included in Section 8.15.

**L. ARCHITECTURAL STANDARDS IN COMMERCIAL DISTRICTS**

The following shall apply to new construction in commercial districts within the Downtown Overlay District, including any additions or expansions to an existing use or structure that would increase the use or structure by more than thirty-five percent (35%) of its existing size.

1. The main entrance of the structure must face the street and be clearly noticeable through the use of architectural features.
2. Walls shall be brick, cast concrete, stucco, stone, marble, cast stone, glass, cementitious siding, or other similar materials as approved by the Administrator.
3. Exterior building material selection must incorporate variation in color and texture.

4. At least two exterior building materials must be used, with the primary material constituting at least 60% of the wall area. Glass in windows and doors does not count as an additional building material.
5. The front façade shall have a minimum of 30% glazing and, for buildings with more than one story, at least 50% of the required glazing must be on the ground floor.
6. All rooftop equipment shall be enclosed in building material that matches the structure or is visually compatible with the structure.
7. All building mechanical and electrical equipment located adjacent to the building and visible from any public thoroughfare or residential use shall be screened from view by means of walls, landscaping, camouflage, or other approved method. All screening shall be architecturally compatible with the primary structure.
8. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.

#### **M. OTHER DEVELOPMENT CONTROLS**

1. No outdoor storage of any materials (useable or waste) shall be permitted in this overlay district.
2. All business activities permitted in this district shall be conducted within a completely enclosed building, with the exception of walk up windows, ATMs (not freestanding), vending machines per Section 7.11, and outdoor dining facilities.
3. Sidewalk sales may be permitted within the Downtown Overlay District in accordance with the following restrictions.
  - a. Sidewalk sales shall be clearly related to the principal permitted use of the site and shall be wholly conducted upon the site in front of the commercial establishment offering the items for sale.
  - b. Only merchandise for sale shall be displayed.
  - c. Sidewalk sales shall not be permitted at any time that the principal permitted use of the site is not open for business.

- d. Sidewalk sales shall meet all requirements of Section 8.15 (Sign Standards), and no displays using electricity, animation, lights, or noise making devices will be permitted.
- e. Merchandise display areas for sidewalk sales shall meet the following requirements:
  - i. Sidewalk sales areas shall be established so that they do not obstruct pedestrian or vehicular traffic and for adequate visibility of traffic signals, signs and approaching traffic and shall not obstruct the vision clearance area requirements in Section 8.18.
  - ii. No display of merchandise shall be permitted within four (4) feet of the edge of the sidewalk nearest the curb, and there must remain a clear walking path of at least four (4) feet in width.
  - iii. Unobstructed passage shall be provided to building entrances/exits (including two (2) foot clearance on both sides of any doorway), fire hydrants, or other fixtures located within the display area.
  - iv. Furniture, fixtures and equipment shall not be permanently anchored to the sidewalk in the public right-of-way.
  - v. No stacks of merchandise shall be greater than five (5) feet high.

## **5.2 JEFF GORDON BOULEVARD / CR 275 E. OVERLAY DISTRICT**

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### **A. DESCRIPTION OF DISTRICT**

The purpose of the Jeff Gordon Boulevard / CR 275 E. Overlay District is to protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering the corridor in this district. It is recognized that Jeff Gordon Boulevard is an important entrance corridor into the Town of Pittsboro. Therefore, it is the further purpose of the Overlay District to promote coordinated, quality development per the land use recommendations set forth in the comprehensive plan; to establish basic standards for structures, landscaping, and other improvements on the properties within this Overlay District which promote high quality, innovative

site design and at the same time encourage efficient land usage; to establish development standards which will encourage capital investments for the development of those properties along and abutting Jeff Gordon Boulevard / CR 275 E.; and to promote the steady flow of traffic.

This overlay district further seeks to foster development that will provide this district with a special sense of place that will increase property values, protect existing residential uses, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping, and signs. These principles are intended to guide individual development activities so that they will work together visually in support of the common architectural theme described below.

#### **B. DISTRICT BOUNDARIES**

The boundaries of the Jeff Gordon Boulevard / CR 275 E. Overlay District are hereby established as shown on the Zoning District Map for the Town of Pittsboro. The boundaries include any lands within the Town of Pittsboro that fall within four hundred (400) feet east and west as measured parallel to the Jeff Gordon Boulevard / CR 275 E. right-of-way from one mile north of I-74 and to Wall Street / CR 750 North. . If lands are annexed into the Town of Pittsboro and they fall within this 400 foot area, the Jeff Gordon Boulevard / CR 275 E. Overlay shall be applied to them in addition to the base zoning district recommended at the time of annexation.

#### **C. INTERPRETATION**

The overlay zoning regulations apply in addition to the underlying zoning district regulations to impose additional development standards for properties within the corridor. In the case of a conflict between the Jeff Gordon Boulevard / CR 275 E. overlay district regulations of this Section and other regulations in this Ordinance, the regulations of this Section shall control. Where no special Overlay District regulation is stated, the regulations of the underlying zoning shall control.

#### **D. PLAN COMMISSION APPROVAL**

1. The Plan Commission must approve, approve with conditions, or disapprove a Site Development Plan for any tract of land in the Jeff Gordon Boulevard / CR 275 E. Overlay District per the provisions of Chapter 11. Site Development

Plan approval by the Plan Commission is not required for individual single or two family lots.

2. For lots only partially within the Overlay District, a Development Plan shall be submitted to the Commission for the entire tract to be developed.
3. All Development Plan applications shall be in accordance with the requirements and specifications set forth in Section 11.11.

**E. PERMITTED USES**

All uses which are permitted in a given site's underlying zoning district, except those expressly excluded in Subsection G below, are permitted in the Jeff Gordon Boulevard / CR 275 E. Overlay District.

**F. SPECIAL EXCEPTION USES**

All special exception uses which are permitted (upon obtaining special exception approval from the Board of Zoning Appeals) in the underlying zoning district(s), except the uses expressly excluded in Subsection G below, shall be special exception uses in the Jeff Gordon Boulevard / CR 275 E. Overlay District.

**G. EXCLUDED USES**

The following uses are prohibited in the Overlay District.

1. Bulk storage of petroleum products not used for on-site manufacturing
2. Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning
3. Garbage disposal plant/sanitary landfill
4. Go-cart track
5. Grain elevator
6. Junk or salvage yard
7. Manufactured home dwelling sales
8. Mini-warehouses or self-storage facilities
9. Mobile Home Parks
10. Outdoor storage, with the exception of propane tanks that are for lease or purchase

11. Outdoor theatre
12. Penal or correctional institution
13. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Town of Pittsboro
14. Refining or manufacturing of petroleum products
15. Refining or manufacturing of asphalt, cement, gypsum, lime, wood preservatives
16. Roadside sales stand
17. Sand and Gravel extraction or sales
18. Sexually Oriented Businesses

#### **H. ACCESSORY BUILDINGS AND USES**

All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.

## I. HEIGHT AND AREA REQUIREMENTS

Maximum Building Height		As specified in the primary zoning district
Minimum Front Setback		As specified in the primary zoning district
Greenbelt (for parcels with frontage on Jeff Gordon Boulevard / CR 275 E. right-of-way)		30 feet wide, included as part of the front yard, adjacent to the Jeff Gordon Boulevard / CR 275 E. right-of-way
Minimum Side and Rear Setback	Non-residential lot next to existing residential district	50 feet or twice the building height, whichever is greater
	Non-residential lot next to existing business district	15 feet
	Non-residential lot next to existing industrial district	20 feet
	Residential lot next to existing non-residential district	25 feet
	Residential lot next to existing residential district	15 feet
Minimum Gross Floor Area	Non-residential uses	2,500 square feet (accessory structures are exempt from the minimum gross floor area standard)
	Residential uses	As specified in the primary zoning district



## J. ARCHITECTURAL DESIGN REQUIREMENTS

In reviewing the architectural design of building(s) proposed to be built in this overlay district, factors to be considered by the Plan Commission shall include but are not limited to the following:

### 1. Building Proportion

Buildings should avoid long, monotonous, uninterrupted walls or roof planes.

### 2. Building Facades

Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style.

Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of buildings located on corner lots shall be of the same materials and similarly detailed.

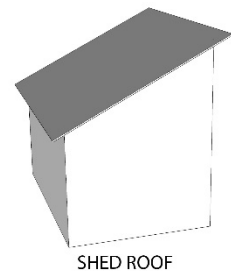
### 3. Roofs

#### a. Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.

#### b. Shed Roofs

Shed (single slope) roofs are permitted only when the ridge is attached to an exterior wall of a building, with pitches ranging from 4:12 to 14:12.



#### c. Flat Roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building.

#### d. In no case shall rooftop mechanical equipment be visible from adjoining residential districts.

- e. All vents, attic ventilators, turbines, flues, and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the structure.
- f. Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the buildings selected architectural design.

#### 4. Entrances

The main building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the building as a whole. The location, orientation, proportion, and style of doors shall reflect the chosen style of the building. Building facades for industrial and warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

#### 5. Windows

All window design shall be compatible with the style, materials, color, details, and proportion of the building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

#### 6. Awnings

Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the façade. Metal, plastic or aluminum awnings are prohibited.

#### 7. Storefronts

Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signs and lighting consistent with the overall building style.

## 8. Suitability of Building Materials

Unless otherwise approved by the Plan Commission, building materials shall be consistent with or complementary to existing architecture as follows:

- a. Exposed foundations shall be constructed of one or more of the following:
  - i. Brick;
  - ii. Stone (limestone, granite, fieldstone, etc.); or,
  - iii. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.
- b. Facade walls shall be constructed of any combination of:
  - i. Natural or cut stone
  - ii. Glass
  - iii. Pre-cast concrete
  - iv. Brick in a color historically consistent with the architectural style
  - v. Architectural metal
  - vi. Synthetic products such as cementitious siding and EIFS
  - vii. Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window facade area

## 9. Topography

Design in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten percent (10%).

## 10. Consistency with Style and Period

Overall aesthetics of proposed building, including color, are consistent with the architectural style and period in the surround area.

## 11. Building Orientation

The primary building shall be oriented to Jeff Gordon Boulevard / CR 275 E., so that the front of the building faces the corridor. Accessory buildings (including residential garages, storage buildings, etc.) shall be located behind the primary building.

**K. LANDSCAPING REQUIREMENTS****1. Landscape Plan**

The applicant shall submit a landscape plan to the Plan Commission as part of the development plan application, per Section 11.11 of this Ordinance.

**2. Areas to be Landscaped**

- a. **Greenbelt.** The thirty (30) foot greenbelt shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no parking areas, buildings, accessory structures, etc. shall be established within this area.
- b. **Foundation Plantings.** Foundation plantings shall be included along all sides of any building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a parking area located in the front yard adjoining Jeff Gordon Boulevard / CR 275 E., the minimum width shall be ten (10) feet.
- c. **Peripheral Plantings.** Minimum side and rear yard landscaping shall occur per the requirements of the underlying zoning district.
- d. **Parking Lots.** Per standards specified in Section 8.11 of this Ordinance. The required Greenbelt shall count towards parking lot perimeter landscape requirements when adjacent to a parking area.
- e. **Screening Areas.** All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the Jeff Gordon Boulevard / CR 275 E. right-of-way and adjoining residential zones or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage, and other approved method.

### 3. Landscaping Standards

- a. The interior dimensions, specifications and design of any planting area of planting median shall be sufficient to protect the landscaping materials and planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:
  - i. Canopy Trees: Nine (9) feet;
  - ii. Ornamental Trees: Seven (7) feet;
  - iii. Shrubs (only): Five (5) feet.
- b. All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:
  - i. Shade trees: a minimum trunk diameter of two and one-half ( $2\frac{1}{2}$ ) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third ( $\frac{1}{3}$ ) or more than one-half ( $\frac{1}{2}$ ) of tree height.
  - ii. Ornamental trees: a minimum trunk diameter of one and one-half ( $1\frac{1}{2}$ ) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third ( $\frac{1}{3}$ ) or more than one-half ( $\frac{1}{2}$ ) of tree height.
  - iii. Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three-fifths ( $\frac{3}{5}$ ) of the height.
  - iv. Deciduous shrubs: a minimum height of eighteen (18) inches, no less than six (6) main branches upon planting, and a mature height of no greater than thirty-six (36) inches.
  - v. Evergreen shrubs: a minimum height and spread of eighteen (18) inches, maximum mature height of thirty-six (36) inches.
- c. Greenbelt. The primary landscaping materials used in the Greenbelt shall be shade trees, ornamental trees, shrubs, ground covers and grass.
  - i. A minimum of three (3) shade trees and one ornamental tree shall be provided per one hundred (100) linear feet of greenbelt.
  - ii. Shade trees planted within the greenbelt parallel to Jeff Gordon Boulevard / CR 275 E. shall be spaced neither less than fifteen (15) feet apart nor more than forty (40) feet apart.

- iii. Existing shade trees within the greenbelt that have a minimum trunk diameter of four and one-half (4 ½) inches at six (6) inches above grade, are encouraged to be preserved. For each shade tree that is preserved within the greenbelt area, two fewer trees are required to be planted within the applicable one hundred (100) linear feet.
- d. Foundation Plantings. The primary landscaping materials used adjacent to buildings shall be shrubs, groundcovers, and ornamental grasses.
- e. Parking Lots

In addition to the required greenbelt, see Section 8.11 Parking Lot and Loading Area Landscaping and Screening Requirements for additional landscape requirements.

#### 4. Landscaping Installation and Maintenance

- a. Installation. All landscaping approved as part of the landscape plan portion of Development Plan approval shall be installed prior to the issuance of a Certificate of Occupancy. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the certificate of occupancy for an amount equal to 125% of the total installed cost of the required landscaping.
- b. Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs, and other landscaping approved as part of the landscape plan portion of the development plan approval in accordance with the standards set by this Ordinance. This is to include but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the building commissioner, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation, and weeds.
- c. Changes after approval. See Section 8.5 of this Ordinance.
- d. Inspection. The building commissioner or his/her designee may visit any tract within the overlay district to inspect the landscaping and check it against the approved plan on file.

**L. PARKING REQUIREMENTS**

1. Parking Spaces required, and the dimensions of those parking spaces: See Section 8.12.
2. Landscaping Standards: See Subsection K, above.
3. Parking lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the overlay district. Sites utilizing front-loaded parking areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. Connection to parking areas on adjacent parcels may also be required by the plan commission. As part of the Development Plan submission, the petitioner shall provide a site circulation plan that illustrates to the plan commission how coordinated access will occur relative to the overall Jeff Gordon Boulevard / CR 275 E.
4. All parking areas and drives (including residential driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking area design. Poured-in-place concrete curbs shall be used.
5. Parking within front yard setbacks shall be limited to a maximum of two (2) rows of the total required parking.

**M. ACCESS TO INDIVIDUAL TRACTS**

The purpose of this Section is to make the closing of all curb cuts along Jeff Gordon Boulevard / CR 275 E. possible by establishing a common access road to the rear parking lots of all tracts within the overlay district.

1. Frontage streets and common entrances shared by several properties and developments shall be encouraged and may be required at the discretion of the Plan Commission.
2. In those cases where tracts can be accessed via connection to a primary or secondary arterial street, local street, or adjoining parking lot, curb cuts shall not be established on Jeff Gordon Boulevard / CR 275 E.
3. The Plan Commission shall encourage maximum distances between curb cuts to Jeff Gordon Boulevard / CR 275 E.
4. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, greenbelt design, and parking.

5. Access roads shall be designed to align with one another, where feasible.

#### **N. OTHER REQUIREMENTS**

##### **1. Multi-Use Trail**

A multi-use pathway shall be provided within the greenbelt along both sides of Jeff Gordon Boulevard / CR 275 E.

- a. The path shall be a minimum of 12 feet wide.
- b. The path shall be paved with asphalt, concrete, or decorative pavers.
- c. The path shall be designed and constructed in accordance with all applicable Federal and State Americans with Disabilities Act standards.
- d. The pathway shall be connected to existing or planned pathways to maximize opportunities for bicycle and pedestrian circulation throughout the corridor.

##### **2. Trash Collection**

Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six (6) foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all buildings.

##### **3. Loading Areas**

Loading areas and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the development plan. Loading spaces and overhead doors shall not face towards Jeff Gordon Boulevard / CR 275 E..

##### **4. Emergency Access**

All emergency access areas and facilities shall be shown on the site plan and reviewed by the Pittsboro Fire Chief.

##### **5. Signs**

A sign plan for the proposed development shall be submitted to the Plan Commission for its approval as part of the Development Plan application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the Plan Commission.



## 6. Conforming Uses

A Site Development Plan shall be submitted to the Plan Commission for its approval when a legally established nonconforming use is changed to a conforming use and when either:

- a. Any new building is constructed; or
- b. Any existing building or site development (including addition of parking lot) is expanded by more than twenty five percent (25%).

## 5.3 INTERSTATE OVERLAY DISTRICT

### A. DESCRIPTION OF DISTRICT

The purpose of the Interstate Overlay District is to promote coordinated, quality development; to establish basic standards for structures, landscaping, and other improvements on the properties within the overlay district which promote high quality, innovative site design and at the same time encourage efficient land usage; and to establish development standards which will encourage capital investments for the development of those properties along and abutting Interstate 74 within the Town of Pittsboro. The Overlay District further seeks to create a gateway into the Town by means of a coordinated set of design principles for buildings, site planning, landscaping and signage.

### B. DISTRICT BOUNDARIES

The boundaries of the Interstate Overlay District are hereby established as shown on the Zone Map for the Town of Pittsboro. The boundaries include any lands within the Town of Pittsboro that fall within four hundred (400) feet north and south as measured parallel to the I-74 Interstate right-of-way. If lands are annexed into the Town of Pittsboro and fall within this 400 foot area, the Interstate Overlay District shall be applied to them in addition to the base zoning district recommended at the time of annexation.

### C. INTERPRETATION

The Interstate Overlay District regulations apply in addition to the underlying zoning district regulations to impose additional development rules for properties within the interstate corridor. In the case of a conflict between the Interstate Overlay District regulations of this Section and other regulations in this Ordinance,

the Interstate Overlay District regulations of this Section shall control. Where no special Interstate Overlay District regulation is stated, the regulations of the underlying zoning shall control.

**D. PLAN COMMISSION APPROVAL**

1. The Plan Commission must approve, approve with conditions, or disapprove a Site Development Plan for any tract of land in the Interstate Overlay District per the provisions of Chapter 11. Site Development Plan approval by the Plan Commission is not required for individual single or two family lots.
2. For lots only partially within the Overlay District, a Development Plan shall be submitted to the Commission for the entire tract to be developed.
3. All development plan applications shall be in accordance with the requirements and specifications set forth in Chapter 11, Subsection 11.11.

**E. PERMITTED USES**

All uses which are permitted in a given site's underlying zoning district, except those expressly excluded in Subsection G below, are permitted in the Interstate Overlay District.

**F. SPECIAL EXCEPTION USES**

All special exception uses which are permitted (upon obtaining special exception approval from the Board of Zoning Appeals) in the underlying zoning district(s), except the uses expressly excluded in Subsection G below, shall be special exception uses in the Interstate Overlay District.

**G. EXCLUDED USES**

1. Airport
2. Bill Board
3. Heavy Industry
4. Heliport
5. Highway Maintenance Garage
6. Junk Yard

7. Penal or Correctional Institution
8. Raising of Non-Farm Fowl and Animals, Commercially (except kennel)
9. Sanitary Fill
10. Outdoor Shooting Range
11. Thermal Electric and Steam Power Plant

#### **H. ACCESSORY BUILDINGS AND USES**

All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.

#### **I. MULTI FAMILY AND NON-RESIDENTIAL USES**

##### **1. LANDSCAPING**

- a. For the purpose of calculating landscaping requirements, each fraction of a tree or shrub shall be counted as one whole tree, or shrub.
- b. All development in the Interstate Overlay District shall have a lot coverage no greater than seventy percent (70%). The remaining thirty percent (30%) shall be maintained as open space. Ponds shall be counted towards minimum open space requirements.
- c. GREENBELT. For properties abutting I-74, a greenbelt of at least thirty (30) feet in width shall be maintained along the full length of I-74 frontage, and shall be composed of a minimum six (6) foot high earthen berm, four (4) shade trees and three (3) evergreen trees every one hundred (100) lineal feet, and living ground cover plantings covering the entire greenbelt area except for mulch or other non-living groundcover may be used around tree plantings.
- d. FOUNDATION PLANTINGS. Foundation plantings shall be included along all sides of all buildings, excluding entryways and loading bays and shall have the following characteristics.
  - i. The required minimum foundation landscaping shall be calculated individually for each side of the building.

- ii. The minimum width of the planting area shall be five (5) feet, except that when adjoining a parking lot, the minimum width shall be ten (10) feet.
  - iii. A minimum of one ornamental tree and five medium shrubs shall be planted every thirty (30) lineal feet. Trees and shrubs may be grouped or spaced linearly.
- e. OTHER LANDSCAPING.
  - i. Minimum buffer and parking lot landscaping shall occur per Sections 8.6 and 8.11 of this Ordinance; and all landscaping and screening requirements of the underlying district shall apply.
  - ii. All landscape material required by this Section shall meet the minimum size and other requirements of Section 8.5.G.
- f. ADDITIONAL SCREENING REQUIREMENTS.
  - i. All building mechanical and electrical equipment located adjacent to the building and visible from the interstate or any public thoroughfare or residential use shall be screened from view by means of walls, landscaping, or other approved methods. All non-landscape screening shall be architecturally compatible with the primary structure.
  - ii. Outdoor storage shall be completely enclosed by a minimum six foot high screen consisting of a solid fence (less than fifty percent open), masonry wall, dense plant material, or any combination thereof.
  - iii. Loading berths and service areas shall be screened from view from adjacent public streets and residential uses. This may be accomplished with an opaque wall constructed of materials which are architecturally compatible with the design of the principal building(s), through thoughtful placement of landscape and buffer requirements per other sections of the ordinance, or with additional landscape material where other landscape requirements would not create a sufficient screen. For loading berths and service areas facing the interstate, the required greenbelt is considered adequate screening.

## 2. BUILDING DESIGN REQUIREMENT

### a. Building Materials

- i. Interstate facing and street facing facades shall use 100 percent (100%) masonry siding materials from the top of the foundation to a parallel height of eight feet. A minimum of fifty percent (50%) of the overall interstate and street facing façade must be masonry. Masonry coverage calculation does not include windows and doors.
- ii. Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). Where two wall materials are combined horizontally on one façade, the heavier material must be below.
- iii. Corrugated plastic or fiberglass panel siding is prohibited.

b. Roofs

i. Pitched Roofs

Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 6:12 to 14:12.

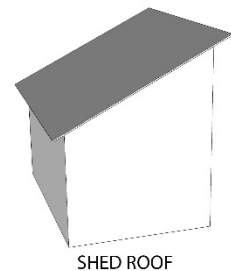
Pitched roofs shall be clad in wood shingles, slate, composition asphalt single or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the building.

ii. Shed Roofs

Shed (single slope) roofs are permitted with pitches ranging from 6:12 to 14:12.

iii. Flat Roofs

Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the building.



iv. Overhangs

Eaves and gable ends shall overhang a minimum of 16 inches.

In no case shall rooftop mechanical equipment be visible from adjoining residential districts. All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of

the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the structure.

Dormers, belvederes, cupolas and pergolas may be utilized as design elements, so long as they are designed with the details, proportion, style, and materials consistent with the selected architectural design of the building.

c. Entrances

The main building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the building.

d. Windows

All window designs shall be compatible with the style, materials, color, details and proportion of the building. The number of panes, the way the window opens, and the trim around the window shall be consistent with the selected architectural style of the building.

e. Signs

Signs for each proposed use shall be compatible in character as to color and architectural design with the structures located on the site. All sign requirements of the underlying district shall apply.

f. Other Requirements

i. Drive-Through Windows

Drive-through windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building. Stacking for drive-through lanes shall be located on the side of the building, shall not be permitted along the front of structures, and shall not be permitted along the interstate unless it is screened from view. Nor shall stacking for drive-through lanes be permitted to spill onto adjoining properties.

ii. Loading Berths and Service Areas

Loading berths and service areas shall be permitted per the needs of business establishments and shall be identified on the development plan. Loading berths, overhead doors, and other service areas should be on the rear of the building. For uses where loading berths are a fundamental component of the building and design, such as a warehouse, they may be located on any side of the building when meeting the requirements of Section 8.3.I.1.f.iv above.

g. Waiver of Building Design

The Plan Commission may grant a waiver of the building design requirements of this Section and approve a building design upon finding that:

- i. The building design represents an innovative use of building materials or design, or site design features which will not be detrimental to the use or value of area properties;
- ii. The proposed building is appropriate when compared to the architecture, design and overall exterior character of other buildings on the site and surrounding sites;
- iii. The building design is consistent with and compatible with other development located along the street; and
- iv. The proposed building is consistent with the intent and purpose of this Ordinance.

## Town of Pittsboro Unified Development Ordinance

# Chapter 6: Planned Unit Development

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## 6.1 STATEMENT AND PURPOSE

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The purpose of the Planned Unit Development (PUD) District is to provide a means of achieving innovative and creative design and flexibility of development through an alternative zoning procedure when sufficiently justified under the provisions of this Chapter. Planned Unit Developments are intended to encourage a higher quality of design and more than would typically be developed according to conventional zoning districts. A PUD may be developed with a variety of residential types and nonresidential uses. A PUD may contain both individual building sites and common property which are planned and developed as a unit. The end result shall fulfill the objectives of the comprehensive plan and other planning policies of the Town while departing from the application of the district regulations.

A Planned Unit Development may be granted as a rezone in any zoning district by the Town Council, should it determine that the Planned Unit Development is in the best interest of the Town, and complies with all the standards established in this Ordinance. The Plan Commission and Town Council may require conditions of approval or design considerations that will promote proper development or benefit to the community.

The purposes of a planned unit development are:

- A.** To encourage a more creative approach in land and building site planning.
- B.** To promote variety in the physical development pattern of the community; including mixed-use development.
- C.** To use design to provide compatibility between areas of different land uses and development intensities within the PUD.
- D.** To enhance the appearance of neighborhoods by conserving areas of natural beauty and natural green space.
- E.** To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.
- F.** To promote architecture that compliments the surrounding areas.

- G.** To permit special consideration of property with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
- H.** To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivisions, public improvements, and siting considerations.
- I.** To encourage developments that greatly exceed the development standards of the previous zoning district to create a high quality development.

It is not intended that the Town automatically approve a PUD District Ordinance proposed by a petitioner. The Plan Commission shall approve only such plans of a development that are consistent with the public benefits resulting from planned developments. Therefore, the Town may require as a condition of approval and subsequent amendment of the zoning map, conditions, limitations or design factors which will promote proper development of a planned unit development. The Town shall discourage the use of a PUD as a means of circumventing the rezoning/subdivision process or to avoid the standards and requirements of this ordinance. The PUD shall further be discouraged as a means to guarantee density/intensity increases over those permitted in the previous zoning district.

## 6.2 REQUIREMENTS FOR A PUD

- A.** The area designated in the PUD District Ordinance must be a tract of land under single ownership or demonstrated control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments, which run to the benefit of the Plan Commission.
- B.** The PUD District Ordinance shall indicate the land use, development standards, and other applicable specifications, which shall govern the PUD. If the PUD District Ordinance does not address specific land use, development standard or other specification of this Ordinance, the standard of the previous zoning district shall apply.

- C. The Primary Plan and Secondary Plan shall show the location of all improvements. The location of PUD's shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- D. The Primary Plan and Secondary Plan must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Ordinance and other pertinent regulations, except where specifically exempted through the provisions of this Chapter of the Ordinance.
- E. Uses permitted in a PUD may be any use that is found in Appendix A, Schedule of Uses, subject to the approval of the Plan Commission and Town Council of Pittsboro.
- F. It is the Town's expectation that to rezone to a PUD, a site shall be developed at a higher quality of development standard than the zoning district from which it is being rezoned.

## 6.3 PUD PROCESS

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The PUD application shall be accompanied by all plans and documents. A three-step application process shall be used. The steps in the process are:

1. Pre-Application Conference (General concept, no binding decisions).
2. Primary Plan Approval (Rezone, PUD District Ordinance, and Primary Plat).
3. Secondary Plan Approval (Secondary Plat, Construction Schedule).

## 6.4 PROCEDURES FOR PRE-APPLICATION CONFERENCE

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### A. PRE-APPLICATION MEETING

Prior to submission of a petition for a PUD, the applicant shall schedule a pre-application meeting with the Town Administrator. The purpose of the meeting is to allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted Town policies and to allow the Town Administrator to inform the applicant of applicable policies, standards and procedures for the PUD.

**B. PRE-APPLICATION SUBMITTALS**

The information that should be included for the pre-application meeting shall be as follows:

1. A written "Letter of Intent" from the petitioner describing the intentions for developing the site.
2. A site location map.
3. Sketch plans describing proposed land use(s), building and/or dwelling type(s) and density.
4. Internal private circulation drives and parking areas.
5. Conceptual landscaping plan, open space/common areas and buffer areas between the proposed development and adjacent properties.
6. A written letter that shows that the developer agrees to meet or exceed the landscaping standards set forth in this Ordinance.

## **6.5 PROCEDURES FOR PRIMARY PLAN**

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**A. PRIMARY PLAN PUD SUBMITTAL REQUIREMENTS**

The Primary Plan PUD submittal shall include the following as applicable:

1. Project Identification and Description
  - a. The owner, contract purchaser, or others having an economic interest, for which a PUD is sought, must file an application with the Town Administrator. If the application is filed by someone other than the landowner, the landowner must also execute the application.
  - b. Each application must include five (5) copies of all full sized documents and drawings. For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet (1" = 100') shall be used. In no event, shall individual sheets or drawings exceed thirty (30) inches by forty-two (42) inches. In addition, one set of reduced copies sized at eleven (11) inches by seventeen (17) inches and a digital copy of all documents in PDF format shall be submitted.
  - c. Every application must be accompanied by a fee in such an amount as established from time to time by the Town Council to defray the costs of

contracting with an independent professional to review applications as required. Such professional costs may include, but are not limited to the cost of newspaper publication, planning, engineering, legal, traffic analyses, environmental impact or other similar studies. Additional services may be required during the review of a proposed PUD, if deemed necessary by the Plan Commission, Town Manager or Town Council.

2. Existing Conditions Documentation

- a. A site location map showing boundaries.
- b. A legal description of each parcel of property subject to the petition.
- c. A current plat of survey prepared by a land surveyor registered in the State of Indiana.
- d. Parcel ID Numbers
- e. Relative Address
- f. Existing (prior to rezoning to a PUD) zoning districts and current use of land on the site and on adjacent property within six hundred and sixty (660) feet of the subject site.
- g. All existing or previously platted streets on the site, indicating their location, width, sidewalks, curbs and gutters, culverts, centerline elevation and name.
- h. Existing easements, including location, width and purpose.
- i. Other rights-of-way, including railroads and utility ROW's, showing existing improvements, if any.
- j. Existing permanent buildings and structures on the site.
- k. Utilities on the site indicating the location, size and invert elevations of storm and combined sewers; the size and location of sanitary sewers; the size and location of water mains; the location of fire hydrants; the direction and distance to the nearest usable water mains and sewers; and the location of private utilities such as gas, electric, and telephone lines and easements.
- l. Topographic data for the site consisting of existing contours at two-foot intervals.

- m. Hydrologic conditions including watercourses, floodplains, wooded areas, and wetlands.
  - n. Locations of or reference to existing monuments or survey markers used in preparation of survey and the grade elevation of each monument and marker.
  - o. Existing vegetation to be preserved and the locations and nature.
  - p. Other existing conditions data as may be required by the Technical Review Committee, Plan Commission, or the Town Council.
3. PUD District Ordinance
- The PUD District Ordinance is composed of written text and a plan drawing that combined, specify the permitted uses and development requirements that apply to the PUD. The PUD District Ordinance shall include:
- a. A legal metes and bounds description of the PUD District.
  - b. Narrative description of the PUD describing the character of the PUD and the intent and desired effect of the development, the manner in which the development has been planned to take advantage of the flexibility of the PUD regulations, the superior benefits that would accrue to the residents/user of the development, and all relief sought from the standard application of district requirements in conjunction with the project.
  - c. Written, detailed text documenting the permitted uses and development requirements that apply to the proposed PUD District, which shall include at minimum:
    - i. Permitted uses.
    - ii. Prohibited uses (if applicable).
    - iii. Lot area.
    - iv. Floor area.
    - v. Building setback lines.
    - vi. Building separation.
    - vii. Structure height.
    - viii. Open space.

- ix. Preservation of natural features and landscape.
  - x. Signage.
  - xi. Parking.
  - xii. Landscaping.
  - xiii. Lighting.
  - xiv. Any additional architectural or design standards
  - xv. Other standards as deemed appropriate by the Plan Commission or Town Council.
- d. Plan drawing, to scale, that includes the general land use concept, number and type of proposed buildings and/or dwellings, any sub-districts of sub-areas differentiated in the written development regulations, concept for handling vehicular and pedestrian circulation, parking, infrastructure, drainage, site perimeter treatment, and other pertinent development features.
- e. Other restrictions as required by the Plan Commission and Town Council in order to carry out the intent and purpose of this Section.
4. Primary Plan (Primary Plat if PUD includes subdivision of land)
- The Primary Plan serves to divide the PUD District into lots, blocks, and common area. It must be prepared and certified by a professional engineer or land surveyor registered by the State of Indiana, and shall include the following information:
- a. Name, address and telephone number of the owner. If property ownership is in trust, the name and address of each person or entity having a beneficial interest in the trust, and the extent of such interest. For purposes of this section, the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application. The application must include the signature of the owner(s);
  - b. Graphic scale not smaller than one inch equals one hundred feet (1"=100');
  - c. North arrow;
  - d. Date of preparation of original drawing and the date of any revisions;

- e. The name of the development, with the words "Primary Plan;"
- f. Gross and net area of tract;
- g. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or comers, and existing bench marks;
- h. Total number of buildings / dwelling units proposed;
- i. Layout of lots, showing dimensions and numbers;
- j. Lot size for each lot summarized in a table based on project area;
- k. Building lines showing setback dimensions;
- l. Open space;
- m. Number of off-street parking spaces proposed;
- n. The proposed location and general use of common ground (if any), including recreational areas, plazas, pedestrian ways and major landscape areas including buffer areas;
- o. General landscaping information including general location and approximate size (at the time of planting) of all plant material by type (such as deciduous/coniferous trees, ornamental trees, shrub masses and ground cover including grassed areas, ivies, etc.). Landscaping within parking areas shall be included;
- p. Quantification of site area by building coverage, parking, loading and driveways, and common retention/detention, floodplain and/or natural areas;
- q. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes;
- r. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways;
- s. Existing and proposed easements including the location, width, and purpose of each easement;



- t. Location and size of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate. NOTE: All proposed utility services must be underground; no open-loop geothermal systems are allowed within the municipal limits of the Town of Pittsboro; and all sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system or as permitted by the Plan Commission;
- u. Location of natural streams, regulated surface drains, legal ditches flood plains, pipelines, power lines, etc;
- v. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included;
- w. Location of any subsurface drain tile either known to exist or proposed for the site;
- x. Test results if required by the Town Engineer including test locations, made to ascertain subsurface soil, rock, and groundwater conditions;
- y. Type of drainage system(s) proposed to handle surface, underground, and runoff waters. The coefficient to be used for this determination shall be approved by the Town Engineer;
- z. The existing excess capacity available from the Pittsboro Waste Water Treatment Plant; the nearest location to the building site of a trunk or connecting sewer line; and the expected demand of the development or building (numbers to be acquired from the Town);
- aa. Estimated traffic count increase on adjacent streets resulting from the proposed development; description of type and condition of roads to serve such development; total number of motor vehicles expected to use or be stationed in such development; and on and off-site parking to be supplied. A formal engineering study need not be conducted unless the Plan Commission requests the same;

- bb. Photographs may be requested by the Administrator or the Town Engineer for specific areas or elements on or surrounding the site;
- cc. If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule;"
- dd. The general location, type and size of all retaining walls, fences and earth berms;
- ee. The general location, type and size of all refuse collection facilities including screening to be provided;
- ff. Typical building elevations that generally illustrate building mass, exterior construction materials and signage if applicable;
- gg. Design of all project signage, including project marketing signage, square footage of sign, height, type of sign;
- hh. Describe site lighting including the type of lighting and minimum and maximum light values;
- ii. At the applicant's expense, additional clarification and/or further detail of the site plan as determined necessary by the Technical Review Committee or the Plan Commission;
- jj. Proposed covenants, if any, to govern the use and maintenance of the development and ensure the continued observance of the provisions of the PUD; and
- kk. Additionally, for proposed PUD's that are of a large size and complexity where impacts to the Town are not easily ascertained, the Plan Commission may require that the petitioner supplement the filing with a fiscal impact analysis and/or traffic impact analysis. The factors that are impacted will be determined at the time the Plan Commission reviews the Primary Plan.

#### **B. PRIMARY PLAN PUD REVIEW PROCEDURES**

The review procedure for a Primary Plan PUD shall be consistent with the procedures described below.

1. Authority

The Town Council has the authority to grant a rezone for a PUD after certification from the Plan Commission in accordance with the provisions of this Ordinance and Indiana law.

2. Initiation

The owner(s) of the property (or the lessee or contract purchaser with written consent from the owner), of at least fifty (50) percent of the land area for which a PUD is sought may initiate a request for a rezone for a PUD.

- a. Written notice is to be made by the Petitioner in accordance with the Rules of Procedure set forth by the Plan Commission and Town Council.
- b. Notice in the newspaper of general circulation within the Town is to be made by the Petitioner in accordance with the Rules of Procedure set forth by the Plan Commission, Town Council, and Indiana law.

3. Procedure for Decision – Plan Commission and Town Council Action

a. Public Hearing

The Plan Commission must hold a public hearing on an application for a PUD. At the hearing, all interested parties shall have an opportunity to be heard.

b. Plan Commission Action

- i. Within thirty (30) days after the close of the public hearing, the Plan Commission shall vote to send a favorable, unfavorable, or no recommendation of the PUD to the Town Council by a simple majority of those Plan Commissioners present and voting. Within ten (10) business days of determining its recommendation, the Plan Commission shall certify the proposal to the Town Council.
- ii. The Town Council shall act to adopt, reject, or amend the PUD District within ninety (90) days of certification by the Plan Commission of its recommendation. If the Town Council amends the proposal, the procedure as specified by Indiana Code 36-7-4-607 shall apply.

4. Written Commitments

The Plan Commission may require and the Town Council may impose PUD approval, subject to applicant and owner acceptance, execution, and

recording of written commitments to make such PUD more compatible with the use, enjoyment and development of adjacent and nearby properties, to make the use more compatible with the character of the area in which it is located and to eliminate any adverse effect on adjacent and nearby properties and the neighborhood. Such written commitments shall be recorded and made part of the PUD District in accordance with Section 11.12 of this Ordinance and Indiana Law.

### C. PUBLIC HEARING AND ACTIONS ON PRIMARY PLAN

1. If the Primary Plan is approved by the Town Council, it shall adopt a PUD zoning district designation approving said Primary Plan and plat, if applicable, subject to any written commitments as specified and authorizing the preparation of the master plan and plat, if applicable. If a PUD Primary Plan is approved, it shall become effective and its location shall be shown on the Zoning Map. Upon such amendment of the zoning Map, the use and development of the site shall be governed by the PUD Primary Plan, subject to approval of a PUD Secondary Plan.
2. All conditions imposed as part of any PUD shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said areas, provided, however, that nothing herein shall be construed to limit the right of the developer, his successors or assignee to sell property in said PUD, except for such conditions imposed upon said common open space areas.
3. Approval of the Primary Plan by the Town Council does not constitute development approval, but authorizes submission of a Secondary Plan for approval. Approval of the Primary Plan shall be valid for a period of three (3) years from the date of Town Council approval. If a Secondary Plan approval is filed in phases, each subsequent phase shall be filed for within three (3) years of the prior phase's approval. If an application for Secondary Plan approval for all or a part of a geographic portion of the Primary Plan has not been filed within the three (3) year period, or if a developer has not requested and received approval of a one (1) year extension from the Town Council, then abandonment may be deemed to have occurred.

## 6.6 PROCEDURES FOR SECONDARY PLAN

### A. SECONDARY PUD PLAN SUBMITTAL REQUIREMENTS

The Secondary Plan (Secondary Plat if PUD includes subdivision of land) shall include the required information described in Section 6.5, A. In addition to these submittal requirements, the following shall be submitted.

1. The final landscape plan with specific location of all plant material, specifying size and species.
2. The PUD Zoning Designation Ordinance, adopted by reference, attached as an exhibit to the submittal and statement that that the Secondary Plan is in compliance with the adopted PUD Zoning Designation.
3. A statement placed on the plat indicating how the operation and maintenance of designated common areas, common facilities, common buildings and open spaces shall be controlled.
4. Construction Activities plan indicating how construction activity will be controlled by addressing contractor ingress/egress, construction parking, maintenance of traffic plan, and street cleaning.
5. Finalized copy of covenants, if any, to govern the use and maintenance of the development and ensure the continued observance of the provisions of the PUD.

### B. SECONDARY PLAN REVIEW PROCEDURES

Once the rezone to a PUD District has been granted, the applicant may submit for a review meeting by the Plan Commission to ensure that the Secondary Plan is consistent with the Primary Plan.

#### 1. Procedure for Review – Plan Commission

##### a. Public Meeting

The Secondary Plan and supporting data shall be filed with Town Administrator and forwarded to the Plan Commission for determination whether the Secondary Plan is in conformity with these regulations and in agreement with the approved Primary Plan.

b. Plan Commission Action

Within thirty (30) days of the date the item first appears on the Plan Commission agenda, the Plan Commission shall vote to recommend approval or denial, or approval with conditions of the PUD Secondary Plan by a simple majority of those Plan Commissioners present and voting.

## **6.7 REQUIREMENTS AND PROCEDURES PRIOR TO RECORDING OF THE PRIMARY AND SECONDARY PLAN**

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- A. All approved plans, subdivision plats, and any modifications thereof, for any PUD district shall be recorded in the office of the Hendricks County Recorder, by the Town of Pittsboro at the cost of the applicant, and in accordance with the provisions set forth in Chapter 9 of this Ordinance before a Building Permit may be issued or any development takes place.
- B. Where, upon completion of all development, the exact measurements as to the location of buildings and structures erected during the development are deemed desirable for public record and the recording thereof, the developer shall submit a copy of the approved Construction Plans (as-built), as amended, to the Administrator with the exact measurements thereon shown. The Administrator, after being satisfied that the measurements are substantially the same as indicated on the originally approved Secondary Plan(s), shall approve, date and sign said Construction Plans for the project, which the developer shall then record.

## **6.8 SECONDARY PLAN APPROVAL NOT ACCEPTANCE OF DEDICATION OFFERS**

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Approval of a PUD Secondary Plan does not constitute acceptance by the Town of the offer of dedication of any streets, utilities, sidewalks, parks or other public facilities shown on the plan. However, the Town Council may accept any such offer of dedication by resolution and may delay such acceptance until such time that the street department head or his/her designee determines that the

public improvements have been completed in a satisfactory manner, and accepted or approved by the appropriate authority.

## **6.9 AMENDMENTS TO THE PRIMARY PLAN**

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### **A. Minor Changes**

Minor changes in the location, sitting and height of buildings and structures may be authorized by the Plan Commission during the PUD Secondary Plan process without additional public hearings if required by engineering or other circumstances not foreseen at the time the Primary Plan was approved. No change authorized by this subsection may cause any of the following:

1. A change in the use, intensity or character of the development;
2. A greater than ten (10) percent increase in overall coverage of structures;
3. A greater than ten (10) percent increase in the intensity of use;
4. Five (5) percent or greater reduction in approved open space;
5. Five (5) percent or greater reduction of off-street parking and loading spaces; or
6. A ten (10) percent or greater reduction in required pavement widths.

### **B. Plan Amendments**

1. All other changes in use, or rearrangement of lots, blocks, building tracts, or any changes in the provision of common open space and changes other than listed above, must be approved by the Town Council after report of the Technical Review Committee and recommendation by the Plan Commission. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Primary Plan was approved or by changes in community policy. Any changes to the approved Secondary Plan must be recorded as amendments in accordance with the procedures and requirements of Chapter 11.
2. If there are changes to the Primary Plan and concept approval granted to the PUD by the Plan Commission, but not final approval by the Town Council, then the applicant is required to be placed back on the Plan Commission

docket for a public hearing. Applicant will provide public notice to residents in accordance with the Plan Commission's Rules of Procedure.

3. If there are changes to the Secondary Plan after approval has been granted by the Town Council, the applicant shall be required to re-file his application subject to the requirements of this Chapter as if it was an entirely new application.

## 6.10 PUD ABANDONMENT

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- A. Approval of the Primary Plan shall be valid for a period of three (3) years from the date of Town Council approval. If a Secondary Plan approval is filed in phases, each subsequent phase shall be filed for within three (3) years of the prior phase's approval. If an application for Secondary Plan approval for all or a part of a geographic portion of the Primary Plan has not been filed within the three (3) years period, or if a developer has not requested and received approval of a one (1) year extension from the Town Council, then abandonment may be deemed to have occurred.
- B. Approval of a PUD Secondary Plan shall be valid for a period of three (3) years from the date of approval unless within such period a building permit is obtained and construction of a building's foundations have commenced. The Town Council may grant a one (1) year extension upon written request of the developer.
- C. Abandonment may be deemed to have occurred when the Secondary Plan has not been filed for within three (3) years of Primary Plan approval or no improvements have been made pursuant to the approved PUD Secondary Plan for thirty six (36) consecutive months, or upon the expiration of three (3) years from the date of approval of the Secondary Plan.
- D. Under the abandonment of a development authorized under this Section, the Plan Commission may initiate an amendment to the Zoning Map so that the land identified as the abandoned PUD shall be zoned into a category or categories that approximate the previous zoning district, the existing use, or any other such zoning category or categories which it deems appropriate. Until such rezoning is approved by the Town Council, the PUD zoning and PUD District Ordinance are still valid.



## 6.11 FEES

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Any person, firm, corporation, or agent, who shall file an application for amendment or application for an appeal, variation, or special use, or for any other certificate or license required under the terms of this ordinance, shall be charged a fee in accordance with the Schedule of Fees as adopted by the Town Council, and available at Town Hall.

## 6.12 PENALTIES

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Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, shall upon conviction, be fined in accordance with Chapter 12: Enforcement and Penalties. Each day that a violation continues to exist shall constitute a separate offense.

## 6.13 PROCEEDINGS FOR ENFORCEMENT

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In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance or other regulation made under the authority conferred thereby, the Town of Pittsboro, in addition to other remedies, may institute any appropriate action or proceedings:

- A. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
- B. To prevent the occupancy of the building, structure, or land;
- C. To prevent any illegal act, conduct, business, or use in or about the premises; or
- D. To restrain, correct, or abate the violation.

## 6.14 LIMITATION OF REZONING

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Unless the project is deemed abandoned pursuant to Section 6.10 hereof, no amendments to the zoning map concerning PUD master plan district shall be initiated by the Plan Commission or the Town Council before the completion of

the development provided that the development is in conformity with the approved PUD Secondary Plan and the development is proceeding in accordance with the time requirements imposed therein.

## **6.15 FINANCIAL ASSURANCE REQUIREMENTS**

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The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or any other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 9 of this Ordinance.

## **6.16 PROCEDURES FOR PLATTING A PUD**

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Primary and Secondary Plat approval for any development pursuant to this Chapter shall be issued in a manner consistent with that of any other plat under the jurisdiction of the Plan Commission in compliance with the procedures set forth in Chapter 9 of this Ordinance and with any additional requirements or commitments entered into in connection with the approval of the Secondary Plan pursuant to this Chapter. Secondary Plans shall be recorded in the office of the Hendricks County Recorder, by the Town of Pittsboro at the cost of the applicant.

## Town of Pittsboro Unified Development Ordinance

# Chapter 7: Provisions Related to Specific Uses

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## 7.1 ACCESSORY APARTMENTS

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- A.** In any residential district, a special exception may be granted for one accessory apartment to be constructed within a single-family detached residence or within an accessory structure of such residence, provided such a lot has a minimum area of 10,000 square feet.
- B.** The owner(s) of the single family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises.
- C.** The minimum floor area for an accessory apartment within a primary dwelling shall be 400 square feet, but in no case shall it exceed 50% of the area of the primary residence in which it is located.
- D.** The minimum floor area for an accessory apartment located in an accessory building shall be 400 square feet, but in no case shall it exceed 50% of the area of the primary structure.
- E.** No more than one accessory apartment shall be permitted per lot.
- F.** If an accessory apartment is located within the principal building, the only entry to such unit and its design shall be such that, the appearance of the buildings will remain as a single family residence.
  - 1. Only one entrance to the principal building shall be visible from the front yard.
  - 2. No exterior stairway to the second floor shall be permitted at the front or side of the building.
- G.** Accessory apartments located in accessory structures shall be located, designed, constructed, and landscaped in such a manner that, to the maximum extent feasible, the appearance of the property remains as a single family lot.

## 7.2 AGRICULTURE

---

Agricultural uses shall be permitted in all zoning districts, provided that:

1. When such a use includes stables and animal pens, any structures, pens or corrals housing animals shall be 200 feet from an adjoining property line, except where animals are kept in sound proof air conditioned buildings, in which case the required setback line is 100 feet.
2. The keeping of animals cannot be for profit nor construed as a kennel (unless as a permitted use in the subject district).
3. All wild animals that are inherently dangerous to humans shall be prohibited.

## 7.3 BED AND BREAKFAST ESTABLISHMENTS

---

Bed and breakfast establishments, where allowed, shall adhere to the following requirements.

- A. Bed and breakfast establishments shall only be located within and accessory to an owner-occupied single-family detached home.
- B. Bed and breakfast establishments shall comply with all local, county and state fire and health regulations.
- C. No ancillary commercial use shall be operated in connection with an approved bed and breakfast establishment.
- D. The operation of a bed and breakfast establishment shall not be considered or classified as a Home Occupation.
- E. A bed and breakfast establishment shall include no more than fourteen (14) guestrooms for rent.
- F. Accommodations shall not be provided to a particular guest for more than thirty (30) consecutive days.

## 7.4 CONVERSIONS

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- A.** It is the purpose of this Ordinance to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversion is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.
- B.** Dwellings initially erected as single or two family dwellings may be converted to provide occupancy for two or more units, up to (5) units, subject to the following conditions:
1. Conversions to two or multi-family dwellings may only take place in a district which permits such a use.
  2. Only buildings erected more than twenty (20) years before such a conversion may be converted to provide occupancy for two or more dwellings.
  3. Any new dwelling created by conversion shall be completely self-contained and shall conform to all applicable provisions of the Town Ordinance, including housing and building Ordinances and fire safety and utility programs.
  4. Each dwelling unit shall have a total floor space of at least 400 square feet, plus an additional 150 square feet for each bedroom over one (1).
  5. No addition shall be made to a dwelling which increases either the lot coverage of the building or the height of the building.
  6. Parking for converted dwellings shall be provided as required in Section 8.12 for two and multi-family units. Such parking may only be located behind the converted dwelling and shall be screened from any public street according to the provisions in Section 8.11.
  7. In connection with such conversion, there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned ordinances and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building, and; no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

- C. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed a special exception and placed before the Board of Zoning Appeals in accordance with Section 11.5 (Special Exceptions).

## 7.5 FILLING STATIONS AND CAR WASHES

- A. Those uses considered to be filling stations shall meet the definition provided in Chapter 13. In addition to the uses permitted by the definition, filling stations may include the following services, provided they are accessory to the principal use of the sale of gasoline and other petroleum products.
1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
  2. Tire servicing and repair, but not recapping or regrooving;
  3. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades; grease retainers, wheel bearings, mirrors, and the like;
  4. Radiator cleaning and flushing;
  5. Washing and polishing, and sale of automotive washing and polishing materials;
  6. Greasing and lubrication;
  7. Providing and repairing fuel pumps, oil pumps, and lines;
  8. Minor servicing and repair of carburetors;
  9. Emergency wiring repairs;
  10. Adjusting and repairing brakes;
  11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
  12. Sales of cold drinks, packaged foods, ice, tobacco, alcoholic beverages (pursuant to applicable Indiana laws), and similar convenience goods for service station customers, as accessory and incidental to principal operation;
  13. Provision of road maps and the other informational materials to customers;
  14. Provision of restroom facilities

- B. The minimum lot area for filling stations and car washes shall be  $\frac{3}{4}$  acre.
- C. No sales (other than the sale of fuel), dead storage, repair work or dismantling shall take place on the lot. All such activities shall be conducted indoors.
- D. The minimum distance between driveways shall not be less than thirty (30) feet.
- E. The minimum distance from a driveway to a road intersection shall be fifty (50) feet.
- F. Car wash stacking spaces shall be provided in accordance with Section 8.12.

## 7.6 GROUP HOMES

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### A. PURPOSE

For the purposes of this Ordinance, group homes shall be divided into the following three (3) classifications:

1. Homes for Developmentally Disabled per Indiana Code 12-7-2-166.
2. Homes for Mentally Disabled per Indiana Code 12-7-2-167.
3. All other types of Group Homes.

### B. LOCATION/SEPARATION

A Class A or Class B group home shall not be located within three thousand (3,000) feet of another Class A or Class B group home as measured between lot lines.

### C. PERMIT APPLICATION/LICENSE VERIFICATION

Any person filing an application for a Building Permit shall file at the time of application a copy of the approved state license for a Class A or B group home.

**A valid state license must be obtained prior to Building Permit approval.** An applicant shall disclose whether or not license revocation proceedings are pending.



**D. NEIGHBORHOOD COMPATIBILITY**

A new structure proposed to be constructed and used as a group home facility shall be compatible with the existing neighborhood with regard to architectural style, exterior building materials, and landscaping.

**E. CHANGE OF USE OF EXISTING STRUCTURE**

A Certificate of Occupancy shall be obtained prior to occupancy of an existing dwelling for use as a group home. An existing dwelling shall not be modified, remodeled, enlarged, or altered so as to be incompatible with the existing neighborhood with regard to architectural style, exterior building materials, and landscaping.

## **7.7 HOME OCCUPATIONS**

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**A. PURPOSE AND SCOPE**

It is the intent of this Section 7.7 to eliminate as home occupations all uses except those that conform to the standards set forth in this Section. The standards for home occupations in this Section 7.7 are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood plus a clearly secondary or incidental status in relation to the residential use of the main building as part of the criteria for determining whether a proposed accessory use qualifies as a home occupation. When a use is a home occupation, it means that the owner, lessee, or other persons who have a legal right to the use of the premises as a residential dwelling also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions which are applied in this Section.

**B. REQUIRED CONDITIONS**

Home occupations are permitted accessory uses in residential districts only so long as all of the following conditions are maintained:

1. Such occupation shall be conducted solely by resident occupants and one other non-family member not residing at the residence.

2. No more than one room or twenty-five (25%) percent of the gross floor area of the dwelling, whichever is less, shall be used for such purpose. Use of accessory buildings or detached garages for these purposes is prohibited;
3. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located;
4. There shall be no outside storage of any kind related to the home occupation;
5. Only one nameplate, other than an address nameplate, shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two (2) square feet in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitation to one nameplate is extended to apply to all lots, including corner lots;
6. The home occupation use may increase vehicular traffic flow and parking by no more than one vehicle at a time, except for home day cares. Off-street parking shall be provided without encroaching upon required front-yard open space or setback requirements;
7. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance which is detectable at the property line of the parcel on which the dwelling is located;
8. No home occupation shall involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with residential home delivery (i.e., postal or parcel vehicles);
9. The home occupation shall not involve the use of advertising signs which calls attention to the fact that the dwelling is being used for business purposes, telephone number excluded;
10. A home occupation shall be "invisible" from outside the dwelling, and in no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs or other means.

**C. USES THAT ARE PROHIBITED AS HOME OCCUPATIONS**

The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:

1. Auto/vehicle repairs, minor or major
2. Antique or gift shops
3. Barber / Beauty shop greater than one chair
4. Commercial kennel
5. Dance studio (instruction of more than one student at a time)
6. Dental office or clinic
7. Freight, trucking, or shipping
8. Heavy Manufacturing
9. Large or small appliance repair
10. Massage Parlor's
11. Medical office or clinic
12. Painting of vehicles, trailers, boats, etc.
13. Photo developing
14. Private clubs
15. Private schools with organized classes
16. Restaurants, eating or drinking establishments
17. Tattoo Parlor's
18. Television and radio repair
19. Tooling, welding or machinery shops
20. Tool or equipment rental
21. Veterinary clinic, kennel, or stables

22. Any other uses not meeting the conditions of this Section

**D. EXAMPLES OF USES THAT FREQUENTLY QUALIFY AS HOME OCCUPATIONS**

1. Accountants
2. Artists and sculptors
3. Authors and composers
4. Dressmakers, seamstresses and tailors
5. Baby-sitter, child care (limited to no more than five (5) children if not licensed by the State of Indiana). If licensed by the State, all rules, regulations, and State policies will govern.
6. Individual tutoring
7. Individual music, dancing, or singing lessons
8. The letting for rent of not more than two (2) rooms for boarding use for not more than two (2) persons.
9. Office facility of a clergyman
10. Office facility of a salesman, sales representative, or manufacturer's representative provided that no exchange of retail or wholesale merchandise is made on or adjacent to the premises
11. Traditional full or part-time sales occupations
12. Other uses that comply with all of the restrictions and conditions of this Section.

## **7.8 MANUFACTURED HOMES**

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**A. LOCATION**

1. Manufactured homes shall be located in an approved Mobile Home Park, except for the following:
  - a. A manufactured home may be located on any platted lot subject to following conditions:
    - i. A manufactured home shall be used for a residence only.

- ii. The manufactured home shall exceed 950 square feet of occupied space.
  - iii. The manufactured home shall have been constructed after January 1, 1982.
  - iv. The manufactured home shall meet all standards and requirements applicable to dwelling units in the applicable zoning district, except as provided in Indiana Code 36-7-4-1106(b).
- b. Manufactured homes used as a temporary office or for other purposes on an approved construction site.
  - c. Manufactured homes normally used as a recreational vehicle ("Motor Home") may be permitted, but only on the property of the owner and it may not be occupied as a temporary or permanent residence.

**B. Standards for Manufactured Homes**

- 1. Manufactured homes not located in a manufactured home park shall be subject to the following requirements and limitations if the same are less stringent than the underlying zoning.
  - a. Shall be required to meet the minimum living area requirements provided for in the applicable zoning district, or 950 square feet, whichever is less.
  - b. Shall meet all requirements applicable to single family dwellings and shall be subject to all necessary permits (e.g. Building Permit and Certificates of Occupancy), except as provided in Indiana Code 36-7-4-1106(b).
  - c. Shall be permanently attached to a solid foundation extending down below the frost line, a minimum of thirty (30) inches, or on basement walls. The space between the floor joists of the home and the excavated area under floor grade shall be completely enclosed with a permanent, perimeter foundation, or basement walls, except for required openings, in addition to any manufacturer requirements.
  - d. Shall be covered with an exterior material of one (1) or more of the following types:
    - i. Horizontal aluminum or vinyl lap siding
    - ii. Cedar or wood siding
    - iii. Weather resistant grain pressboard

- iv. Stucco, brick or stone
  - v. Other approved materials
  - vi. Such materials shall overlap the top of the foundation
- e. Shall have a roof composed of a material customarily used on site-built residential dwellings, such as, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

### C. BUILDING PERMIT – REQUIREMENTS

1. Prior to the location, relocation, or establishment of any manufactured home, the home owner or authorized representative shall secure from the Administrator a Building Permit, which states that the building and its location conform with this Ordinance. Each application for a Building Permit shall be accompanied by:
  - a. Those plot plans as required for all dwelling units, but which at a minimum include elevations or photographs of all sides of the home, exterior dimensions, roof materials, foundation siding or perimeter retaining wall treatment, foundation construction and materials, exterior finishes and the like.
  - b. Health department approval for any sewage disposal or water supply, where applicable,
  - c. PUD or subdivision permit approval, where applicable,
  - d. A copy of the approved instructions, which will be used for installation purposes, where applicable,
  - e. Such other information, as may be required by the Administrator for proper enforcement of this Ordinance (including data sheet provided by the Administrator).
2. Issuance of Permit

After receipt of the information required for a Building Permit, the Administrator shall review the standards set in this ordinance. If the applicant has met all required standards, then the Building Permit shall be issued by the Administrator.

### 3. Additional Action Necessary

If after receipt of the information required for a Building Permit, the Administrator finds that the applicant has not fully met the standards set in the Ordinance, and that changes or additional actions are needed the Administrator may refuse issuance of the permit until such time as the applicant submits plans and specifications that do meet the standards of this Ordinance.

### 4. Certificate of Occupancy

Prior to the occupancy of any manufactured or mobile home, the homeowner or authorized representative shall secure a Certificate of Occupancy, stating that the building and its use comply with all provisions of the Ordinance applicable to the building or the use in the district in which it is to be located. The homeowner or authorized representative shall also supply the Town with the label number (HUD tag) affixed to the outside of the manufactured home.

### 5. Denial of Certificate

If any of the major conditions or standards have not been complied with, the Certificate of Occupancy shall be denied, with a written statement specifying the reasons for the denial. A copy of the staff's inspection log or minutes of a Commission meeting noting such discrepancies shall be deemed sufficient notification.

### 6. Failure to Obtain Required Permits or Call for Inspections

Failure to obtain either a Building Permit or Certificate of Occupancy shall be a violation of this Ordinance and punishable under the provisions of this Ordinance. Failure to notify the Administrator for all applicable inspections shall be a violation of this Ordinance and punishable under the provisions of this Ordinance.

## 7.9 MULTI-FAMILY DEVELOPMENTS

All multi-family developments of more than four (4) total units (combined for all buildings) shall require development plan review. In addition to the standard requirements for a development plan (Section 11.11), the following provisions shall apply to all multi-family developments with more than four dwelling units,

except where the use is a residential conversion from a single or two family use to a multi-family use. (See Section 7.4 for Conversions)

**A. Location of Buildings**

1. Attempts shall be made to preserve existing vegetation and natural features.
2. Buildings should be oriented to the street, a common open space, or clustered to form neighborhoods. Buildings should not be oriented to parking lots. Accessory buildings should be located behind primary buildings. No service doors, garage doors, loading doors, or similar service entrances should be oriented towards the public right-of-way.
3. No separate free standing building shall be closer than twenty (20) feet to any other building on or off of the site or lot.
4. The building or buildings shall be so designed or located so that the distance from any window of any room proposed to be used for human habitation shall be not less than forty (40) feet from the wall of any structure on the property, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than thirty (30) feet for an exposure where a room is a bathroom or laundry utility room or is used as a community or group meeting room or for a similar purpose.
5. In the event that more than one (1) building is proposed, they shall be designed to be located so that not more than two (2) buildings are in a straight, unbroken line.
6. All sides of a building shall display a similar level of architectural features and materials.

**B. Transportation Accessibility**

1. Traffic facilities affording general access to and circulation within the development shall be developed as public streets or private roads; however, access must be perpetually available to residents and emergency vehicles.
2. Streets within the development shall align and connect with existing streets outside the development and provide for the connection of future developments.



3. To ensure adequate accessibility for emergency vehicles and school buses, there shall be more than one road access to enter and exit the development.
4. Developments shall have primary access off a primary or secondary arterial.
5. The proposed development shall be required to build turning lanes or acceleration lanes into adjacent streets as needed to minimize any traffic impacts from the development.
6. If a shared access street or road is constructed to serve two or more developments, or a single development with two or more owners, appropriate dedication or easement documents must be submitted to ensure perpetual access to each development.
7. Off-street parking space and adequate space for service facilities may be provided in the side yard(s) or rear yard and shall in no event be located in the required front yard, provided that no driveway, off street parking area or service facility area shall be located closer than ten (10) feet to any side lot line. The off street parking areas and service facility areas shall have sufficient lighting facilities, which shall be located and adjusted so that the glare or beam is directed away from any adjoining property, public street or dwelling unit windows.
8. Any open air street parking area and service facility area shall be screened according to the provisions of Section 8.11, and buffer areas required by the same Section shall be provided.

#### C. Development Amenities

In accordance with the development scale below, each multi-family development shall provide the following number of amenities to provide comfort, convenience, or pleasure within the development that will add to the quality of life of the people living there. The number of amenities required is proportional to the size of the development and may include, but are not limited to a clubhouse, gym, swimming pool, tennis court, basketball court, ball-field (soccer, baseball, etc.) walking/jogging/biking trail, volleyball court, racquetball court, etc. Picnic/barbecue areas and playgrounds are permitted as amenities in accordance with the following standards. Playground equipment is subjected to approval by the Administrator.

Number of Units in Development	Minimum Number of Amenities Provided
1-60	2
61-90	3
91-120	4
121 or more	5

1. One picnic/barbecue area, that shall include at least one barbecue grill and one picnic table, per 50 dwelling units.
2. One small playground at least 2,000 square feet in area per 50 dwelling units. Such equipment should include a slide, swings, teeter-totter, etc.
3. One large playground at least 5,000 square feet in area per 150 units. Such equipment should include a designated area mulched with sand, wood chips or grass, swings, slide, merry-go-round, play structure, etc.

It should be noted that each type of amenity counts as one amenity, regardless of the quantity of the amenity that is provided. For example, if two basketball courts are provided, they count as only one amenity.

#### **D. Architectural Standards**

1. Variation. Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid featureless building massing, enhance character and style, and reduce the visual scale.
2. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and at intervals of not greater than sixty (60) feet.
3. Materials shall be durable and attractive. Visually heavier materials should be used as the building's foundation.
  - a. Exposed foundations shall be constructed of one or more of the following:
    - i. Brick;
    - ii. Stone (limestone, granite, fieldstone, etc.); or
    - iii. Split-face, integrally-colored block or architectural pre-cast concrete that simulates natural material.

- b. Facade walls shall be constructed of any combination of the following. A minimum of fifty percent (50%) shall be masonry.
  - i. Stone;
  - ii. Wood clapboard siding;
  - iii. Brick;
  - iv. Stucco or External Insulation and Finish System (E.I.F.S.), not to exceed twenty percent (20%) of the overall non-window facade area; or
  - v. Cement fiber board.
- c. Facade Plane projections such as the following are encouraged:
  - i. Balcony
  - ii. Sunroom
  - iii. Screened porch
  - iv. Breakfast nook
- d. The facades of townhomes should be detailed to differentiate individual units.
- 4. Entries shall be pedestrian-scaled and clearly defined and accented with such features as awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches.
- 5. Windows are required on all sides of the building that are:
  - a. Adjacent to a street; or
  - b. Adjacent to a common area.
  - c. Windows should be enhanced with divided lights, grids, transom windows, keystone, lintels or trim/architrave.

**E. Mechanical and Utility Equipment Screening**

All mechanical equipment including ground-, roof-, and building-mounted, shall be completely screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.

**F. Lighting**

Standards for lighting are set forth in Section 8.7.

**G. Landscaping**

Standards for Landscaping are set forth in Section 8.5.

**H. Trash Receptacles**

Standards for Trash Receptacle are set forth in Section 8.17.

## **7.10 OPEN AIR BUSINESSES**

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Any establishment where the principal use is a drive through type of business, or is generally characterized by open air business operations, shall be subject to the following standards:

- A.** Such business uses shall be screened according to the provisions of Section 8.10.
- B.** Such business uses shall be limited to the characteristics customarily associated with such use and no other.
- C.** Drive through stacking spaces shall be provided in accordance with Section 8.12.
- D.** All drive-through establishments shall be subject to development plan review and approval by the Administrator prior to the issuance of any building permits. At a minimum this review shall include off-site and on-site circulation related to the use, including turning movement and compatibility with pedestrian circulation.

## 7.11 OUTDOOR VENDING MACHINES

These standards are intended to maintain the aesthetic quality of business districts and neighborhoods by requiring appropriate design standards for the siting and appearance of outdoor vending machines. These guidelines will require that all outdoor vending machines be installed to minimize visual impacts.

### A. GENERAL PROVISIONS

1. For the purposes of these regulations, outdoor vending machine shall refer to any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Outdoor vending machines include, but are not limited to, soda machines, snack machines, and movie vending. **Newspaper racks, phones, and ATMs are not considered or regulated as vending machines** nor are ice storage coolers and propane storage cages.
2. Outdoor vending machines shall be permitted as an accessory use in the GB, HB, I-1, I-2, I-3, and INST districts. Outdoor vending machines shall also be permitted in the R-5 district when associated with the management office of a multi-family development.
3. Installation of any outdoor vending machines after the effective date of this ordinance shall require a building permit to review and ensure compliance with the regulations of this Ordinance.

### B. LOCATION AND QUANTITY

1. The preferred location for vending machines is inside buildings. Outdoor vending shall be screened or recessed into the building in new construction and be located to minimize visibility from the street.
2. If multiple vending machines are proposed for an outdoor location, they shall be located within a clearly delineated and contained area. Decorative structures, including, but not limited to, screen walls, trellises, columns, and roof covers, shall be used to contain the vending machine area if the existing architecture or building form does not already provide a contained location.

3. Outdoor vending machines shall not be placed in direct view of adjacent residential structures.
4. A maximum of two vending machines are permitted for businesses with exterior frontages of up to one hundred (100) feet. No more than three machines are permitted per location unless completely screened from view. Gasoline Service Stations are permitted to have no more than two outdoor vending machines of any type.
5. No vending machine shall be placed in a location so as to impede pedestrian access, block parking areas or create an unsafe condition.
6. Vending machines shall not be installed in the public right-of-way or immediately adjacent so as to require customers to stand in the public right-of-way in order to use the machine.
7. Machines installations shall not require exposed conduits, piping or overhead utility connections.
8. Machines shall be located against the façade of the principal structure.
9. Machines shall not be situated adjacent to any wall that is a lower height than that of the machine.
10. Machines shall be placed on an impervious surface such as concrete or asphalt.

## **7.12 RESIDENTIAL FACILITY FOR THE MENTALLY ILL**

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A residential facility for the mentally ill as defined in this Ordinance and by Indiana Code 12-7-2-167 may not be located within three thousand (3,000) feet of another residential facility for the mentally ill, as measured between lot lines.

## **7.13 SATELLITE DISH ANTENNA**

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Satellite dish antenna one meter (3.28 feet) or less in diameter are permitted in all zoning districts. Satellite dish antenna greater than one meter (3.28 feet) in diameter require a Variance pursuant to Section 11.6 unless installed as a wireless communication facility pursuant to Section 7.17.

## 7.14 SEXUALLY ORIENTED BUSINESSES

### A. PURPOSE

The purpose of this Section is to regulate sexually oriented businesses in the interests of the health, safety, and general welfare of the citizens of the Town of Pittsboro, Indiana, and to establish reasonable and uniform regulations to address the deleterious secondary effects that occur when sexually oriented businesses are concentrated in a given area. It is not the purpose of this ordinance to impose restrictions or limitation upon the content of any communication protected by the First Amendment to the United States Constitution, or Article 1; Bill of Rights of the Indiana State Constitution, including sexually oriented materials; nor is it the intent of this ordinance to restrict or limit access by adults to sexually oriented materials or to deny access by distributors or exhibitors of sexually oriented entertainment and materials to their intended audiences.

### B. FINDINGS

Based on evidence concerning the adverse secondary effects of adult uses on the findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, Ky*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir.1997); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir.1986); *Hang On, Inc. v. City of Arlington,*, 65 F.3d 1248 (5th Cir.1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F.2d 608 (11th Cir.1984), as well as studies conducted in other cities including, but not limited to, Phoenix, Arizona; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; and St. Paul, Minnesota; and findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Plan Commission and Town Council find that:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the

establishments. Furthermore, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.

2. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located. See, e.g., Studies of the cities of Phoenix, Arizona; Indianapolis, Indiana; and Austin, Texas.
3. Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. See, e.g., *California v. LaRue*, 409 U.S. 109, 111 (1972); See also Final Report of the Attorney General's Commission on Pornography (1986) at 377.
4. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses, for the purpose of engaging in sex within the premises of such sexually oriented businesses. See, e.g., *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, 698 (1986); see also Final Report of the Attorney General's Commission on Pornography (1986) at 376-77.
6. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections. See, e.g., Study of Fort Meyers, Florida.
7. For the period 1985 through 1995, the total number of reported cases of AIDS in the United States caused by the immunodeficiency virus (HIV) was 513,486. See, e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.
8. An estimated 70,000 cases of syphilis are diagnosed each year in the United States. See, e.g., Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.
9. The number of cases of gonorrhea in the United States reported annually remains at a high level, with a total of 1,250,581 cases reported during the



- period 1993-1995. See, e.g. Statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.
10. The surgeon general of the United States, in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn. 5
  11. According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See, e.g. Findings of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.
  12. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.
  13. Numerous studies and reports have determined that bodily fluids, including semen and urine, are found in the areas of sexually oriented businesses where persons view "adult" oriented films. See, e.g., Final Report of the Attorney General's Commission on Pornography (1986) at 377.
  14. Nude dancing in adult establishments encourages prostitution, increases sexual assaults, and attracts other criminal activity. See, e.g., *Barnes v. Glen Theatre*, 501 U.S. 560, 583 (1991).
  15. Nude dancing in adult establishments increases the likelihood of drug-dealing and drug use. See, e.g., *Kev, Inc. v. Kitsap County*, 793 F.2d 1053, 1056 (9th Cir.1986).
  16. The findings noted in paragraphs numbered (1) through (17) raise substantial governmental concerns.
  17. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
  18. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Furthermore, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the

- sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the Town. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
19. Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult establishments.
  20. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and criminal activity.
  21. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct this ordinance is designed to prevent or who are likely to be witnesses to such activity.
  22. The fact that an applicant for a sexually oriented business license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.
  23. The barring of such individuals from operation or employment in sexually oriented businesses for a period of ten (10) years for a previous felony conviction serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
  24. The general welfare, health, morals, and safety of the citizens of this Town will be promoted by the enactment of this ordinance.

**C. SEVERABILITY**

If any portion of this Section, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

**D. DEFINITIONS**

See Chapter 13

**E. CLASSIFICATION & PERMITTED LOCATION**

A Sexually Oriented Business, as defined by this Ordinance, is permitted as a Special Exception in the I-3 Zoning District provided the sexually oriented business has obtained a license to operate in accordance with this ordinance (Section 7.14 I. and 7.14 J.). The license must be obtained prior to the Special Exception being granted. The business shall adhere to the regulations within Section 7.14 and all other sections of the Town of Pittsboro Zoning Ordinance.

**F. PERMITTED HOURS OF OPERATION**

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and ten o'clock (10:00) P.M. and twelve o'clock (12:00) P.M. on Sundays.

**G. PROHIBITED USES**

The purpose for restricting the following uses from the Town of Pittsboro is to eliminate the actual or potential direct one-on-one contact between an entertainer (and/or another employee) and a customer where the purpose of the employee is to display their body in order to excite the customer sexually. The prohibition of these uses is intended to promote the health, safety, morals, and general welfare of the citizens of Pittsboro by preventing the potentially adverse secondary effects of these businesses that includes, but is not limited to reducing the possibility of prostitution and drug dealing.

1. Lingerie modeling studio; or
2. Massage studios; or
3. Video-viewing booths or arcades; or
4. Nude model studios; or
5. Establishments selling or offering liquor.
6. A sexually oriented business shall not partner with an adult hotel such that a 24-hour operation is established.
7. No person under the age of 18 shall be admitted to the sexually oriented business as a customer or employed therein.

## H. DEVELOPMENT STANDARDS

Every sexually oriented business shall adhere to all zoning and development ordinances set forth in the Town of Pittsboro's Zoning Ordinance and the following:

### 1. Location

For the purposes of this subsection 7.14 H., separation distances are measured in a straight line, without regard to intervening structures, from the protected use's property line to the building of the sexually oriented establishment. If the business is located in a multi-tenant building, the straight line shall extend to the walls of the sexually oriented business's premises. All sexually oriented businesses are subject to the following location restrictions.

- a. No sexually oriented business shall be permitted in a residential zoning district or within 1,000 feet of a residential zoning district;
- b. No more than one (1) sexually oriented business shall be located within a single building, however this does not preclude an owner from having multiple types of sexually oriented uses in one business (e.g. a theater and retail component);
- c. No sexually oriented business shall be permitted within 1,000 feet of another sexually oriented establishment;
- d. No sexually oriented business shall be permitted within 1,000 feet from any of these pre-existing protected uses: religious institutions, schools (K-12), parks and playgrounds, libraries, childcare centers, and community gateways as measured from the right-of-way line.
- e. No sexually oriented business shall be permitted to be located within 1,000 feet from any property owned by these protected uses at the adoption of this Ordinance: religious institutions, schools (K-12), parks and playgrounds, libraries, childcare centers, and community gateways as measured from the right-of-way line.
- f. No sexually oriented business shall be located in the Open Space District or the following Overlay Districts: Downtown, Interstate 74, and Jeff Gordon Boulevard.

### 2. Signage

This section establishes a policy of banning the public display of sexually explicit images and messages health, safety, and welfare of the community. Furthermore, this section establishes that the business shall be aesthetically consistent with its adjacent properties to minimize the impact on surrounding property values. All sexually-oriented businesses are also subject to the following conditions:

- a. Signage shall be regulated in accordance with Section 8.15 of this Ordinance.
- b. Sexually explicit images and/or words shall not appear on any signage.

3. Building Character

- a. The exterior appearance of the establishment shall be consistent with the structures from the abutting properties to conform to the character of the area, which shall include, but is not limited to, materials and architectural style.
- b. The exterior portions of the establishment shall not be painted any color other than a single achromatic color unless the following conditions are met:
  - i. The establishment is part of a commercial multi-tenant center; and
  - ii. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way to be a component of the overall architectural style or pattern of the commercial multi-unit center.

- 4. Display of Goods: The merchandise or activities of the sexually oriented business are prohibited from being displayed publically.
- 5. Lighting: In addition to all other regulations relating to off-street parking, all off-street parking areas and structure entryways of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system, which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.

**I. PLAN SUBMISSION REQUIREMENTS**

1. Plans shall not be submitted prior to the application for a Sexually Oriented Business License.
2. The floor plan to be submitted shall be a professionally prepared diagram in the nature of an engineer's or architect's blueprint. Each diagram should be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
3. The floor plans must be submitted even if documents are not needed for site plan review.
4. A professionally prepared lighting diagram must also be submitted.

**J. USE-SPECIFIC REQUIREMENTS**

**1. Adult Motels**

It is unlawful if a person, as the person in control to operate an Adult Motel that does not have a sexually oriented business license.

**2. Sexually Explicit Films or Videos**

A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction, that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements in addition to the plan submission requirements:

- a. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram

shall also designate the place at which the business license will be conspicuously posted, if granted.

- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Administrator or his designee.
- d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- f. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the manager's station remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted, as designated in the application filed pursuant to subsection (1) of this section.
- g. No viewing room may be occupied by more than one person at any time.
- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
- i. It shall be the duty of the operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

- j. No licensee shall allow an opening of any kind to exist between viewing rooms or booths.
  - k. No person shall make any attempt to make an opening of any kind between the viewing booths or rooms.
  - l. The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.
  - m. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  - n. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48) inches of the floor.
3. Mainstream Media Outlets

These are mainstream media shops, video stores, bookstores, and newsstands in which adult media constitutes between 10 and 40 percent of the stock in trade or occupies between 10 and 40 percent of the gross public floor area and are subject to the following conditions:

- a. Mainstream media outlets shall be permitted in all zones that allow other media outlets and shall be subject to the separation conditions of Subsection 7.14 H. 1. A complete listing of permitted districts is provided in Appendix A, Use Matrix of the Town of Pittsboro Zoning Ordinance.
- b. Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
  - i. Not be open to any person under the age of 18;
  - ii. Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
  - iii. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;



- iv. Have access controlled by electronic or other means to provide assurance that persons under the age of 18 will easily not gain admission and that the general public will not accidentally enter such room or section and provide continuous video or window surveillance of the room by store personnel; and
- v. Provide signage at the entrance stipulating that persons under 18 are not permitted inside.

#### 4. Sexually-Oriented Retail Establishments

Adult media stores and sex shops shall be limited to intensive commercial zones and shall be subject to the separation requirements of Subsection 7.14 H. 1. A complete listing of permitted districts is provided in Appendix A, Use Matrix of the Town of Pittsboro Zoning Ordinance.

#### 5. Sexually-Oriented On-Premise Entertainment

These establishments include adult motion picture theaters and adult cabarets. The purpose of this section is to prohibit specified sexual activities and other public sexual conduct and enforce Indiana Code 35-45-4 while leaving open alternative channels for protected speech.

Sexually oriented on-premise entertainment establishments shall be limited to zones that allow for adult motion picture theaters and adult cabarets and shall be subject to the separation requirements of Subsection 7.14 H. 1. A complete listing of permitted districts is provided in Appendix A of this Ordinance.

#### 6. Adult Cabarets

All entertainers are required to perform in an area that meets the following requirements:

- a. The performance area shall only occur in a room of at least 1,000 square feet.
- b. The performance area shall be separated from areas where patrons are permitted by a minimum of six (6) feet which shall be separated by a solid barrier or railing of which shall be a minimum of at least three (3) feet from the floor.
- c. The performance area shall be on a stage or platform, which is at least eighteen (18) inches above the immediate floor level.

- d. The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers that shall not be occupied or used in any way by anyone other than performers.
- e. The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms that is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum four foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers which prevents any physical contact between patrons and performers.

7. Adult Motion Picture Theaters

- a. The showing of films, motion pictures, analog or digital media, slides or similar photographic reproductions may only occur in rooms greater than 600 square feet in size.
- b. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two (2.0) foot candle as measured at the floor level. The lighting shall be shown on the required sketch or diagram of the premise.

8. Massages or Baths Administered by Person.

It shall be unlawful for any sexually oriented business, regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person.

**K. APPLICATION FOR LICENSE**

A separate application and business license shall be required for each sexually oriented business classification as set forth in this Section. The fact that a person possesses other types of state, county or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business license.

- 1. It shall be unlawful for any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Administrator pursuant to this ordinance. Violation of any provision within this Subsection shall constitute a misdemeanor.

2. An application for a sexually oriented business license must be made on a form provided by the Town. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Prior to issuance of a license, the premises must be inspected by the Administrator, Fire Department, and Police Department.
3. All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the Town to determine whether the applicant meets the qualifications established under this ordinance. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed.
4. If a person who wishes to own operate a sexually oriented business is an individual, he must sign the application for a business license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a business license as applicant.
5. Applications for a business license, whether original or renewal, must be made to the Administrator by the intended operator of the enterprise. Applications must be submitted to the office of the Administrator or the Administrator's designee during regular working hours. The following information shall be provided on the application form:
  - a. The name, street address (and mailing address if different), contact phone number(s) of the applicant(s);
  - b. Name and address of property owner (if different);
  - c. The address, and legal description of the tract of land on which the establishment is to be located;

- d. The intended use of the sexually oriented business and the services to be offered;
- e. A recent photograph of the applicant(s);
- f. The applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number;
- g. The name under which the establishment is to be operated and a general description of the services to be provided;
- h. Any other sexually oriented businesses the applicant(s) has had an interest in, its location, and any applicable license as designated by the local governing body;
- i. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state the sexually oriented business's fictitious name and submit the required registration documents;
- j. Whether the applicant has been convicted, or is awaiting trial on pending charges, of a "specified criminal activity," and, if so, the offense must be documented including describing the "specified criminal activity" involved, the date, place, and jurisdiction of each offense;
- k. Whether the applicant has had a previous license under this ordinance or other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant is or has been a partner in a partnership or an officer, Town Manager or principal stockholder of a corporation that is or was licensed under a sexually oriented business ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;
- l. Whether the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

- m. The use of license, as found in definitions section, for which the applicant is filing;
  - n. The telephone number of the establishment;
  - o. The address, and legal description of the tract of land on which the establishment is to be located;
  - p. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the business license is sought; and
  - q. If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
6. Each application for a sexually oriented business license shall be accompanied by the following:
- a. Payment of the application fee in full;
  - b. If the establishment is a State of Indiana corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
  - c. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
  - d. If the establishment is a limited partnership formed under the laws of the State of Indiana, a certified copy of the certificate of limited partnership, together with all amendments thereto;
  - e. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;

- f. Proof of the current ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;
  - g. If the persons identified as the owner(s) of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;
  - h. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, public park or recreation area, or family-oriented entertainment business within 1,000 feet of the property to be certified. For purposes of this Subsection, a use shall be considered existing or established if it is in existence at the time an application is submitted; and
  - i. Any of items (b) through (h), above shall not be required for a renewal application if the applicant states that the documents previously furnished the Administrator with the original application or previous renewals thereof remain correct and current.
- 7. The Business License holder shall be required to collect and keep records of the following information on all employees:
  - a. The employee's given name, and any other names by which the employee is or has been known, including "stage" names and/or aliases;
  - b. Age, and date and place of birth;
  - c. Height, weight, hair color, and eye color;
  - d. Present residence address and telephone number;
  - e. Present business address and telephone number;
  - f. Date, issuing state, and number of photo driver's license, or other state issued identification card information;

- g. Social Security Number;
- h. Proof that the individual is at least eighteen (18) years old;
- i. A color photograph of the employee clearly showing the employee's face, and the employee's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the business license holder or employee;
- j. A statement detailing the license history of the employee for the five (5) years immediately preceding the date of the filing of the records, including whether such employee, in this or any other county, city, state, or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the name(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;
- k. A statement whether the employee has been convicted of a "specified criminal activity" as defined in the definitions section and, if so, the offense must be documented including describing the "specified criminal activity" involved, the date, place and jurisdiction of each;
- l. Every record shall contain a statement under oath that:
  - i. The employee has personal knowledge of the information contained in the record, and that the information contained therein and furnished therewith is true and correct; and,
  - ii. The employee has read the provisions of this Section 15.

#### **L. ISSUANCE OF LICENSE**

- 1. If application is made for a sexually oriented business license, the Administrator shall approve or deny issuance of the license within forty-five (45) days of receipt of the completed application. The Administrator shall issue a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- a. An applicant has failed to provide the information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
  - b. An applicant is under the age of eighteen (18) years;
  - c. An applicant has been denied a license by the Town to operate a sexually oriented business within the preceding twelve (12) months, or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months;
  - d. An applicant is noncurrent in payment to the Town in taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business;
  - e. An applicant has been convicted of a "specified criminal activity" as and time frames have not lapsed;
  - f. The premises to be used for the sexually oriented business have not been approved by the Administrator, Fire Department, Police Department, Clerk and the Town Attorney as being in compliance with applicable laws and ordinances;
  - g. The license fee required under this ordinance has not been paid; and/or
  - h. An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this ordinance or any other Town ordinance.
2. A license issued pursuant to sub-subsection (1) of this Subsection, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business, and the use for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
3. The Administrator or his designee, Fire Department, Police Department, and Town Attorney shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the completed application by the Administrator. The certification shall be promptly presented to the Administrator.
4. A sexually oriented business license shall issue for only one use, as set forth in Subsection 15.5.



5. In the event that the Administrator determines that an applicant is not eligible for a sexually oriented business license, the applicant shall be given notice in writing of the reasons for the denial within forty-five (45) days of the receipt of the completed application by the Administrator. The applicant may request, in writing upon receipt of notice, ten (10) days in order to make modifications necessary to comply with this ordinance.
6. An applicant may appeal the decision of the Administrator regarding a denial to the Town Council by filing a written notice of appeal with the Clerk within fifteen (15) days after service of notice upon the applicant of the Administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Administrator may, within fifteen (15) days of service upon him of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the Town Council. After reviewing such memoranda, as well as the Administrator's written decision, if any, and exhibits submitted to the Administrator, the Town Council shall vote either to uphold or overrule the Administrator's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the County Administrator receives the notice of appeal. However, all parties shall be required to comply with the Administrator's decision during the pendency of the appeal. Judicial review of a denial by the Administrator and Town Council may be made pursuant to Subsection 15.14 of this ordinance.
7. A license issued pursuant to subsection (1) of this Subsection shall be subject to annual renewal upon the written application of the applicant. The decision whether to renew a license shall be made within thirty (30) days of the completed application. The renewal of a license shall be subject to the fee as set forth in Section 7.14 M. below.

#### **M. FEES**

The annual fee for a sexually oriented business license shall be set pursuant to the Town of Pittsboro fee schedule. The fee is to be used to pay for the cost of the administration and enforcement of this ordinance. Review of initial floor plans and subsequent updates is subject to a fee equal to that of a building permit.

**N. INSPECTION**

1. An applicant or licensee shall permit representatives of the Police Department, Administrator or his designee, Fire Department and/or Fire Marshall, or other Town, County or State Departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises.

**O. EXPIRATION OF LICENSE**

Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 7.14 L. Application for renewal should be made at least thirty (30) days before the expiration date; when made less than forty-five (45) days before the expiration date, the expiration of the license will not be affected.

**P. SUSPENSION**

The Administrator shall suspend a license for a period not to exceed thirty (30) days if he determines that licensee or an employee of licensee has:

1. Violated or is not in compliance with any section or provision of this ordinance;
2. Convicted of a sexual offense;
3. The business is closed for a period of more than thirty (30) days;
4. Operated or performed services in a sexually oriented business while using controlled substances illegally;
5. Refused to allow prompt inspection of the sexually oriented business premises as authorized by this ordinance; or
6. With knowledge, permitted gambling by any person on the sexually oriented business premises.

**Q. REVOCATION**

1. The Administrator shall revoke a license if a cause of suspension in Section 7.14 P. occurs and the license has been suspended within the proceeding twelve (12) months.
2. The Administrator shall revoke a license if he determines that:
  - a. Licensee gave false or misleading information in the material submitted during the application process;
  - b. Licensee has, with knowledge, permitted the possession, use, or sale of controlled substances on the premises;
  - c. Licensee has, with knowledge, permitted the sale, use, or consumption of alcoholic beverages on the premises;
  - d. Licensee has, with knowledge, permitted prostitution on the premises;
  - e. Licensee has, with knowledge, operated the sexually oriented business during a period of time when the licensee's license was suspended;
  - f. Licensee has, with knowledge, permitted any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;
  - g. Licensee is delinquent in payment to the Town or State for any taxes or fees;
  - h. Licensee has, with knowledge, permitted a person under eighteen (18) years of age to enter the establishment;
  - i. Licensee has attempted to sell or transfer his or her business license; or
  - j. Licensee has, with knowledge, permitted a person or persons to engage in specified sexual activities on the premises of the sexually oriented business.
3. When the Administrator revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective.

**R. JUDICIAL REVIEW**

After denial of an initial or renewal application by the Administrator and Town Council, or suspension or revocation of a license by the Administrator, the

applicant or licensee may seek judicial review of such administrative action in any court of competent jurisdiction.

**S. NO TRANSFER OF LICENSE**

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

**T. INJUNCTION**

A person who operates or causes to be operated a sexually oriented business without a valid business license or in violation of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

**U. ADDITIONAL ENFORCEMENT**

The remedies found in this Section 7.14 are not exclusive. The Town may seek any other legal or equitable relief including, but not limited to, enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

The Pittsboro Town Council, the Police Department, the Town Attorney, and the Administrator or his designee are responsible for the enforcement of this Ordinance.

**V. NON-CONFORMING USES; AMORTIZATION**

1. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operated at a particular location is the conforming use and the later-established business(es) is non-conforming.

2. A sexually oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, residential district, or child or family entertainment business within one thousand, five hundred (1,500) feet of the sexually oriented business. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after a business license has expired or has been revoked.

**W. SALE, USE, OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED**

1. The sale, use, or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.
2. Any violation of this Subsection shall constitute a misdemeanor.

**X. PERSONS YOUNGER THAN EIGHTEEN PROHIBITED FROM ENTRY; ATTENDANT REQUIRED**

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
  - a. A valid operator's, commercial operator's, or chauffeur's driver's license; or
  - b. A valid personal identification certificate issued by the State of Indiana reflecting that such person is eighteen (18) years of age or older.

**Y. NOTICES**

1. Any notice required or permitted to be given by the Administrator or any other Town office, division, department or other agency under this ordinance

to any applicant, operator, or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Administrator. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Administrator or his designee shall cause it to be posted at the principal entrance to the establishment.

2. Any notice required or permitted to be given to the Administrator by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Administrator or the Town Clerk and stamped with the date of receipt.
3. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Administrator in writing of any change of residence or mailing address.

## **7.15 SHOPPING CENTER**

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- A.** The conduct of permitted uses herein shall be within completely enclosed buildings, except for accessory off street parking and loading facilities and drive through convenience service windows.
- B.** Establishments where the principal use is the drive-through type of business are not permitted.
- C.** All goods produced on the premises as incidental or essential to the principal use shall be sold on the premises where produced.
- D.** Outside storage, vending machines and display of merchandise for sale to the public is not permitted.
- E.** No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area used or zoned for residential purposes, in order to create a greenbelt; and such greenbelt shall be maintained as lawn together

with appropriate landscape development and screen planting specified in Section 8.5.

- F.** A planting screen shall be required according to the provisions of Section 8.11 between the street(s) and parking areas and service areas.

**G.** Permitted Uses

1. Business service uses, including banks and financial institutions.
2. Clothing service uses, including dry cleaning and laundry receiving stations, laundromats, alteration shops, tailoring and shoe repair shops.
3. Equipment service uses, including electrical and household appliance stores, radio, and television sales and repairs; sporting goods sales; and hardware stores.
4. Food service uses, including grocery, meat and fish markets, delicatessen, eating places, and bakery.
5. Personal service uses, including beauty and barber shops, camera and photographic shops, and optician shops.
6. Professional office uses, including medical and dental clinics.
7. Retail service uses.
8. Special services uses, including children's homes, day nurseries, kindergartens, nursing homes, and neighborhood social centers.
9. Accessory uses which are incidental to, maintained on the same lot as and commonly associated with the operation of a permitted use.
10. Other similar uses, subject to the required development plan review.

## 7.16 SUPPLEMENTARY BUSINESS STANDARDS

**A.** GENERAL STANDARDS

In any district permitting business uses, the following standards shall supplement the business use requirements of the district.

1. No amplification of radio music or other audio advertising shall be permitted on the premises.
2. No lights utilizing an attracting device or lights on stringers of unshielded lamps or attention attracting lighting from apparatus of a type used by emergency vehicles shall be permitted on the premises.
3. There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles.
4. Adequate indoor or outdoor trash containers shall be required, provided, however, that trash containers exceeding 6 cubic feet shall be screened according to the provisions of Section 8.17 and be located behind or beside the primary structure, away from the view of the frontal street.
5. Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscaped areas, adjacent alleys or streets, on any public right of way, or in such a manner as to restrict motorists' visibility.
6. No sign shall be so located that it interferes with a clear view of streets by motorists traveling along said streets, or entering or exiting from the premises.

**B. TRAFFIC CONGESTION**

1. The number of traffic access points for establishments with 100 feet or less of frontage on a street shall not exceed one.
2. For establishments in the HB, I-1, I-2 and I-3 Districts with frontage of more than 100 feet, a service road shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event that establishments front on more than one street, such service roads may be required on more than one street frontage.
3. The service road or roads required by this section shall be effectively separated from the main roadway by a landscaped strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments. See Section 8.6 for provisions regarding required landscaped buffers.



4. In general, the use of public improved alleys, interior access roads or any other designated means to minimize the number of traffic access points and business intersections therein are encouraged.
5. Where parking lots of more than one business or industrial use abut, access should be provided between parking lots, either by frontage road or by a connecting drive, platted as an access easement.

## 7.17 WIRELESS COMMUNICATION FACILITIES

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### A. GENERAL PROVISIONS

#### 1. Purpose

It is the purpose of these regulations to:

- a. Regulate the number, placement, construction, and modification of wireless communication service facilities in order to protect the public health, safety and general welfare of the community, while accommodating the need for telecommunications towers.
- b. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening.

#### 2. Authority

The Administrator, Plan Commission and Board of Zoning Appeals are hereby vested with the authority to review, approve, approve with conditions, and disapprove applications for wireless communication facilities.

Regulation of the siting of wireless communication facilities is an exercise of valid police power stipulated in the Federal Telecommunications Act of 1996 and delegated by the State of Indiana. The developer has the duty of compliance with reasonable conditions laid down by the Plan Commission and this Ordinance.

#### 3. Jurisdiction

- a. These regulations apply to all wireless communication facilities, as defined in the definition section of this Ordinance, located in the Town of Pittsboro.
- b. No wireless communications facility may be constructed without a site development plan signed and approved by the Administrator, the Plan

Commission or by the Board of Zoning Appeals, in accordance with the application procedures set forth below.

- c. All wireless communication facilities, whether co-located or a new structure, shall obtain an improvement location permit.
- d. Commercial wireless communications facilities are a permitted use in the following districts, subject to the regulations set forth in this Section:
  - i. HB District
  - ii. I-1 Industrial District
  - iii. I-2 Industrial District
  - iv. I-3 Industrial District
  - v. PUD Planned Unit Development District
  - vi. Institutional District
- e. Commercial wireless communications facilities are allowed only as a special exception use in the following districts, subject to the regulations set forth in this Section:
  - i. GB District
- f. Commercial wireless communications facilities are not permitted in the following districts, unless a variance is granted pursuant to Section 11.6:
  - i. OS Open Space District
  - ii. R-1, R-2, R-3, R-4 and R-5 Residential Districts
  - iii. A Agriculture District
  - iv. OTBD District

## **B. APPLICATION AND APPROVAL PROCEDURE**

### **1. General Procedure**

The Administrator shall review co-locations, the Plan Commission shall review new wireless communication facilities that qualify as permitted uses and the Board of Zoning Appeals shall review special exception uses and variances.

## 2. Application Requirements

Each application for a wireless communication facility, whether a permitted use, special exception use, variance, or a co-location, shall be accompanied by the following information:

- a. Engineer's reports. A report from a qualified and licensed professional engineer which:
  - i. Certifies that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
  - ii. Describes the tower's capacity, including the number and type of antennas that it can accommodate.
  - iii. Describes the tower height and design, including a cross section and elevation.
  - iv. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
  - v. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
  - vi. Includes an engineer's stamp and registration number.
  - vii. Includes a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the Town's structural and electrical standards.
  - viii. Includes proof that the tower will be built to manufacturer standards.
  - ix. Includes a copy of the FAA's (Federal Aviation Administration) response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460-1);
  - x. Includes proof of compliance with applicable Federal Communications Commission regulations.
  - xi. Includes other information requested by the Administrator or the Plan Commission in order to evaluate the request.
- b. Co-location Statement

Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

- c. Signature of the property owner and written commitment regarding abandonment and cost to remove (see Section 7.17 D.) as a condition of approval.

### 3. Site Development Plan Requirements

Site Development Plans for all wireless communications facilities shall include the information listed below. Site Development Plans shall be required for all wireless communications towers, whether permitted by right, as a special exception use, or pursuant to a variance. Facilities co-locating on existing towers shall be exempt from the Site Development Plan requirements:

- a. A NAD83 map showing the location of all structures and wireless telecommunications facilities above one hundred (100) feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.
- b. Total area of the site.
- c. The existing zoning of the property and all adjacent properties.
- d. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned.
- e. Existing topography with a maximum of five (5) foot contour intervals.
- f. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals.
- g. Location and approximate size and height of all buildings and structures within five hundred (500) feet adjacent to the proposed wireless communication facility.

- h. Site plan of entire development, indicating all improvements, including landscaping and screening.
- i. Elevations showing all facades and indicating exterior materials and color of the tower(s) and structures on the proposed site.
- j. Plans shall be drawn at a scale of no smaller than 1 inch equals fifty (50) feet.
- k. Location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas, including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility.

**C. STANDARDS FOR APPROVAL**

- 1. The location of proposed tower is compatible with the requirements of this Ordinance.
- 2. The submitted site development plan complies with the set forth in these regulations.
- 3. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
- 4. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.
- 5. Cellular or wireless communications towers shall be monopole style or self-supporting towers. No guy wires shall be permitted.
- 6. The owner of the wireless communication facility has agreed to permit other persons/cellular providers to attach cellular antenna or other communications apparatus which do not interfere with the primary purpose of the facility.
- 7. The proposed facility/tower shall be painted silver or have a galvanized finished retained (except where required otherwise by the FAA) so as to minimize the visual impact.
- 8. The facility/tower is in compliance with any other applicable local, state, or federal regulations.

9. All wireless communication facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of additional service providers.
10. Cellular or wireless communications towers shall be painted silver or have a galvanized finish retained in order to reduce visual impact.

#### 11. Co-Location

In order to reduce the number of antenna support structures needed in the Town in the future, any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of structures over 100 feet and within a one (1) mile radius of the proposed communications tower site, be asked in writing for permission to install the cellular or wireless communications antenna on those structures, and was denied.

#### 12. Height

- a. All towers and antennae shall conform with all FAA tall structure requirements.
- b. The maximum height of any communications tower shall be two hundred fifty (250) feet.

#### 13. Setbacks

- a. The minimum front, side, and rear yard setback for all towers shall be fifty (50) feet from all property lines. No part of a wireless telecommunications facility, including the security fence, any required guide wires or bracing, and required landscape screening shall be permitted in any required front yard setback. Landscape screening may otherwise be provided in the setback area.
- b. No tower shall be placed closer than five hundred (500) feet to any property included in a residential zoning district.

#### 14. Location

- a. It is encouraged that antennas be placed upon existing structures, including building rooftops, water tanks or existing towers instead of building new towers.

- b. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district. In those cases the required setback between the tower and the principal building shall be at least the equivalent of the height of the tower.
- c. Recording of a plat of a subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- d. Building mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling, except for non-commercial wireless facilities.

#### 15. Access to Facility

Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with gravel or pavement, all weather surface for its entire length.

#### 16. Landscaping

Evergreen buffer planting shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any wires and anchors.

- a. If evergreen hedges are used, they shall be a minimum of four (4) feet tall at the time of planting (measured from ground level) and shall be planted a maximum of three (3) feet on-center.
- b. If evergreen trees are used, they shall be a minimum of six (6) feet tall at the time of planting (measured from the top of the rootball), and shall be planted a maximum of ten (10) feet on-center.
- c. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

#### 17. Security Fencing

- a. A six (6) foot high security fence shall completely surround the tower and accessory equipment building site.

- b. An area ten (10) feet in width shall remain outside of the fence for the purpose of providing the landscape screening described below.
- c. The required security fence enclosing the facility shall be one hundred percent (100%) opaque and of wood, brick, or stone construction. Opaque six (6) foot tall wooden gates shall be provided to access the facility. Chain link fencing may be used when landscaping is used to form a continuous screen. Planting shall be evergreens.

#### 18. Tower Lighting

No lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

#### 19. Signs

No sign, banner or flag shall be placed on the premises of a wireless communication facility, except one non-illuminated permanent sign not larger than two (2) square feet for the purpose of identification in the case of an emergency. Additional signage required by state and federal laws, rules, and regulations shall be exempt.

#### 20. Interference with Public Safety Facilities.

No wireless facility shall result in any interference with public safety telecommunications.

### D. ABANDONED OR UNUSED TOWERS

- a. The owner of a property shall notify the Administrator that a wireless communication facility ceases operation within thirty (30) days of cessation. If operation does not commence within a period of six (6) months, the tower and tower use shall be deemed to be abandoned.
- b. All abandoned or unused towers, tower uses, and associated facilities shall be removed by the applicant within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. The application shall be signed by the property owner and include indication that they agree to the same as a written commitment



to be recorded in the Hendricks County Recorder's Office. In the event that a tower is not removed within ninety (90) days of the cessation of operations at a site, the tower and associated facilities may be removed by the Town, and the costs of removal assessed against the property.

- c. All unused portions of towers above a manufactured connection shall be removed within ninety (90) days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new Building Permit.

## 7.18 SOLAR ENERGY SYSTEMS

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### A. GENERAL PROVISIONS

#### 1. Purpose

It is the purpose of these regulations to promote the safe, effective, and efficient use of solar energy systems to supply on-site energy while protecting the health, safety, and welfare of the community. These regulations seek to:

- a. Provide property owners the opportunity to utilize solar energy systems to meet on-site energy needs.
- b. Promote energy efficiency within the Town.
- c. Integrate solar energy systems into the Town of Pittsboro without diminishing existing character and quality of life.

#### 2. Applicability

These standards apply to all building-mounted and ground-mounted solar energy systems installed and constructed after the adoption of this Ordinance. Any upgrade, modification or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this Ordinance.

### B. Permitted Districts

1. Accessory Uses: Building-mounted and ground-mounted systems are permitted in all zoning districts as an accessory use to any legally permitted

primary use on the same property, upon issuance of a permit and upon compliance with all requirements of this Ordinance.

2. Primary Use: Building-mounted and ground-mounted systems are permitted as a primary use only in the "I-2" Light Industrial, "I-3" Heavy Industrial, and "A" Agriculture districts and only upon approval of a Special Exception Use by the Board of Zoning Appeals.

### C. Building-Mounted Systems

A solar photovoltaic system attached to any part or type of roof on a building or structure and that is either the principal structure or an accessory structure on a recorded parcel.

#### 1. Location and Size

- a. Building-mounted systems are permitted to face any rear, side and front yard.
  - i. If facing the front yard, the system must match the roof angle and not exceed the height of the roof peak.
  - ii. If facing a side or rear yard, the angle of the system can vary from the roof angle but not exceed the height of the roof peak.
  - iii. For flat roofs, the height of the system may not extend more than 6-feet above the roof height and must also remain under the maximum building height permitted in the applicable zoning district.
- b. Building-mounted systems may only be mounted on legally permitted principal or accessory structures.

#### 2. Screening Requirements

- a. Building-mounted systems are exempt from rooftop mechanical screening requirements.

#### 3. Non-conformance

- a. If a building-mounted system is to be installed on a legally, nonconforming building or structure that does not meet the minimum setbacks required and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.

**D. Ground-Mounted Systems**

A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

**1. Location and Size**

- a. Ground-mounted systems must meet all applicable setback requirements for the zoning district they are in.
- b. Ground-mounted systems may only be placed in a side or rear yard.
- c. Ground-mounted systems may not exceed the maximum building height permitted for accessory structures in the applicable zoning district.
- d. Ground-mounted systems must comply with the maximum size area limitation for storage- or support-based accessory structures in the applicable zoning district.

**2. Screening Requirements**

- a. When ground-mounted systems are installed as a primary use, the system must be screened from the adjacent public right-of-way and any adjacent residential district or residential use by the planting of dense landscape material which provides a visual screen. A fence that meets the requirements of this Ordinance and provides a visual screen may be substituted or used in combination with the dense planting. A chain link fence will not be considered a visual screen.

**3. Non-conformance**

- a. If a ground-mounted system is to be installed on a parcel containing a structure that is nonconforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the parcel. If a ground-mounted system is to be installed on a parcel that is nonconforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

**E. Design and Inspection**

1. The design of the solar energy system shall conform to applicable local, state and national solar codes and standards. All design and installation work shall

comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).

2. The solar energy system shall comply with all applicable Town of Pittsboro Ordinances.
3. Any connection to the public utility grid must be approved by the appropriate public utility.
4. If solar storage batteries are included as part of the solar energy system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Pittsboro and State of Indiana and any other applicable laws and regulations relating to hazardous waste disposal.
5. Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

**F. Permit Required**

1. A building permit approved by the Town of Pittsboro Building Commissioner must be obtained for a solar energy system.
2. The existing roof structure and the weight of the solar energy system shall be taken into consideration when applying for a solar energy system permit.
3. Prior to operation, electrical connections must be inspected by the Town of Pittsboro Building Commissioner or his/her designee.

## 7.19 WIND ENERGY SYSTEMS

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**A. GENERAL PROVISIONS**

**1. Purpose**

It is the purpose of these regulations to promote the safe, effective, and efficient use of small wind energy systems to supply on-site energy while protecting the health, safety, and welfare of the community. These regulations seek to:

- a. Provide property owners the opportunity to utilize small wind energy systems to meet on-site energy needs.
- b. Promote energy efficiency within the Town.
- c. Integrate small wind energy systems into the Town of Pittsboro without diminishing existing character and quality of life.

## 2. Applicability

These standards apply to all freestanding and building-mounted small wind energy systems installed and constructed after the adoption of this Ordinance. Regular maintenance and repair can occur without additional review, but no modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this Ordinance.

## B. Permitted Districts

- 1. Accessory Uses: Freestanding and building-mounted small wind energy conversion systems, consisting of a wind turbine, tower, base, and associated control or conversion electronics and which has a rated power output of 100kW or less, are permitted in all zoning districts as an accessory use to any legally permitted primary use on the same property, upon approval of a Special Exception Use by the Board of Zoning Appeals, issuance of a permit, and upon compliance with all requirements of this Ordinance.
- 2. Primary Use: Wind energy conversion systems are not permitted as a primary use in any zoning district within the Town of Pittsboro.

## C. General Requirements

- 1. Color: All system pieces and equipment must be non-reflective and neutral in color.
- 2. Lighting: No illumination of the turbine or tower shall be allowed unless required by the FAA.
- 3. Signage: All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

4. Clearance: All small wind energy systems must have a minimum ground clearance of 20 feet for any moving parts.
5. Height: No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
6. Abandonment: If a wind turbine is inoperable for twelve consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be granted an additional six-months to remove the system, at his expense.

**D. Freestanding Systems**

1. No more than one small wind energy system is permitted per property.
2. Only monopole type towers are permitted.
3. Height:
  - a. Height shall be measured from adjacent ground level to the highest point on the wind energy system, including blades at the highest point in their rotation.
  - b. Maximum permitted height is 60 feet on properties less than or equal to 5 acres.
  - c. Maximum permitted height is 100 feet on properties greater than 5 acres.
4. Setback: The minimum setback shall be equal to the height of the wind energy structure.
5. Location: Freestanding small wind energy systems must be located in rear yard.
6. All exterior electrical lines must be buried. Exterior electrical lines may be placed in conduit when adjacent to a building structure.

**E. Building-Mounted Systems**

1. No more than one small wind energy system is permitted per property.

2. Height:

- a. Height shall be measured from adjacent ground level to the highest point on the wind energy system, including blades at the highest point in their rotation.
  - b. Maximum permitted height is 10 feet higher than the point of attachment on the supporting building structure.
3. Setback: The minimum setback shall be equal to the required setback of building to which it is attached.

**F. Design and Inspection**

1. The design of the small wind energy system shall conform to applicable local, state and national wind energy codes and standards. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).
2. The small wind energy system shall comply with all applicable Town of Pittsboro Ordinances.
3. Any connection to the public utility grid must be approved by the appropriate public utility.
4. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
5. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
6. Applications for building-mounted small wind energy systems must include a stamped structural engineering analysis for the turbine mounting system and for the suitability of the building to which the system is to be mounted.

**G. Permit Required**

1. A building permit approved by the Town of Pittsboro Building Commissioner must be obtained for a small wind energy system.
2. Prior to operation, electrical connections must be inspected by the Town of Pittsboro Building Commissioner or his/her designee.
3. For freestanding small wind energy systems, a foundation inspection must be approved by the Town of Pittsboro Building Commissioner or his/her designee.
4. Prior to issuance of a building permit, the applicant shall provide the Town of Pittsboro with proof of a general liability insurance policy at a level to be determined by the Building Commissioner in consultation with the Town's insurer, to cover damage or injury that might result from failure of any part of the wind energy system.

## **7.20 ARCHITECTURAL STANDARDS FOR RESIDENTIAL SUBDIVISIONS**

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**A. General Provisions**

**1. Purpose**

The purpose of these architectural standards is to ensure quality development and construction and promote variation and interest in new single family home design. These standards are also meant to protect and enhance established neighborhoods and result in visually appealing neighborhoods when viewed from adjacent thoroughfares.

**2. Applicability**

These standards shall apply to all new single family dwellings located in a subdivision in the R1, R2, or R3 district, which contain 5 or more lots, and which receives final plat approval after adoption of this ordinance.

**B. General Requirements**

All building materials shall be installed in accordance with the Building Code, manufacturer specifications and recommendations, and other trade industry standards as may be required by the Building Commissioner.



## C. Perimeter Lots

### 1. Materials

Perimeter lots shall use exterior building materials that are of a comparable or better quality than those already in use in the existing neighborhood and immediately adjacent neighborhood, if one exists.

- a. Perimeter lots are those that abut or are directly across a common area from a perimeter road, a residential zoning district, a residential area of a planned unit development (PUD) district, or a vacant or agricultural property planned for residential use.
- b. Comparable shall not be required to be the exact same. For example, if existing or adjacent development uses wood siding, a siding that gives the appearance of wood siding, such as fiber cement or other engineered wood siding, would be considered comparable. Additionally, if existing or adjacent development requires 100% masonry siding, new homes would not be required to use 100% masonry siding, but should use masonry materials 100% of the first floor (up to the band board on 2-story house, or up to the soffit on 1-story house), exclusive of windows and doors.
- c. Where perimeter lots are proposed adjacent to a vacant or agricultural property planned for residential use, the highest perimeter standard applied elsewhere in the proposed subdivision shall be required along the common boundary with the vacant or agricultural property.
- d. Vinyl siding is not comparable to wood or engineered wood siding. Vinyl siding shall only be comparable to existing vinyl siding.

### 2. Rear Façade Articulation

- a. Long, uninterrupted wall planes shall be avoided.
- b. A minimum of two offsets are required to prevent long uninterrupted wall planes.
  - i. Offsets may be projections or returns.
  - ii. Each offset must be a minimum of 3 feet in depth, and continue for a minimum of 10 feet in length.

- iii. Each offset must extend a minimum height of 8 feet.
- iv. Each offset must be reflected in the first floor footprint of the house to be counted in meeting these requirements. Chimneys, fire boxes, open porches, and screened-in porches are not considered offsets. Enclosed porches and sunrooms are considered offsets.
- v. Each 90 degree inside corner that meets the above depth, length, and height requirements shall be counted as an offset.

### 3. Roofs

- a. Roof styles should be compatible with and approximate those represented in the adjacent neighborhood.
- b. Long, uninterrupted roof planes shall be avoided. Multiple ridge lines and breaks to long, uninterrupted ridgelines are encouraged.
- c. Rear facing roof planes shall include a minimum of one of the following:
  - i. Dormers
  - ii. Hip roof
  - iii. Cross gable
  - iv. Secondary ridge line
- d. Roof Pitch: A minimum 6/12 pitch is required for the primary dwelling.
- e. Roof Overhangs: The roof should have overhangs that are not less than 12" extending out from the exterior sheathing of the home.

Rear facades that include offsets and varied roof lines create a more attractive perimeter along adjacent roadways and existing neighborhoods.



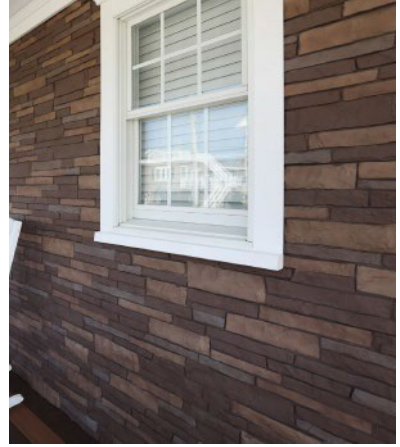
Uninterrupted facades and large roof planes result in a monotonous perimeter and less attractive neighborhood.



#### D. Vinyl Siding

The use and installation of vinyl siding for new residential construction shall meet the following minimum requirements:

1. Minimum vinyl thickness: 0.046 inch.
2. Vinyl panels with foam backing are preferred.
3. A variety of profiles beyond typical lap or Dutch lap siding is encouraged, including faux masonry, board and batten, and shake.



The photos above show several vinyl siding profiles. A variety of profiles across homes in new subdivisions is encouraged.

## Town of Pittsboro Unified Development Ordinance

# Chapter 8: Development Standards

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## 8.1 ACCESSORY STRUCTURES

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### A. GENERAL

1. Applicability: Accessory structures shall comply with all development standards for the subject zoning district.
2. Permits: A building permit shall be required prior to the installation or construction of accessory structures unless specifically noted otherwise in this Ordinance. In circumstances where a permit is not required, the accessory structure shall still meet all applicable standards.
3. Prohibited Accessory Structures: Manufactured and mobile homes shall not be permitted as an accessory structure. Portable storage units shall not be permitted as a permanent accessory structure.
4. Maintenance: Accessory structures shall be properly maintained and kept in good condition.
5. Setback. An accessory building shall not be located closer to any lot line than the minimum setback line of the principal use or closer to the front lot line than the building line of the principal use, unless specified otherwise in this Ordinance.
6. Swimming pools shall meet the requirements of the Indiana Administrative Code (675 IAC 20: Swimming Pool Code) and are permitted according to the following:
  - a. Private Swimming Pool: A private swimming pool is a structure built below grade, partially above grade, or completely above grade for the purpose of swimming. This structure may only exist in the rear yard of single family or duplex homes. A private swimming pool has a depth of more than 30 inches and a surface area greater than 120 square feet. This structure shall be held in compliance with Indiana Code (675 IAC 20: Swimming Pool Code) as the code applies to pool construction (i.e. minimum fence and cover requirements). This structure also requires a building permit, design review, and inspection from the Town of Pittsboro. It is not permitted within 10 feet of any utility line or six (6) feet of any property line.
  - b. Public Swimming Pool: Public swimming pools have a depth of more than 30 inches and a surface area greater than 120 square feet. These structures are built below grade, partially above grade, or completely

above grade for the purpose of swimming for a small community (i.e. apartments, community center). This structure shall be held in compliance with Indiana Code (675 IAC 20: Swimming Pool Code) as the Code applies to pool construction (i.e. minimum fence and cover requirements). This structure also requires a building permit, design review, and inspection from the Town of Pittsboro. It is not permitted within 10 feet of any utility line or six (6) feet of any property line.

- c. **Portable Pool:** Portable pools have a depth of less than 30 inches and a surface area of less than 120 square feet. These pools do not require a building permit. These structures are to be soft-sided and placed entirely above ground. Any pool not meeting these standards shall be classified as a private swimming pool and held to the aforementioned requirements. It is not permitted within 10 feet of any utility line or six (6) feet of any property line.
  - d. **Hot Tub/Swim Spa:** A hot tub or swim spa that is intended for use within or on the premises of a single family home must be secured by a solid, locking cover when not in use. A hot tub or swim spa that is intended for use in a community setting (apartments, community areas, etc.) must be fenced in accordance with 675 IAC 20: Swimming Pool Code (unless installed indoors). Neither structure is permitted within 10 feet of any utility line or six (6) feet of any property line. This structure requires a building permit.
7. Storage or parking of recreational vehicles and trailers (including travel trailer, boat on a trailer, snowmobile on a trailer, all-terrain vehicle on a trailer, enclosed utility trailer, and open/flatbed utility trailer) in the open is permitted, subject to the following conditions:
- a. In any District the wheels or any similar transporting devices of any recreational vehicle shall not be removed, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
  - b. Recreational vehicles and trailers may be stored or parked by the owner thereof behind or along side the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
  - c. Not more than one (1) recreational vehicle or trailer will be permitted to be parked or stored in the open on residential property at any one time,



provided, however, that one additional such vehicle is permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year.

- d. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.
- e. Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than twenty-four (24) hours at one time, and no more often than twice per week, regardless of the number of hours spent parked on the premises. Recreational vehicles may be parked anywhere on the premises for additional 72-hour periods, provided there is a 24-hour period between each 72-hour period in which the recreational vehicle is removed from the property and the owner holds a lawfully issued temporary parking permit from the Town. When parked for loading or unloading purposes, recreational vehicles shall not overhang or obstruct the street, sidewalk, or adjacent property.

## **B. Open Space and Agriculture District Accessory Structure Standards**

### **1. Types**

- a. **Storage-Based:** Storage-based accessory structures are permitted and shall include barns, carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other similar structures. Children's play equipment which is enclosed by a roof shall be considered a storage-based structure.
- b. **Recreation-Based:** Recreation-based accessory structures are permitted and shall include decks, hot tubs, swimming pools, sport courts, ground mounted satellite dishes, open air play equipment, and other structures used primarily for recreation purposes.

### **2. Timing**

An accessory structure may be installed or constructed prior to or without the existence of a primary structure.

### **3. Quantity and Size**

There is no limit on storage-based or recreation-based accessory structures.



#### 4. Height

As established by the district requirements in Chapter 4, except that accessory structures without a permanent foundation shall be limited to twelve (12) feet in height.

### C. R-1, R-2, R-3, and R-4 Residential District Accessory Structure Standards

#### 1. Types

- a. Storage-Based: Storage-based accessory structures are permitted and shall include barns, carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other similar structures. Children's play equipment which is enclosed by a roof shall be considered a storage-based structure.
- b. Recreation-Based: Recreation-based accessory structures are permitted and shall include decks, hot tubs, swimming pools, sport courts, ground mounted satellite dishes, open air play equipment, and other structures used primarily for recreation purposes.

#### 2. Timing

An accessory structure shall not be installed or constructed prior to the construction of a primary structure.

#### 3. Quantity and Size

- a. No more than two (2) storage-based accessory structures shall be permitted per lot. There is no limit on the number of recreation-based accessory structures.
- b. The cumulative square footage of all storage-bases accessory structures shall not exceed the footprint of the primary structure.

#### 4. Height

As established by the district requirements in Chapter 4, except that accessory structures without a permanent foundation shall be limited to twelve (12) feet in height.

### D. R-5 and Mobile Home Park District Accessory Structure Standards

#### 1. Types

- a. Support-Based: Support-based accessory structures are permitted and shall include management offices, sales offices, maintenance facilities, fitness rooms, indoor pools, enclosed vending, laundry, and other structures customarily incidental to the development. These structures must be located, designed, and intended to serve only the needs of the development residents and shall not present any non-residential character outside the development.
  - b. Storage-Based: Storage-based accessory structures are permitted and shall include barns, carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other similar structures. Children's play equipment which is enclosed by a roof shall be considered a storage-based structure.
  - c. Recreation-Based: Recreation-based accessory structures are permitted and shall include decks, hot tubs, outdoor swimming pools, sport courts, ground mounted satellite dishes, open air play equipment, and other structures used primarily for recreation purposes.
2. Timing
- a. A support-based accessory structure may be installed or constructed prior to the construction of the primary structure.
  - b. A storage-based accessory structure shall not be installed or constructed prior to the construction of a primary structure.
3. Quantity and Size
- a. No more than four (4) individual support-based accessory structures shall be permitted per development. There is no limit on the number of recreation-based accessory structures.
  - b. In the MHP district, each dwelling site shall be permitted one (1) shed in addition to one carport or garage. No additional storage-based accessory structures are permitted. There is no limit on the number of recreation-based accessory structures on individual dwelling sites.
  - c. In the MHP district, the total area of storage-based accessory structures on a dwelling site shall not exceed 25% of the dwelling site or 600 square feet, whichever is less.
  - d. In the R-5 District, there is no limit on the number of storage-based accessory structures.

#### 4. Height

As established by the district requirements in Chapter 4, except that accessory structures without a permanent foundation shall be limited to twelve (12) feet in height.

### E. Institutional, OTBD, GB, and HB District Accessory Structure Standards

#### 1. Types

- a. Support-Based: Support-based accessory structures are permitted and shall include storage buildings, refrigeration or freezer units, mechanical structures, or other structures in support of the primary structure.
- b. Recreation-Based: Recreation-based accessory structures are permitted and shall include decks, fountains, pavilions, terraces, sport courts, and other structures that add a recreation element to the primary structure.

#### 2. Timing

An accessory structure shall not be installed or constructed prior to the construction of a primary structure.

#### 3. Quantity and Size

- a. No more than three (3) support-based accessory structures shall be permitted on a lot. There is no limit on the number of recreation-based accessory structures.
- b. The cumulative square footage of the footprint of all storage-based accessory structures shall not exceed the footprint of the primary structure.

#### 4. Height

As established by the district requirements in Chapter 4, except that accessory structures without a permanent foundation shall be limited to twelve (12) feet in height.

### F. I-1, I-2, and I-3 District Accessory Structure Standards

#### 1. Types

- a. Support-Based: Support-based accessory structures are permitted and shall include storage buildings, refrigeration or freezer units, mechanical

structures, cooling towers, water towers, maintenance facilities, or other structures in support of the primary structure.

- b. Recreation-Based: Recreation-based accessory structures are permitted and shall include decks, fountains, pavilions, terraces, sport courts, and other structures that add a recreation element to the primary structure.

## 2. Timing

A support-based accessory structure may be installed or constructed prior to the construction of the primary structure.

## 3. Quantity and Size

There is no limit on the number of support-based or recreation-based accessory structures. There is no limit on the cumulative area of accessory structures, so long as the property meets minimum open space, maximum coverage, and setback requirements.

## 4. Height

As established by the district requirements in Chapter 4, except that accessory structures without a permanent foundation shall be limited to twelve (12) feet in height.

# 8.2 EXCEPTIONS TO DISTRICT REQUIREMENTS

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## A. FRONT SETBACK LINES

Building setback lines shall be required along all public streets as provided in Chapter 4. However, in areas where fifty percent (50%) or more of the lots in a block frontage are occupied by buildings, the following setbacks may be substituted for those found in the aforementioned tables. Any yard abutting a street shall be deemed a front yard for purpose of determining front building setback lines.

### 1. Residential Districts

Where fifty percent (50%) or more of the Lots in the block frontage are occupied by residential uses, the average setback of such Buildings shall determine the minimum setback, provided the Front Yard need not exceed sixty (60) feet in any case.

## 2. Commercial Districts

Where fifty percent (50%) or more of the lots in a block frontage are occupied by buildings, the average setback of such buildings shall determine the location of the building line.

3. Any yard or setback line so placed or oriented that none of the specific terms in this Ordinance are applicable shall necessitate a determination by the Administrator of suitable dimensions generally required for a similar situation in the zone district.

## B. HEIGHT EXCEPTIONS

Chimneys, church spires, steeples, clock or bell towers, elevator bulkheads, fire towers, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or other provisions of this Ordinance.

# 8.3 FENCE AND WALL STANDARDS

## A. GENERAL

The purpose of these standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy, and to protect the public welfare by preventing visual obstructions along public ways. Fences and walls shall be permitted in all zoning districts subject to the following requirements.

## B. DRAINAGE

No fence or wall shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm water runoff.

## C. LOCATION

1. All fences and walls may be permitted up to a property line except as noted in this Ordinance. No fence or wall shall be placed in any right-of-way or violate the sight distance requirements found in Section 8.18 Vision Clearance Areas.
2. Only open fences that are decorative in nature and that do not serve as an enclosure are permitted in the front yard.

3. No fence or wall may be placed in any required buffer yard that does not specifically provide for the inclusion of a fence.

#### **D. MATERIALS**

1. Permitted: Wood; composite wood; stone, masonry; wrought iron; decorative metal; PVC; vinyl, zinc, or powder coated chain link; and galvanized chain link.
2. Prohibited: Fences and walls shall not incorporate chicken wire, mesh wire, agriculture wire, metal or plastic slats within chain link, snow fence, barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly dangerous materials.
3. Exceptions:
  - a. Fences used to contain livestock or enclose agriculture operations or activities in the Agriculture District may incorporate chicken wire, mesh wire, agriculture wire, barbed wire, or above ground electrified wire.
  - b. Fences used for security or to enclose outside storage in non-residential districts may incorporate barbed wire above a height of six (6) feet but must meet applicable setback standards for accessory structures in the district in which they are located.
  - c. A snow fence or fence of similar type may be erected along driveways, walkways, and building entrances/exits only for the purpose of preventing snow drifting on such driveways and sidewalks. Such fencing may only be erected during the period from November 1st through March 31st. The fencing shall not impede pedestrian or vehicular traffic, extend over property boundaries, encircle entire properties, cause drifting on other properties or streets, or impede utility accesses. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. A temporary fence permit is required before a snow fence may be installed.

#### **E. HEIGHT**

1. Height Measurement. The height of a fence or wall shall be determined by measuring from the adjacent grade to the highest point of the fence or wall, excluding posts. Fence posts may exceed the maximum height of the fence by up to 1 foot.

2. Fences and walls shall not exceed eight (8) feet in height in nonresidential districts and six (6) feet in height in residential districts in the rear and side yards. Fences and walls shall not exceed three (3) feet in height in the front yard.
3. Fences around sport courts shall be exempt from the maximum height regulations but must meet applicable setback standards for accessory structures in the district in which they are located.

#### **F. OPACITY**

A fence or wall in the front yard shall permit direct vision from one side to the other through at least fifty percent (50%) of the fence or wall.

#### **G. PRESENTATION**

1. Fences and walls shall present the non-structural face outwards.
2. All fences and walls shall be properly maintained and kept in good condition.

#### **H. FENCES ON CORNER LOTS**

On corner lots in residential districts, fences and walls not exceeding six feet in height may extend from the side building line into the side yard that fronts a street to a point that is no closer to the side lot line than 50% of the required setback distance between the side building line and the side lot line, if approved by the Administrator, when he/she has determined there will be no adverse impact to adjacent properties and roadway or intersection safety and that such fence would otherwise comply with the provisions of this ordinance. For purposes of clarification, the only side yard permitted by this subsection to contain a fence is the required yard along the side street and non-primary building façade. Fences permitted in this area are exempt from the 50% opacity requirement as specified by Section 8.3.F. above.

## **8.4 GENERAL PERFORMANCE STANDARDS**

In the interests of protecting the public health, safety and welfare, and to lessen injury to property, all uses established in districts identified in this Ordinance shall comply with the following performance standards. No use shall exhibit

obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of this Ordinance shall be so altered or modified to conflict with these standards.

**A. FIRE PROTECTION**

Fire-fighting equipment and prevention measures acceptable to the Pittsboro Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

**B. ELECTRICAL DISTURBANCE**

1. In all districts, no use, activity or process shall be conducted which produces electrical and/or magnetic fields which adversely affect public health, safety and welfare, including, but not limited to, interference with normal radio, telephone, or television reception from off the premise where the activity is conducted.
2. In all districts, no use, activity, or process shall be conducted which causes any interference with public safety communications.
3. In all districts, structures, including communications facilities, shall be constructed and/or maintained so as to prevent interference with existing public safety communications.
4. In all districts, structures, including communications facilities, shall be constructed and/or maintained so as to provide for in-building public safety communications coverage.

**C. NOISE**

1. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, shrillness, or vibration; nor shall any noise disrupt, injure, or endanger the health, safety, welfare, prosperity, comfort or repose of reasonable persons of ordinary sensitivities, given the time of day or environment in which the sound is made.
2. Noises shall be measured with a sound level meter meeting the standards of the American National Standards Institute.
3. Exemptions:



- a. Nonamplified crowd noises resulting from legally permitted activities, between the hours of 7 a.m. and 10 p.m.
  - b. Construction operations for which building permits have been issued or construction operations for which a permit is not required, between the hours of 7 a.m. and 10 p.m.
  - c. Home maintenance activities, including landscaping and lawn care, between the hours of 7 a.m. and 10 p.m.
  - d. The noises of safety signals, warning devices, emergency pressure relief valves, burglar alarms, and any other emergency activity, provided the cause for such alarm is investigated and turned off within a reasonable period of time.
  - e. Traffic noise.
  - f. Emergency construction or repair work by public/private utilities, at any hour.
  - g. Noises made by religious institutions using bells as part of their religious observance.
  - h. Noises resulting from normal operations of railroad trains are exempt as provided by state or federal law.
  - i. Noises associated with legal consumer fireworks used during the times permitted by the State Code.
  - j. Any other noise resulting from activities of a temporary duration permitted by law and for which a permit has been granted by the Town of Pittsboro, in accordance with Section 8.4 C. 4. Below.
4. Special Permits: Applications for a permit for relief from the regulations contained in this section shall be made in writing to the Administrator or his or her duly authorized representative. Any permit granted by the Administrator or duly authorized representative must be in writing and shall contain all conditions upon which said permit shall be effective. The Administrator, or duly authorized representative may prescribe any reasonable conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.
5. Enforcement:

- a. The provisions of this section shall be enforced by the Administrator, his or her duly authorized representative, or the Pittsboro Police Department.
- b. Any person charged with violating the provisions of this section may, in the discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this section's provisions.
- c. Any person violating any of the provisions of this chapter, shall, upon a written finding of violation signed by the enforcement officer, be subject to the penalties described in Section 12.2 of this ordinance.
- d. All appeals from written finding of the enforcement officer shall be in accordance with the provisions of Section 12.3 of this ordinance.

#### **D. VIBRATION**

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

#### **E. ODOR**

1. Any use, activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard and is not readily detectable at any point along or beyond the lot lines.
2. Poisonous and Injurious Fumes And Gases
  - a. The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort, and welfare or which shall cause injury or damage to property or business is prohibited.
  - b. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following: The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) for an enclosed industrial use of the threshold limit as set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana Department of Environmental Management (IDEM), or its successor.

**F. AIR POLLUTION**

1. 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 in conflict with public air quality standards.

2. Smoke

The emission of more than seventy (70) smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one (1) hour during any twenty four (24) hour period, this rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.

3. Particulate Matter

The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per one thousand (1,000) pounds effluent gas. Not more than ten (10) percent by weight of particles larger than forty four (44) microns (325 mesh) shall be allowed.

**G. HEAT AND GLARE**

Any operation producing intense heat shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.

**H. WATER POLLUTION**

No use shall produce erosion or discharge of liquid, solid or gas, into any point, into any sewerage system, or stream, or into the ground in such a way or of such a nature or temperature that will contaminate or be in conflict with public water quality standards, or without the necessary required approvals of the Indiana Department of Environmental Management.

**I. WASTE MATTER**

No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, debris, refuse, trash, construction material, garbage, litter, unfinished building material, scrap metals, inoperable vehicles or rotting wood,

whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

**J. GROUND ABSORPTION**

Any and all chemicals or liquids that are a potential hazard for contamination must be contained so that there is no opportunity for ground absorption and contamination.

**K. RADIATION HAZARDS**

All operations using or storing radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with all applicable Federal, State and local laws, rules, and regulations.

## **8.5 LANDSCAPE STANDARDS**

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**A. PURPOSE**

The purpose of this Section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas in order to physically separate and visually screen adjacent uses and zoning districts that are not fully compatible. These regulations are intended to:

1. Increase the compatibility of development with both adjacent development and the natural environment.
2. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
3. Protect and enhance property values.
4. Improve environmental quality through the numerous beneficial effects of landscaping upon the environment.
5. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community.

**B. APPLICABILITY**

This Section shall apply to all public, private, and institutional development, where any provision of this Ordinance requires submittal of a landscape plan or adherence to this Section. Previously approved site development plans need not comply with the provisions of this Section unless new site development approval is being sought.

**C. ENFORCEMENT**

For those developments requiring a buffer, screen, or other landscaping, as set forth in this Section, a landscape plan shall be submitted along with the site development plan for that development. No permanent certificate of occupancy shall be issued without completion of all landscaping shown on the landscape plan required herein; however, a temporary certificate of occupancy may be issued for the building for a period of up to one year when weather conditions do not permit landscape installation, provided that the developer shall submit a financial guarantee in the amount of one hundred and twenty-five percent of the installed cost of landscaping when planting has to be delayed. Failure to implement the approved landscape plan, including preservation of existing features, or to maintain the landscaping in accordance to the provisions of this section, shall be a violation of this Ordinance subject to the penalties outlined in Chapter 12.

**D. CONTENT OF LANDSCAPE PLAN**

When required, a landscape plan shall conform to the following standards:

1. A landscape plan is required for each lot within the proposed development, except where a residential development contains multiple lots, a landscape plan is only required for the development as a whole. It is recommended that the landscape plan be prepared by a landscape architect, nurseryman, or other professional experienced in landscape design and the installation and care of plant materials.
2. All landscape plans submitted for approval as a component of a required site development plan shall show the entire zoning lot to scale, on sheets not to exceed thirty (30) inches by forty-two (42) inches. and shall contain the following information:
3. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, refuse disposal areas,

utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens and paved areas;

4. The name and address of the owner, developer, and plan preparer, the date the plan was prepared, scale, and north arrow;
  5. The location, quantity, size, and name — both botanical and common — of all proposed planting materials;
  6. The location, size, and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed;
  7. The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier;
  8. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill; and
  9. Planting and installation details as necessary to ensure conformance with all required standards.
10. Where possible, plantings should not be located in a utility easement.

#### **E. PRESERVATION OF EXISTING FEATURES**

Trees and shrubs, to the extent the same meet the requirements of this Section, already existing within the required buffer area shall be preserved wherever feasible.

1. When the location of existing trees in a healthy and growing condition or significant natural landscape features impede strict compliance with the standards set forth herein, then the submittal of an alternative buffer and screening plan which incorporates such existing features into the overall site design is encouraged.
2. Existing trees, shrubs, and vines may be used to fulfill planting requirements if the same are in a healthy and growing condition and are not included on a prohibited plant list.
3. Existing trees, shrubs, and vines to fulfill planting requirements shall be protected by barricades or other applicable methods during site preparation and construction to protect the area defined by the limits of the drip line.

These barricades shall remain in place during heavy construction on the site, and no vehicle, machinery, tools, chemicals, construction materials, or temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees. Upon completion of the development, a minimum of seventy-five percent of the protected area shall be maintained as permanent permeable landscape area at grades existing prior to site development.

4. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices, such as tree wells, tree walls, or specialized fill and pavement designs shall be required and shall be fully detailed on the Landscape Plan.

#### **F. INSTALLATION AND MAINTENANCE**

1. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown.
2. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises.
3. All plant material which dies shall be replaced with plant material of the required size within thirty days of the plant material's death. This period may be extended if weather conditions inhibit installation of new plant materials.
4. All landscaped areas shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair.
5. There shall be no structures, outdoor storage, parking or loading facilities in bufferyards, except for agricultural or residential uses.
6. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way, or property owned by the Town. The Town shall have the authority to order the removal of any such trees, shrubs, or vines.

#### **G. LANDSCAPING MATERIALS**

1. Landscape materials selected shall be appropriate to local growing and climate conditions and follow the guidelines set by the American Standard

for Nursery Stock (current edition) as published by the American Association of Nurserymen, Inc.

2. Prohibited plant species shall not be planted and shall be removed from any site which is subject to the requirements of this Section. Prohibited plant species include:
  - a. Species included on the Invasive Exotic Plant List as maintained by the Indiana Department of Natural Resources.
3. Species included on the Federal Noxious Weed List as identified in the Plant Protection Act of 2000 and any future amendments thereof.
4. Species included on the Indiana Noxious Weed List authorized under Indiana Code 15-15 and all other state codes.
5. Trees and shrubs shall be carefully selected and properly planted and maintained so they will not:
  - a. Impair pedestrian access to sidewalks and structures;
6. Cause damage to nearby buildings or adjoining public improvements;
7. Interfere with aboveground and underground utilities, including access to aboveground and underground utilities;
8. Conflict with vehicles when parked; or
9. Restrict or impair sight distance of motorists and bicyclists entering or leaving the site.
10. Ground cover shall be of live plant material. Bark, stone, gravel, and similar materials may be used in combination with a vegetative cover.
11. Condition: All plants shall be of specimen quality, superior form, healthy, vigorous, well branched, densely foliated when in leaf, free of disease and insects eggs or larvae and shall have well-developed root systems. They shall be free from damage or conditions that would prevent normal growth.
12. Diversity: Tree genus and species selections for a site shall coincide with the following chart. To achieve certain design effects, a greater number of the same tree genus and/or species may be approved by the Administrator. The following chart represents tree genus and species variation for any given site. An appropriate and diverse mix of plant sizes and materials shall be provided for all other plant material.



TABLE 8.2

Number of New Trees	Maximum Percentage of Any One Genus	Maximum Percentage of Any One Species
1 – 19	50%	50%
20 – 39	33%	25%
40 – 59	25%	15%
60 or more	15%	15%

13. Size of Plant Material: All plant material shall be installed in accordance to the size specifications below. All planting material shall be in accordance with the most current publication of the American Standard for Nursery Stock as produced by the American National Standards Institute, Inc.
  - a. Street trees and shade trees: All street trees and shade trees at the time of planting shall have a minimum caliper of two and one-half (2.5) inches when measured from six (6) inches above ground level.
14. Ornamental trees: All ornamental trees at the time of planting shall have a minimum caliper of one and one-half (1.5) inches when measured from six (6) inches above ground level.
15. Evergreen trees: All evergreen trees at the time of planting shall have a minimum height of six (6) feet.
16. Shrubbery: All deciduous and evergreen shrubs at the time of planting shall have a minimum height of eighteen (18) inches.
17. Ground Cover/Ornamental Grass: All ground cover/ornamental grass at the time of planting shall have a minimum size of one (1) gallon unless otherwise noted on the Landscape Plan.
18. For design flexibility, plant substitutions may be made on the following basis, unless otherwise noted:
  - a. 1 shade tree = 2 ornamental trees = 2 evergreen trees
19. 1 ornamental tree = 1 evergreen tree
20. 1 large shrub = 2 medium shrubs or 4 small shrubs
21. 1 medium shrub = 2 small shrubs

22. Earthen berms and/or opaque fences or walls may be used in combination with the plant materials specified above, provided they meet the following requirements.
  - a. Earthen berms shall have a maximum slope of 3:1, and must be entirely vegetated with lawn or ground cover within two years of the date of planting.
23. Opaque fences or walls shall be constructed of wood, brick, masonry or other material approved by the Administrator, and shall bear no signs or advertising.

#### H. GENERAL LANDSCAPE DESIGN STANDARDS

##### 1. Scale and Nature of Landscaping

The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants. Plant materials shall be selected for its form, texture, color, pattern of growth and adaptability to local conditions.

##### 2. Clearance

Trees shall be planted or preserved so that when they reach maturity, there will be a minimum ten foot clearance between the tree trunk and structures, building overhangs, walls, fences and other trees.

##### 3. Materials

Grass and other vegetative ground cover shall be used for all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs and inert stabilization in areas subject to severe runoff or erosion. Use of native species is encouraged.

##### 4. Vision Clearance Areas

Landscaping in landscaped areas shall not obstruct the sight lines between the street and the access drives and parking aisles near the entries and exits in accordance with the standards provided for in Section 8.18, Vision Clearance Areas. Landscaping shall not be located where it creates an obstruction of view in the radius of any curb return.

#### 5. Trash and Loading Facilities

All trash dumpsters, trash pads, loading areas consisting of two or more loading spaces, loading docks, and service and maintenance areas shall be screened from other residential zones and all adjacent public roads. Such screening may be achieved by using a six foot high, completely opaque fence or wall, a six foot high berm, or a six foot high evergreen screen planted nine feet on center in a double staggered row.

#### 6. Heating and Cooling Facilities

Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be adequately screened by landscaping so as not to be visible from streets and/or adjacent properties.

#### 7. Softening of Walls and Fences

Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

#### 8. Detention/Retention Basins and Ponds

Detention/retention basins and ponds shall be landscaped and are encouraged to be shaped to replicate a natural form of a pond. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials. Use of native species is encouraged.

#### 9. Screening Requirements for Wireless Communications Facilities

The communications tower base and all accessory equipment shall be enclosed by a security fence of at least six feet in height with an access gate that remains locked except when attended by authorized personnel. In addition, the enclosure shall be screened on all sides; and both the fence and screening shall meet the following provisions:

- a. The security fence shall be opaque and shall be of colors that are compatible with the natural and built environments.

#### 10. The screen shall be of dense evergreen plant material with a mature height of at least six feet.

#### 11. Service Structures

All new development is required to be served by underground utilities such as electricity, cable, etc., where feasible. Any service structure that can be seen from the first floor of a residence or from any street shall be screened.

Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures. Service Structures shall include, but are not limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, ground mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site. All service structures shall not be visible from adjacent residential developments or public right-of-way.

## 12. Other Site Elements

Site elements such as outdoor lighting, signage, trash receptacles and fencing should be considered integral parts of the landscape plan. The end result should be one that incorporates a pleasing appearance from both on and off the site.

## 13. Curbing

Concrete or similar curbing should be installed around all landscape areas to continue landscape material and to provide protection from vehicles.

# I. OTHER LANDSCAPING AND SCREENING REQUIREMENTS

1. All non-residential manufacturing, assembling, construction, repairing, maintenance, and storage which takes place outdoors and which is within fifty feet of a public street or a residential zoning district shall require a landscape buffer of Type C as described in Section 8.6. All other storage shall be completely enclosed by a six foot high screen consisting of a solid fence (less than fifty percent open), masonry wall, dense plant material, or any combination thereof.
2. Required greenbelts, as well as the undeveloped area required between a frontage road and the street, shall be landscaped with at least one shade tree and ten large shrubs per thirty linear feet of frontage.

# J. MODIFICATIONS

1. Under conditions where a strict interpretation of the requirements of this Section may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit rather

than the literal interpretation of the Ordinance. The proposed solution must equal or exceed standard landscaping requirements. Requests to the Administrator for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:

- a. The sites involve space limitations or unusually shaped parcels;
2. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
3. Due to a change of use of an existing site, the required buffer is larger than can be provided;
4. Safety considerations are involved; or
5. Existing utility lines or easements complicate the placement of required plant materials.

The applicant must provide a justification statement that describes which of the requirements established by this Ordinance will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance. The Administrator will review the alternative compliance application and will recommend approval, approval with conditions, or disapproval to the Plan Commission.

6. Occasionally, plant substitutions for species specified on approved landscape plans are required due to seasonal planting problems or a lack of plant availability. Minor revisions to planting plans can also be approved by the Administrator if there is no reduction in the quantity of plant material, no significant change in size or location of plant materials, and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the microclimate of the site to ensure healthy plant growth. If the proposed plant substitutions do not fulfill these criteria, then the changes must be submitted to the Plan Commission and reviewed for new approval.

## 8.6 LANDSCAPED BUFFER REQUIREMENTS

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### A. DETERMINATION OF LANDSCAPE BUFFER REQUIREMENTS

To determine the type of landscape buffer required, the following procedure should be followed:

1. Identify the horizontal row of the zoning district of the proposed use by referring to the labels in the left-most (Subject Zoning) column of the Landscape Buffer Requirements Table 8.3.
2. Identify the applicable "Adjacent Zoning" column across the top of the Landscape Buffer Requirements Table 8.3.
3. Locate the cell on the table where the selected row and column meet. The letter in that cell corresponds to the buffer area regulations.

### B. LOCATION OF BUFFER AREAS

Landscape buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Such buffers shall run the entire length of the lot line along which they are required. Landscape buffers shall not be located on any portion of an existing or dedicated public or private street right-of-way or drainage and utility easements.

TABLE 8.3: LANDSCAPE BUFFER REQUIREMENTS

Subject Zoning	Adjacent Zoning																	
	OS	A	R-1	R-2	R-3	R-4	R-5	PUD	OTBD	GB	HB	I-1	I-2	I-3	INST	MHP	PPW	Public Street
OS																		
A																		
R-1																		E
R-2																		E
R-3																		E
R-4																		E
R-5			B	B	B	B	B	B							B	B	B	E
OTBD			B	B	B	B	B	B							B	B	B	
GB			C	C	C	C	C	C	B						B	B	B	
HB			C	C	C	C	C	C	C	B					C	C	B	
I-1	C		C	C	C	C	C	C	C	B	B				C	C	B	
I-2	C		C	C	C	C	C	C	C	B	B	B			C	C	B	
I-3	D		D	D	D	D	D	D	D	C	C	C	C		D	D	C	
INST			A	A	A	A	A	A	A	A	A				A	A		
MHP			C	C	C	C	B	C	B	B	B				B			
PPW			A	A	A	A	A	A	A	A	A				A	A		

### C. Buffer Types

#### 1. Level "A" Buffer

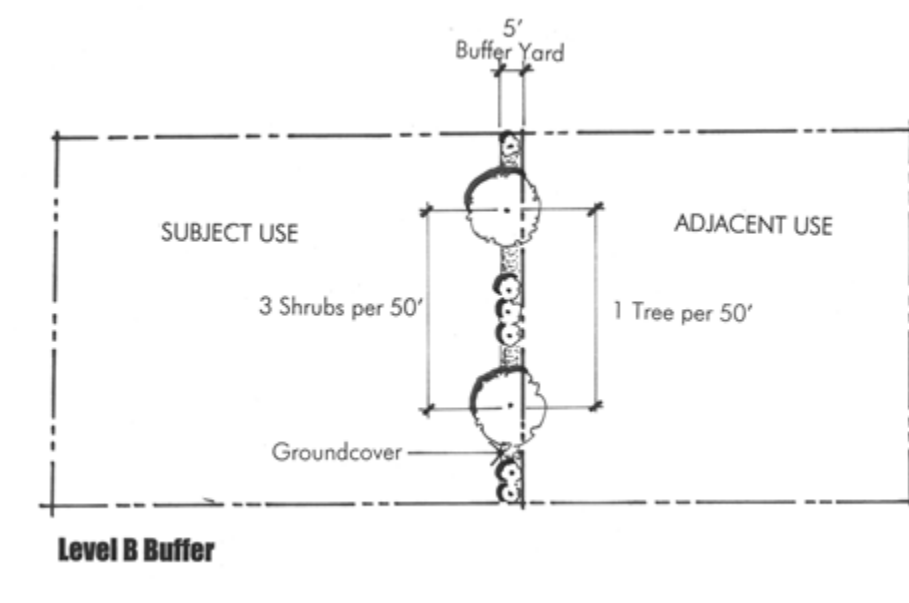
The level "A" buffer provides a low-intensity buffer area between uses and shall have the following characteristics:

- a. The width of the buffer shall be thirty feet.
2. Ground cover plant material shall fully cover the buffer.

#### 3. Level "B" Buffer

The level "B" buffer provides a low level of buffering between similar uses and shall have the following characteristics:

- a. The width of the buffer shall be five feet.
4. One shade tree and three large shrubs shall be planted every fifty lineal feet. Trees and shrubs may be grouped or spaced linearly.



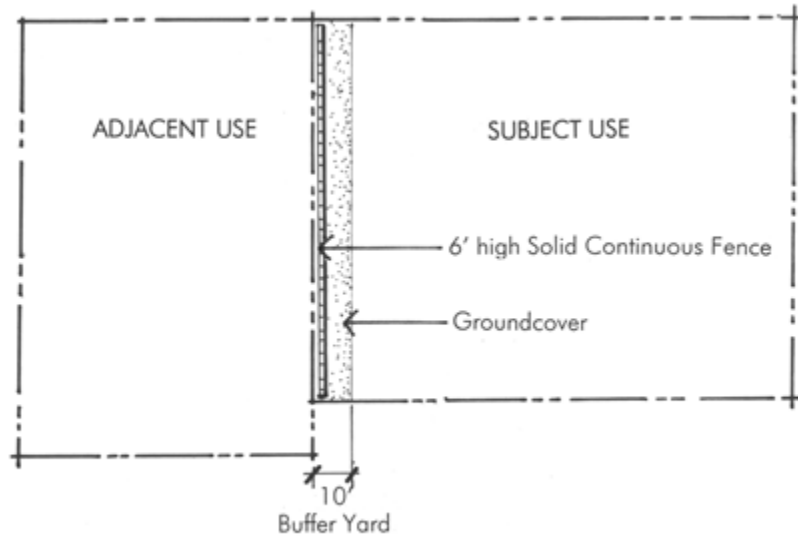
5. Ground cover plant material shall fully cover the remainder of the buffer.
6. The entire buffer shall be required regardless of whether a buffer has been provided on an adjacent property.
7. Level "C" Buffer

The level "C" buffer provides a higher level of screening between incompatible uses. Two options are provided for a level "C" buffer. Either option may be chosen.

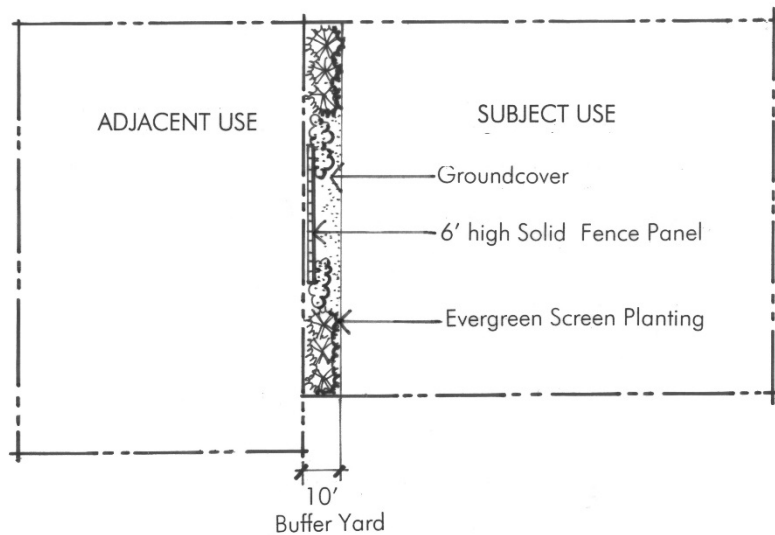
- a. Option one:
  - i. The width of the buffer shall be ten feet.
  - ii. The buffer shall contain a solid, opaque fence, six feet in height erected along one hundred percent of the yard length or an interrupted solid, opaque fence six feet in height and supplemented with evergreen landscaping in order to create a solid, year-round visual screen along the entire yard length. Plant material should be placed intermittently along long expanses of fences to create a softening effect.



- iii. Ground cover plant material shall fully cover the remainder of the buffer.



**Level C Buffer – Option 1 with Solid Continuous Fence**

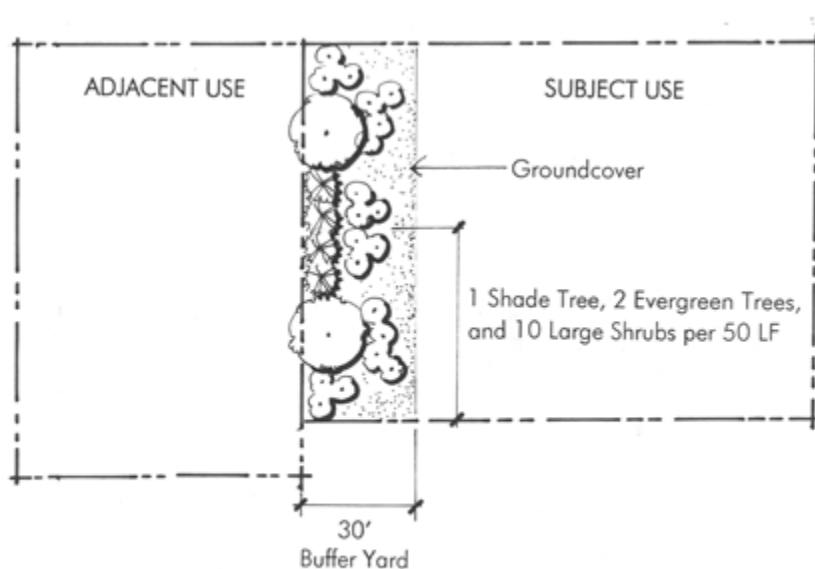


**Level C Buffer – Option 1 with Interrupted Solid Fence Panels**

8. Option two:

- i. The width of the buffer shall be thirty feet.

- ii. One shade tree, two evergreen trees, and ten large shrubs shall be planted every fifty lineal feet. Trees and shrubs may be grouped or spaced linearly.
- iii. Ground cover plant material shall fully cover the remainder of the buffer.



**Level C Buffer – Option 2**

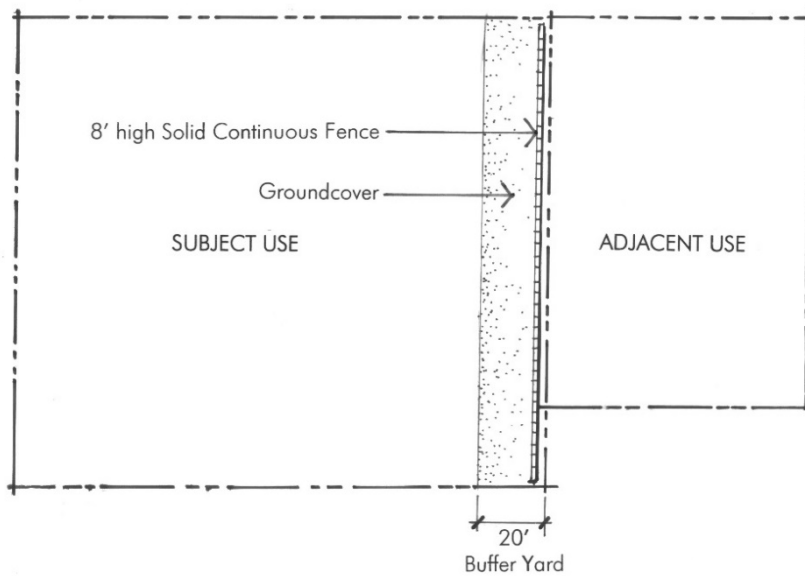
#### 9. Level “D” Buffer

The level “D” buffer provides for the highest level of screening between the most intense uses and incompatible zoning districts such as residential and those likely to be located close to residential districts. Two options are provided for a level “D” buffer. Either option may be chosen.

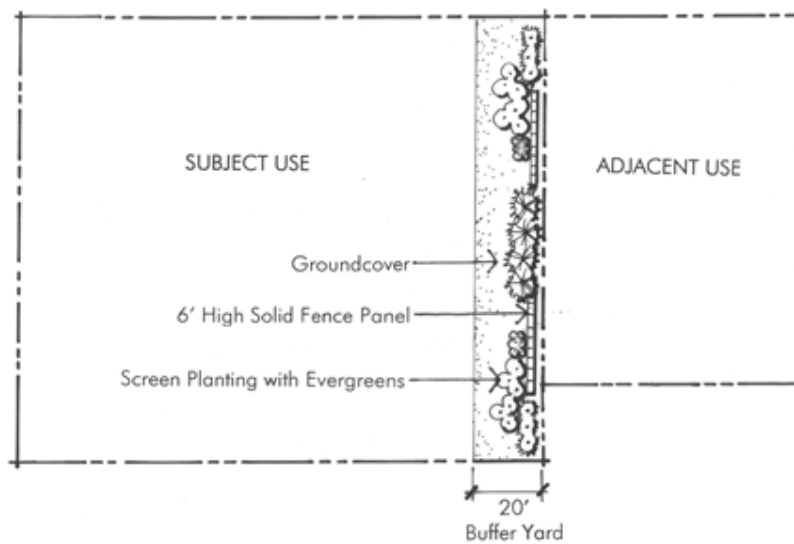
##### a. Option one:

- i. The width of the buffer shall be twenty feet.
- ii. The buffer shall contain a solid, opaque fence, eight feet in height erected along one hundred percent of the yard length or an interrupted solid, opaque fence six feet in height and supplemented with evergreen landscaping in order to create a solid, year-round visual screen along the entire yard length. Plant material should be placed intermittently along long expanses of fences to create a softening effect.

- iii. Berms may be used to achieve the height of the fence.
- iv. Ground cover plant material shall fully cover the remainder of the buffer.



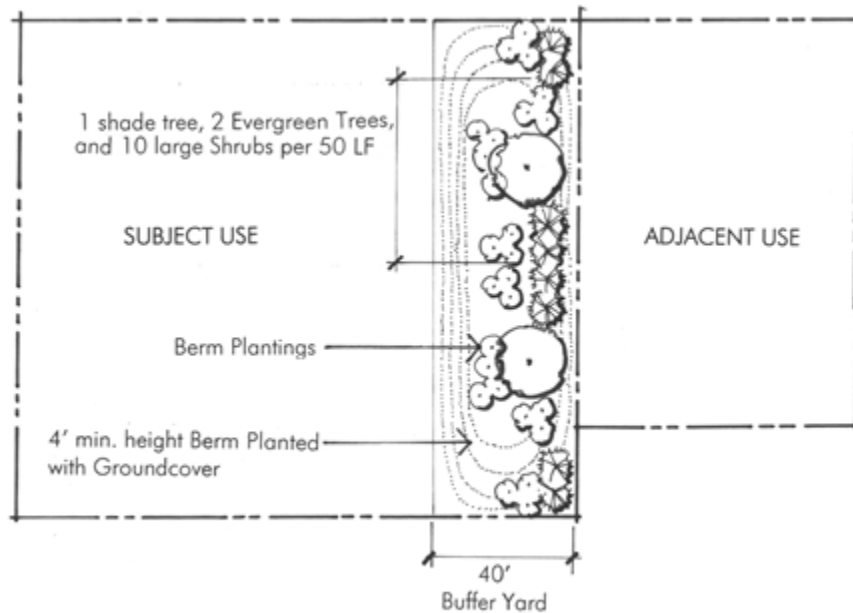
**Level D buffer – Option 1 with Solid Continuous Fence**



**Level D Buffer – Option 1 with Interrupted Solid Fence Panels**

## 10. Option two:

- i. The width of the buffer shall be forty feet.
- ii. One shade tree, two evergreen trees, and ten large shrubs shall be planted every fifty lineal feet. Trees and shrubs may be grouped or spaced linearly.
- iii. Berms, a minimum of four feet in height shall be used to increase the height of the buffer.
- iv. Ground cover plant material shall fully cover the remainder of the buffer.

**Level D Buffer – Option 2**

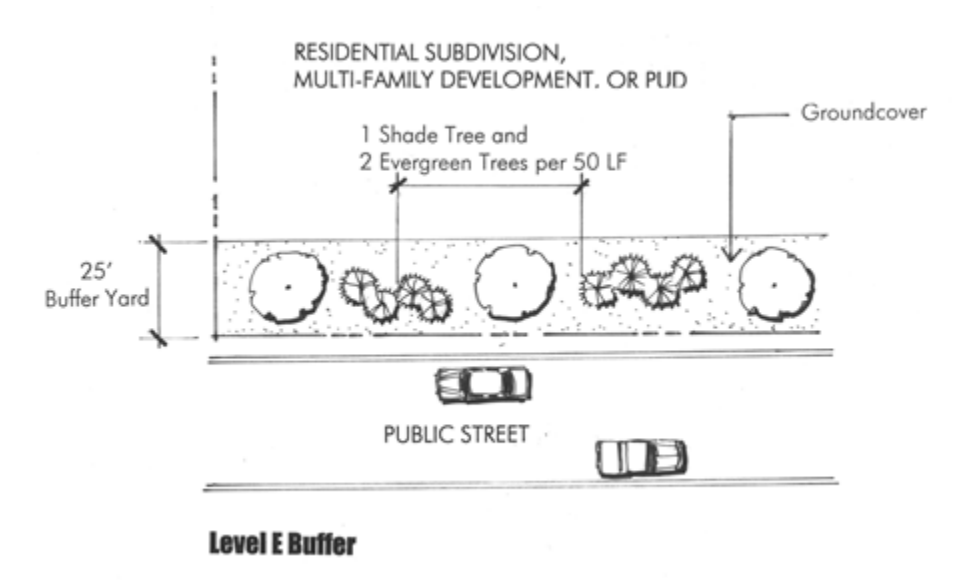
## 11. Level "E" Buffer

The level "E" buffer shall be used where a new residential subdivision, new multi-family development or new PUD abuts a public street and shall have the following characteristics:

- a. The width of the buffer shall be twenty-five feet.

12. One shade tree and two evergreen trees shall be planted every fifty lineal feet. Trees may be grouped or spaced linearly.

13. Berms shall be encouraged but not required.
14. Ground cover plant material shall fully cover the remainder of the buffer.
15. In the case of a residential subdivision, the buffer area shall be indicated on the plat as a common area rather than a portion of individual building lots.



#### D. VISIBILITY

Where the rigid enforcement of these standards creates a conflict with Section 6.8, Vision Clearance Area, the vision clearance area shall take precedence, and the landscape buffer standard shall be reduced to the extent necessary to alleviate the conflict.

## 8.7 LIGHTING STANDARDS

All areas, regardless of zoning district, containing outdoor lighting, including but not limited to, floodlighting, security lighting, or parking lot lighting shall comply with the requirements of this Section. Exterior lighting shall be subject to the following lighting standards and should be consistent and compatible with the design, color and scale of the associated development. Light levels shall be uniform to promote the health, safety and welfare of users.

**A. General Requirements**

1. An outdoor fixture emitting more than 1200 lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from 600 to 1200 lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent covering.
2. Spotlights or floodlights when used for motion detector security lighting purposes only, and less than 1800 lumens, need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property line at no less than forty five (45) degrees below horizontal. All motion detector security lighting shall be programmed such that it cycles off within five minutes after the cessation of motion within its field of view. Motion detector security lighting shall be set so that normal business or resident activity does not trip or activate the system.
3. Timers/Dimmers. Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
4. Electrical Service. The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.
5. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions, and are therefore considered to be signs, are prohibited per Section 8.15.
6. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration, the Federal Communication Commission, or by the Town of Pittsboro.

**B. Light Trespass**

All areas containing outdoor lighting shall limit light spillage onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

TABLE 8. 4: LIGHT TRESPASS REQUIREMENTS

Adjoining Districts	Light Spillage Measured in Foot-candles
Single Family Residential Districts	0.1
Multiple Family Residential Districts	0.1
Public right-of-way	0.1
Office Districts	0.25
Commercial Districts	0.25
Institutional Districts	0.5

**C. Lighting Plan**

A lighting plan shall be submitted with all applications for Site Development Plan Review pursuant to Section 11.11 and shall meet the requirements below.

1. A lighting plan shall show buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of full cutoff and/or fully shielding fixtures;
2. A lighting plan shall designate whether the lighting is publicly or privately maintained;
3. A lighting plan shall contain a description of the outdoor light fixtures, which may include, but is not limited to, manufacturer's catalog cuts, photometric report with a candela distribution, drawings, and shielding information; and
4. A lighting plan shall have analysis and luminance level diagrams showing that the proposed installation conforms to the lighting levels standards in this Ordinance.

**D. Building Illumination**

When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following requirements.

1. The maximum illumination on any vertical surface or angular roof surface shall not exceed 1.0 foot-candles.
2. Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building surface.
3. All fixtures used to illuminate buildings shall be full cutoff and fully shielded.

4. For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights, which confine the illumination to the object of interest.
5. The Town of Pittsboro supports the tradition of lowering the U.S. flag at sunset. If upward lighting is used to illuminate the U.S. flag or other flags, only spotlights shall be used and shall be confined to the illumination of the object of interest.

**E. Security Lighting**

Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform to the following requirements:

1. Non-residential light fixtures. All security lighting in non-residential areas shall be shielding and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. Security lighting fixtures may be mounted on poles located no further than ten (10) feet from the perimeter of the area intended to be illuminated.
2. Residential light fixtures. Security light fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

**F. Parking Area Lighting**

If parking areas are illuminated, the following standards shall apply:

1. Luminaires / light fixtures serving parking areas shall be full cutoff fixtures.
2. The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level.
3. Light fixtures located on the perimeter of parking lots and within twenty (20) feet of a residential property line shall fully shield a light so that direct light from the bulb does not fall beyond a residential property line or more than 20 feet beyond other property lines.
4. Lights shall not exceed twenty-five (25) feet in height from the adjacent grade to the top of the fixture.



5. Building-mounted lighting shall not be permitted to illuminate parking areas.

**G. Lighting of Exterior Displays or Open Sales Areas**

If exterior display or open sales areas are illuminated, the following standards shall apply:

1. Light fixtures serving areas designated as exterior display or open sales shall be full cutoff fixtures.
2. Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed 4.0 foot-candles.
3. Light fixtures located on the perimeter of displays or sales areas and within twenty (20) feet of a property line shall fully shield a light so that direct light from the bulb does not fall more than 20 feet beyond the property line.

**H. Lighting of Motor Vehicle Dealerships**

If motor vehicle dealerships are to be illuminated, the following standards shall apply:

1. Full cutoff light fixtures shall be required for car dealerships.
2. Car dealerships can define thirty percent (30%) of their site as display area and illuminate that area up to 35 foot-candles (maximum) while limiting light trespass and using fully shielded fixtures.
3. The remaining seventy percent (70%) of the car dealership site shall be subject to the same lighting standards for light levels and light trespass as other commercial sites.

**I. Lighting of Walkways, Bikeways, Parks and Playgrounds**

Where special lights are to be provided for walkways, bikeways, or parks, the following standards shall apply:

1. The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles;
2. The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles; and

3. Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.
4. Light pole height shall not exceed fifteen (15) feet. Bollard lighting, not exceeding four (4) feet in height is encouraged.

**J. Lighting of Canopies, Bays, and Loading and Unloading Spaces**

If canopies, bays, and loading and unloading spaces are illuminated, the following standards shall apply:

1. The average maintained horizontal illumination shall not exceed twenty-five (25) foot-candles.
2. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Subsection F, Parking Area Lighting.
3. Light fixtures mounted on or under overstory ceilings, in bays, and in loading and unloading spaces shall be recessed, full cutoff and fully shielding, unless indirect lighting is being used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielding so that direct illumination is focused exclusively on the ceiling of the structure.
4. Lights shall not be mounted on the top or sides of an overstory.
5. Lighting for drive-through bays must be fully shielded as if located outside.

**K. Street Lighting**

1. Unless street light fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private shall utilize full cutoff and/or fully shielded fixtures.
2. Fixtures that emit more than three thousand (3,000) lumens shall be shielded if adjacent to residential districts or uses.
3. Standardization of Light Bulbs. In order to provide ease of maintenance for the Town, all public light fixtures and bulbs will be consistent and shall be approved by the Town prior to installation.

**L. Landscaping**

Where landscaping for nonresidential structures is to be illuminated, the Administrator shall approve such lighting in conjunction with the property's landscape plan. Such plan shall demonstrate the purpose of the lighting, show the location of all lighting fixtures, and designate what landscaping is to be illuminated. Landscape lighting shall not generate excessive light levels, cause glare, or direct any light beyond the landscaping into the night sky. If the location of lighting fixtures need to be repositioned on the site to maximize the effects of illumination after the Administrator has approved the plan, the Administrator may permit such changes if the purpose that was originally presented has not changed.

**M. Exceptions**

1. The temporary use of low-wattage or low-voltage lighting for public festivals, celebrations, and the observance of holiday are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this section.

**N. Lights Not Conforming To This Section**

1. Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this section may continue provided the lighting remains in conformance with the provisions of this Subsection N.
2. Nothing in this section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

a. Loss of Lawful Status

- i. Legal nonconforming status shall terminate under the following conditions:
  - a) *If a light fixtures is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or*
  - b) *If a lighting fixture is structurally altered such that its nonconforming aspects increase; or*
  - c) *If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent (50%) of its replacement value.*
- ii. Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.

- 3. Lighting: Public Hazard. Lighting found by a governmental agency to create a public hazard can be ordered removed or altered at any time.

O. Maintenance

Installed lights must be operable at all times. Routine lighting fixture maintenance, such as changing lamps or light bulbs, housing, lenses, and other similar components, is required and shall not constitute replacement, provided such changes do not result in a higher lumen output.

## 8.8 LOADING REQUIREMENTS

- A. Uses and buildings with a gross floor area of five thousand (5,000) square feet or more shall provide off-street loading spaces in accordance with Table 8.5 (Required Loading Spaces) and this Section 8.8, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery.
- B. All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet

of the nearest point of intersection of any two streets, nor shall it be located in a required front yard or side yard adjoining a residential use or district.

- C.** Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled, provided that the off street area required for the receipt or distribution by vehicles of materials or merchandise shall meet the minimum requirements below:

  - 1. For local pick-up and delivery trucks: twelve (12) feet in width by thirty (30) feet in length with a forty-five (45) foot maneuvering apron, and a twelve (12) foot height clearance.
  - 2. For over-the-road tractor-trailers: fourteen (14) feet in width by sixty (60) feet in length with a sixty (60) foot maneuvering apron, and a fifteen (15) foot height clearance.
- D.** All open off-street loading spaces shall be improved with a compacted base of not less than six (6) inches thick or equal, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather dustless material. In addition, paving and drainage regulations for loading areas shall be in accordance with the paving and drainage regulations for parking areas as set forth in Subsection 8.13 H. 3.
- E.** All loading areas shall be screened in accordance with the provisions of Section 8.11.
- F.** Space allowed to any off-street loading space shall not, while so located, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

TABLE 8.5: REQUIRED LOADING SPACES

Use Description	Floor Area in Square Feet	Number of Loading Spaces Required
Manufacturing, distribution, wholesaling, storage, and similar uses	5,000 - 25,000	1
	25,001 - 60,000	2
	60,001 – 100,000	3
	Each 50,000 above 100,000	1
Office Buildings, hotels and motels, retail sales, hospitals, institutions, and similar uses	5,000 – 60,000	1
	60,001 – 100,000	2
	Each 50,000 above 100,000	1

## 8.9 LOTS

### G. NUMBER OF BUILDINGS ON A LOT

Unless otherwise provided for in this Ordinance, no more than one principal use and no more than one principal building shall be located on a single lot of record.

### H. DIVISION OF LOTS

No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership, unless the division shall conform to the applicable regulations of the Subdivision Control Ordinance and this Ordinance.

### I. CORNER LOTS

On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right of way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.

**J. STREET FRONTAGE AND ACCESS**

Every lot must have frontage on a public street or right-of-way and must be provided with facilities (traffic access points) for ingress and egress to and from such public street unless a private street or access easement has been provided and recorded as part of the subdivision process. The number of facilities for ingress and egress for lots having one hundred (100) feet or less of frontage shall not exceed one (1).

**K. LOT AREA EXCLUSIONS**

Any portion of a lot located within the 100 year floodplain or floodway, within wetlands, lakes, ponds, areas used for storm water detention, or areas used for floodplain compensatory storage, may not be counted towards the minimum lot area.

## **8.10 OUTDOOR STORAGE AND SCREENING**

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**A. Storage In Required Yards**

1. Storage of materials which is incidental to a primary use in a non-residential district shall be permitted, provided that such storage is located within an enclosed structure, or the provisions of Subsection 8.5 I. are met.
2. No portion of any required yard shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Ordinance.
3. Permanent storage, for the purpose of this subsection, shall be construed as the presence of such storage for a period of 48 or more consecutive hours in any one week period.

**B. Bulk Storage**

1. In any district in which bulk storage is permitted, structures, buildings or above ground tanks used for bulk storage of flammable or explosive liquids, gases or other materials, shall not be located closer than 50 feet to the property line.

2. The entire premises where the bulk storage is located shall be enclosed within a fence, or equivalent, of not less than six (6) feet high, except as otherwise required by Subsection 8.5 I. of this Ordinance.
3. Lots containing bulk storage shall be screened according to the provisions of Subsection 8.5 I. .
4. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

**C. Open Storage**

In the event that accessory storage is in the open, the following provisions must be met:

1. Such storage shall be accessory to the use of the main building on the lot.
2. Such storage shall be located behind the front or exterior wall of the main building facing any street and shall comply with all yard regulations of this ordinance and with intersection visibility standards as set forth in Section 8.18.
3. Such storage shall not cover more than five percent (5%) of the lot area or an area in excess of twice the ground floor area of the main building on the lot, whichever is less.
4. Such storage shall be screened according to the provisions of Subsection 8.5 I.

## **8.11 PARKING LOT AND LOADING AREA LANDSCAPING AND SCREENING REQUIREMENTS**

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**A. GENERAL PROVISIONS**

1. All landscape areas shall be separated from vehicular use areas by concrete curbing. Roll curbs may not be used for this separation.
2. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above the finish surface of the parking area, be properly anchored, and continuously maintained in good condition. Wheel stops shall not be placed in locations of



anticipated intense pedestrian traffic. As an alternative, curbing can be extended to serve the same purpose.

## **B. PARKING LOT LANDSCAPING**

The following landscaping requirements shall apply for all parking areas containing fifteen or more parking spaces.

### **1. Interior Landscaping**

A minimum of five percent of the gross area of the interior vehicular use area of a parking lot shall be landscaped. Perimeter parking lot landscaping and/or buffering shall not be included toward satisfying this requirement.

- a. Landscaped areas should be distributed throughout the parking lot in the form of landscaped islands in order to reduce the visual impact of long rows of parked cars.
2. One hundred percent of said landscaping area shall be planted with ground cover.
3. Appropriate ground cover may include shade trees, ornamental trees, shrubbery, hedges, and grasses. However, at least one shade tree shall be provided for every one hundred and twenty square feet of landscaped area.
4. Perimeter Landscaping

All parking lots regulated by this section shall have a perimeter landscaped area of at least three feet in width for lots less than 10,000 square feet in area and of at least five feet for lots more than 10,000 square feet in area. Such perimeter landscaping shall extend the full length of the parking lot.

- a. One hundred percent of said landscaping area shall be planted with ground cover.
5. At least one shade tree and three small shrubs shall be planted in the perimeter landscaping area for every ten parking spaces in the parking lot. However, if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement.
6. When both landscape buffers and parking lot perimeter landscaping are required in the same location, the more restrictive shall apply.

## **C. PARKING LOT SCREENING**

1. Applicability

Where a parking lot abuts a residential district or is located within a residential district, or where a parking lot abuts a public street, the following provisions shall apply to the length of the parking lot adjacent to those streets or residential uses or districts.

2. Width & Height

Screening shall be in a strip of landscaped open space at least five feet wide and shall reach a height of at least three feet.

3. Location

Screening may only be installed behind the front setback line.

4. Screening Materials

Screening may consist of both natural and man-made materials, provided that the materials create a continuous visual screen. The following screening types may be used:

- a. Plant Materials

Plant materials shall be characterized by dense growth and shall form an effective year-round screen within three years of the date of planting.

5. Fences and Walls

Fences and walls shall be solid and opaque and shall be made of wood, brick, or masonry materials.

6. Berms

Earthen berms shall have a maximum slope of 3:1, shall not exceed three feet in height, and must be entirely vegetated with lawn or ground cover within two years of the date of planting.

#### **D. LOADING AREA SCREENING**

Vehicle loading areas shall be screened from public roads and adjacent residential districts where the yard containing the loading area is adjacent to the roadway or residential district. Screening shall be a minimum of six feet in height and create a year-round, solid visual screen within three years of planting.

## 8.12 PARKING STANDARDS

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### A. INTENT

The regulations of this Section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles, in accordance with the use for which the property is occupied.

### B. SCOPE

1. Accessory off street parking and loading facilities shall be provided and maintained in accordance with the provisions of this Section for all buildings, structures or premises used in whole or in part for purposes permitted by this Ordinance.
2. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
3. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses.
4. Whenever the existing use of a building, structure or premises shall hereafter be changed or converted to a new use permitted by this Ordinance, parking and loading facilities shall be provided as required for such new use.
5. Accessory off-street parking or loading facilities in existence at the time of the effective date of this Section shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Ordinance.
6. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

7. Accessory off-street parking and loading facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance.

#### **C. GENERAL PROVISIONS**

1. Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Ordinance, and may be situated as one or more individual areas.
2. Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions and Table 8.7. A parking plan shall be required for all uses except single and two family dwellings.
3. Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, belonging to patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any vehicle, equipment or material, unless such facilities are enclosed in a building and otherwise permitted in the district.
4. No business signs or advertisements shall be permitted in parking areas, provided, however, directional and identification signs shall be permitted in accordance with Section 8.15.
5. In the OTBD District, accessory off-street parking areas shall be permitted within the required front yard, provided that no parking area is located within the right-of-way, and provided that all applicable requirements for screening and greenbelts are met.

#### **D. DETERMINING THE NUMBER OF SPACES REQUIRED**

1. In determining the minimum required number of off street parking or loading spaces, the following instructions shall be applicable in such computations:
  - a. If the unit of measurement is any fraction of the unit specified in relation to the number of spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.
2. In sports arenas, churches and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty two (22)

inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.

3. REDUCED PARKING RATIOS IN THE OTBD DISTRICT.

In order to accommodate the unique built environment of the downtown area covered by the OTBD District, required parking areas in this district shall be one half (1/2) of those required in the Table 8.7 (Schedule of Parking Standards).

4. Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board or Zoning Appeals.
5. Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.
6. No part of any alley shall be used to meet the minimum parking requirements of this Ordinance.
7. For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.
8. Off street parking shall be provided according to the ratios set forth in Table 8.7: Schedule of Parking Standards.
9. Every company car, truck, tractor or trailer normally stored at a business site shall be provided with an off-street parking space. Such space shall be in addition to the parking requirements listed in Table 8.7: Schedule of Parking Standards.
10. For uses not specified in this Section, or in such instance when the requirement for an adequate number of spaces is unclear or not specified in

another part of this Ordinance, the number of parking spaces shall be determined by the Administrator on the basis of similar requirement, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination may be appealed to the Board of Zoning Appeals.

11. In case of conflict between the provisions of this Section, the higher requirement shall govern.

#### **E. DRIVE-THROUGH STACKING**

Drive through establishments shall provide stacking space for the queuing of vehicles awaiting use of drive-through windows. Each stacking space must be twelve (12) feet long, and each lane of stacking spaces must be at least nine (9) feet wide. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked. Table 8.7: Schedule of Parking Standards denotes the number of stacking spaces required for common drive-through uses. Any drive-through use not listed shall be required to provide at least four (4) stacking spaces per drive-through window. Stacking spaces must be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

#### **F. PARKING SPACES ACCESSIBLE TO THE DISABLED**

The Town of Pittsboro encourages all development within the Town which serves the public to provide facilities which are accessible to people with disabilities as defined by the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal, accessible parking shall be provided by any building or use initiated after the effective date of this Ordinance according to the minimum requirements established and adopted by federal, state, or local law.

#### **G. OFF-SITE AND SHARED PARKING**

1. Off-Site Parking. Off-site parking may be allowed on another lot that is within five hundred (500) feet of the lot occupied by the use(s) for which it is required. A formal easement, in perpetuity, between property owners shall be provided prior to Development Plan approval. The agreement shall be recorded with the property.

2. Shared Parking. Shared parking may be allowed between two (2) or more lots that share property lines.
  - a. Uses with Similar Business Hours. The total of such offstreet parking spaces supplied collectively for multiple uses with similar business hours, where all uses are located within a shopping center or a retail/office/business park subdivision, may be less than the sum of the requirements for the various uses computed separately. In no case shall the sum of the requirements for the various uses be reduced by more than fifteen percent (15%) of the required parking for uses when computed separately as determined by the Administrator.
3. Uses with Dissimilar Business Hours. Churches, civic clubs, auditoriums, lodge halls, banquet halls, movie theaters, and stadiums may make arrangements with existing business establishments which normally have different hours of operation for sharing up to fifty percent (50%) of their required parking spaces; provided however, where there is a sharing of facilities by different owners or tenants, there shall be a formal easement, in perpetuity, approved by the Plan Commission. In addition, should any of the uses having such an agreement after passage of this Ordinance be changed or facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of the building or buildings. The approved agreement shall be recorded with the property by the Hendricks County Recorder.
4. Approval Requirements. All off-site and shared parking space arrangements are subject to the approval of the Administrator. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Administrator.

#### **H. DEVELOPMENT STANDARDS**

All off-street parking areas shall be developed in accordance with the standards of this Section, except in the case of agricultural uses.

### 1. DIMENSIONS

- a. Minimum parking space dimensions shall be provided in accordance with Table 8.6, exclusive of access drives or aisles, ramps, columns. Such space shall have adequate vertical clearance.
2. Except on lots occupied by one and two family dwellings, each off-street parking space shall open directly upon an aisle or driveway designed in accordance with Table 8.6, so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

TABLE 8.6

MINIMUM SPACE AND AISLE DIMENSIONS OF PARKING SPACES

<b>Parking Angle*</b> <b>(in degrees)</b>	<b>Space Width</b>	<b>Space Depth</b>	<b>Aisle Width</b> <b>(in feet)</b>
Parallel	8'	22'	12' (one way)
Right Angle	9'	18'	24' (two way)
60° angle	9'	18'	18' (one way)
45° angle	9'	18'	18' (one way)
Small Car*	9'	15'	24' (two way)

The length for measuring the depth of a parking space shall be measured at right angles to the edge of the useable parking forming the angles, exclusive of aisles.

\*Note: Spaces exclusive for compact or subcompact cars may be used only if specifically designated "For Small Cars Only." A maximum of twenty-five percent (25%) of a parking area may be designated for small cars.

### 3. LAYOUT & DESIGN

- a. All off street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alleys in a manner which will least interfere with traffic movement.



4. Driveway entrances or exits shall be no closer than twenty five (25) feet to an adjoining residential property line or ten (10) feet to an adjoining non-residential property line, or designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right of way line of the street shall exceed a width of thirty (30) feet; provided, however, two driveways not exceeding thirty (30) feet in width each may constitute a single entrance exit divider designed driveway, provided further, that such driveways shall conform to the specifications found in the most recently adopted version of the Design and Construction Standards of the Town of Pittsboro.
5. Required off-street parking spaces shall be so designed, arranged and regulated so that:
  - i. Such parking areas are lined or designated to insure the most efficient use of the parking spaces
  - ii. Parking in all nonresidential districts shall be provided with curbing, wheel stops, or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto required landscaped open space.
  - iii. Individual spaces are located so that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.
  - iv. Parking spaces are unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right of way or walkway.
  - v. All paved portions of all parking spaces and maneuvering aisles shall be set back a minimum of five (5) feet from any wall of a building.
6. Off-street parking spaces may be open to the sky or enclosed in a building. In any instance, when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.
7. Parking areas may be provided with a one story shelter building or guard building which shall not exceed one hundred (100) square feet of gross floor area and shall conform to all the structural requirements of the District.

8. All parking lots abutting residential uses or Districts, and all parking lots in any district containing more than fifteen (15) spaces shall be subject to the landscaping and screening requirements for such parking lots as set forth in Section 8.11.
9. All parking areas shall provide means of pedestrian circulation to the use and between the use and the street.
10. Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

#### 11. SURFACING & DRAINAGE

- a. In all districts, all open, off street parking and driveway areas shall be surfaced with an all-weather, dust free concrete, asphalt , brick paver, or the like as approved by the administrator, capable of carrying a wheel load of four thousand (4,000) pounds, and shall be maintained in good condition and free of weeds, dirt, trash and debris; except that, a gravel surface may be used for a period not exceeding one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.
12. A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.
13. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run off generated by such improved areas shall be disposed of in appropriate drainage facilities.
14. In any parking area, the surface shall be painted, marked, or otherwise delineated so that each parking space is readily apparent.

#### I. PARKING AND STORAGE OF CERTAIN VEHICLES

##### 1. AUTOMOTIVE VEHICLES

Automotive vehicles or trailers of any type without current license plates and inspection sticker or in an inoperable condition so as to be deemed dead storage shall be prohibited in residential districts other than within completely enclosed buildings, and shall not be parked or stored in any zoning district unless specifically authorized under the terms of this Ordinance.

## 2. COMMERCIAL VEHICLES

The parking of a commercial, self-propelled vehicle in residential zoning districts shall be prohibited, except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot on which there is located a principal building, provided, however, that such vehicle is parked in an enclosed garage, accessory building or rear yard and is used by an occupant of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

TABLE 8.7: SCHEDULE OF PARKING STANDARDS

Use Category	Minimum Parking Requirements
Agriculture, crops only	1 space per employee on the largest shift
Airport or heliport	1 per 2 employees plus 1 per passenger based on daily transient aircraft
Animal services; kennel	3 spaces per 1,000 sq.ft. of gross floor area
Animal services; miscellaneous	1 space per 250 sq.ft. of gross floor area
Animal services; veterinary	1 per 2 employees
Art or music school	3 spaces per 1,000 sq.ft. of gross floor area
Assisted living facilities	1 space per 4 beds and 1 space per employee
Attached single-family dwellings	2 spaces per dwelling unit
Auto or motorcycle sales	2 spaces per 1,000 sq.ft. of enclosed gross floor area; plus 1 space per 2,500 sq.ft. of gross floor area of open sales area; plus 2 spaces per service bay; plus 1 space per employee
Automotive service; major	1 space per service bay and 1 space per employee

Use Category	Minimum Parking Requirements
Automotive service; minor	1 space per service bay and 1 space per employee
Automobile or trailer sales area	1 per 1,000 square feet used for retail
Bars, taverns and lounges	1 space per 4 persons at maximum occupancy
Bed and breakfast inns	1 space per guest room; plus 2 for employees and/or owners
Car rental	2 spaces per 1,000 sq.ft. of gross floor area
Cemeteries or crematory	1 per 2 employees plus 1 per 4 seats
Charitable institutions	1 space per 4 persons at maximum capacity
Children's homes, all other group homes and institutions	a group home shall have a minimum of four (4) off-street parking spaces.
Church, temple and other institutions of worship	1 per 4 seats in main auditorium
Civic, social, religious, political, or fraternal organization	1 space per 4 persons at maximum capacity
Colleges and universities	1 space for every 3 employees and members of the staff and one for every three full time students not residing on campus
Commercial entertainment facilities; excluding adult uses and including but not limited to: bowling alleys, skating, night clubs and dinner theater.	1 space per 4 seats, or 1 space per 4 people at maximum capacity
Commercial greenhouse	1 per 3 employees, plus 1 per 125 sq.ft. of enclosed sales area
Commercial recreational facilities	1 space per 4 seats, or 1 space per 4 people at maximum capacity
Condominiums (per i.c. 36-1-6 as amended)	See Multifamily requirements
Convenience store; local	3 spaces per 1,000 sq.ft. of gross floor area of sales area and 1 space per employee
Convenience store; neighborhood	2 spaces per 1,000 sq.ft. of gross floor area of sales area and 1 space per employee

Use Category	Minimum Parking Requirements
Convenience store; regional	4 spaces per 1,000 sq.ft. of gross floor area of sales area and 1 space per employee
Dance halls, studios, schools	1 per 200 square feet of gross floor area
Day care; centers and nursery schools	1 per 2 employees plus 1 per 5 children
Day care; home	1 space per employee, plus dwelling unit requirements
Elementary and secondary schools (up to grade 12)	(K-8) 1 space per classroom; plus one space per employee (9-12) 1 space per 4 students; plus one space per employee
Fire, police, or postal stations	1 per 3 employees on shift
Fraternity, sorority, or student housing	1 space per 3 persons based upon the approved maximum building occupancy
Fuel dealer	1.5 space per fuel nozzle, plus 3 spaces per 1,000 sq.ft. of enclosed floor area
Funeral homes	1 space per 4 seats, plus 1 per 2 employees
Golf courses, driving ranges, and miniature golf course	1 per 2 employees plus 3 per golf hole
Group homes (developmentally disabled)	a group home shall have a minimum of four (4) off-street parking spaces.
Group homes (mentally disabled)	a group home shall have a minimum of four (4) off-street parking spaces.
Health and fitness center	5 spaces per 1,000 sq.ft. of gross floor area
Health services	1 per employee plus 8 per doctor
Heating and electrical power-plant	1 space per employee at largest shift
Home occupations	Dwelling unit requirements
Hospitals	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotels, motels, rooming houses	1 per 3 employees plus 1 per sleeping room

Use Category	Minimum Parking Requirements
Indoor recreational facility	1 space per 4 seats, or 1 space per 4 people at maximum capacity
Industrial warehouse	1 space per 3 employees on the largest shift, plus 1 space per vehicle used in the operation of the industry
Industry; heavy	1 per 3 employees on the largest shift, plus 1 space per vehicle used in the operation of the industry
Industry; light	1 per 2 employees on the largest shift, plus 1 space per vehicle used in the operation of the industry
Junior college and technical institute	1 space for every three employees and members of the staff and one for every three full time students not residing on campus
Landfill, salvage yard, junk yard	1 per 2 employees on the largest shift, plus 1 space per vehicle used in the operation of the industry
Libraries and information center	1 per 125 square feet of gross floor area
Liquor store (carry-out only)	3 spaces per 1,000 sq.ft. of gross floor area
Manufacturing, use, or storage of explosives	1 space per employee on the largest shift, plus 1 space per vehicle used in the operation of the industry
Medical and dental labs	3 spaces per 1,000 sq.ft. of floor area up to 20,000 sq.ft.; plus 2 spaces per 1,000 sq.ft. of floor area greater than 20,000 sq.ft.
Medical clinic	1 space per exam room and 1 space per employee
Mining or excavation	1 space per employee on the largest shift, plus 1 space per vehicle used in the operation of the industry
Mobile home park or travel trailer park	2 per mobile home or trailer stand
Mortuary	1 space per 4 seats, plus 1 per 2 employees
Motor freight transportation, warehouse, and truck freight turner	1 space per employee, and 1 space per vehicle used in operation
Multi-family dwellings	1.75 per dwelling unit
Municipal or government buildings	3 spaces per 1,000 sq.ft. of gross floor area

Use Category	Minimum Parking Requirements
Museums, art galleries, botanical and zoological gardens	2 spaces per 1,000 sq.ft.
Nursing home; personal care facilities	1 space per 4 beds and 1 space per employee
Office research park	3 spaces per 1,000 sq.ft. of net floor area up to 20,000 sq.ft.; plus 2 spaces per 1,000 sq.ft. of net floor area greater than 20,000 sq.ft.
Outdoor recreation facility	1 per 3 employees plus 1 per 500 square feet of use
Plant nurseries	1 per 3 employees, plus 1 per 125 sq.ft. of enclosed sales area
Police station or fire station	1 per 3 employees on shift
Private clubs, lodges, or camps	1 per 50 square feet of gross floor area used for assembly or recreation
Private school	(K-8) 1 space per classroom; plus one space per employee (9-12) 1 space per 4 students; plus one space per employee
Professional service; accounting, auditing and bookkeeping, public finance, notary public, and taxation	1 per 300 square feet of gross floor area
Professional service; advertising, personnel, supplies	1 per 300 square feet of gross floor area
Professional service; banking, lending institutions, insurance agents and brokers, etc.	1 per 300 square feet of gross floor area
Professional service; educational services	1 space for every 3 employees and 1 space for every three students
Professional service; engineering, architectural, real estate	1 per 300 square feet of gross floor area
Professional service; laundry, photographic studio, beauty, barber, tailoring, etc.	1 per 300 square feet of gross floor area
Professional service; legal	1 per 300 square feet of gross floor area
Professional service; miscellaneous services	1 per 300 square feet of gross floor area

Use Category	Minimum Parking Requirements
Professional service; non-commercial research organizations (no labs)	1 per 300 square feet of gross floor area
Professional service; physicians and dentists	1 per employee plus 8 per doctor
Professional service; social services	3 spaces per 1,000 sq.ft. of gross floor area
Public campground	1 per camp site plus 1 per cabin
Public water wells, water station, filtration plants, reservoirs, and storage tank	1 per employee per shift
Race team headquarters	1 space per 3 employees
Race track	1 space per 4 seats at maximum capacity
Radio or television station or studio	1 per employee per shift
Railroad; switching and terminal services	1 per 2 employees where headquartered
Railroad; transportation	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail use
Recycling facility	1 space per employee
Restaurant	1 space per 3 seats; plus 1 space per 2 employees
Retail; apparel and accessory stores	1 space per 300 sq.ft. of gross floor area
Retail; building materials, hardware, garden, home improvement, farm implements	1 space per 300 sq.ft. of gross floor area
Retail; department store	1 per 300 square feet of sales area
Retail; drug stores, florist, personal services	1 space per 300 sq.ft. of gross floor area
Retail; food stores	1 space per 300 sq.ft. of gross floor area
Retail; furniture, equipment, appliances, furnishings	1 space per 300 sq.ft. of gross floor area
Retail; miscellaneous	1 space per 300 sq.ft. of gross floor area
Retail; music, video, photograph	1 space per 300 sq.ft. of gross floor area



Use Category	Minimum Parking Requirements
Retail; novelty, gift, souvenir store, excluding adult uses	1 space per 300 sq.ft. of gross floor area
Retail; professional service	1 space per 300 sq.ft. of gross floor area
Retail; recreation	1 space per 300 sq.ft. of gross floor area
Retail; toy, hobby, game	1 space per 300 sq.ft. of gross floor area
Shopping center	1 per 150 square feet of sales area
Single-family dwellings	2 per dwelling unit
Stadium or coliseum, amphitheater	3 per 4 employees plus 1 per 4 seats
Telephone exchange or public utility station	1 per employee
Townhouse	2 per dwelling unit
Trade or business school, including college and universities	1 per 3 students and one per two employees per shift
Two-family dwellings	2 per dwelling unit
Warehouse and distribution operation	1 space per employee; plus 3 spaces per 1,000 sq.ft. of sales floor open to the public
Wireless communications facility	1 space for maintenance

## 8.13 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

No structure or part thereof shall encroach upon any required yard. However, the following shall not be considered encroachments when located within such required yards except in areas required for vision clearance at intersections.

### A. PERMITTED ENCROACHMENTS IN REQUIRED FRONT YARDS

The following shall be permitted obstructions in required front yards:

1. An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet, provided, however, that in no event shall said encroachment

protrude closer than 20 feet to a front lot line. However, in the OTBD, such encroachments may be permitted within up to three (3) feet (for balconies) and six (6) feet (for awnings) of the front lot line, provided they do not interfere with the Vision Clearance Area as set for in Section 8.18.

2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding 18 inches.
3. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.
4. Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required Front Yard.
5. Hedges, open fences, or walls maintained so as not to exceed three (3) feet in height.
6. Trees, shrubs, flowers, or plants.

#### **B. PERMITTED ENCROACHMENTS IN REQUIRED SIDE YARDS**

The following shall be permitted obstructions in required side yards:

1. An eave, cornice overhang, awning, canopy, or balcony not exceeding four (4) feet, provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding eighteen (18) inches, provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to the rear lot line.
3. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level.
4. Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature.
5. Open fences, latticework, screens, hedges or walls.
6. Trees, shrubs, flowers, or plants.

**C. PERMITTED ENCROACHMENTS IN REQUIRED REAR YARDS**

The following shall be permitted obstructions in required rear yards:

1. An eave, cornice overhang, awning, canopy, balcony or bay window not exceeding four (4) feet, provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding eighteen (18) inches, provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to the rear lot line.
3. Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level.
4. Accessory Uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature.
5. Open fences, latticework, screens, hedges or walls.
6. Trees, shrubs, flowers, or plants.
7. Enclosed, attached, or detached off-street parking spaces.
8. Open, off-street parking spaces, according to the provisions set forth in Section 8.12.

- D.** Nothing contained in this subsection shall be deemed to prohibit the erection or maintenance of an open fence in connection with an agricultural use, recreational use, or the public safety; or a security fence in non-residential districts, provided such fence does not interfere with Vision Clearance Areas as defined in Section 8.18.

## 8.14 PLACEMENT OF STRUCTURES

**A. LOT DIMENSIONS**

Every building hereafter erected shall be located on a lot which meets the minimum zoning requirements for the district in which it is located unless

otherwise specified for planned unit developments or as specified in Section 8.13.

**B. RELOCATION OF STRUCTURES**

No buildings or structures shall be moved from one lot or premises to another unless such building shall thereupon conform to all the regulations of the zone district to which such building shall be moved.

**C. PLACING STRUCTURES OVER UTILITY EASEMENTS**

No building or structure shall be placed or erected over utility easements.

## **8.15 SIGN STANDARDS**

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**A. INTENT**

It is the intent of this Section to set forth provisions governing the installation and construction of signs and advertising devices. In addition, it is the purpose and intent of this Section to:

1. Recognize the functions and importance of signs for the business sector and the Town of Pittsboro;
2. Preserve and enhance the character and visual appearance of the Town;
3. Recognize the integral part played by signs in the overall appearance of the Town;
4. Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business; and
5. Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the Town of Pittsboro.
6. Ensure that the First Amendment right to free speech is protected.

**B. PERMITS AND FEES**

**1. PERMITS REQUIRED**

Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign or change the permanent copy on an existing sign structure, within the jurisdiction of the Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Administrator.

## 2. APPLICATION

Application for a permit shall be made to the Administrator upon a form provided and shall be accompanied by information as may be required to assure compliance with the laws and regulations of the Town, including the following:

- a. Name and address of the property owner of the premises on which the sign is located or is to be located.
- b. Name and address of the owner of the sign.
- c. Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when the signs are on the same premises.
- d. Drawings showing dimensions, construction supports, sizes, electrical wiring and components, materials of the sign, and method of attachment and character of structural members to which attachment is made. If required by the Administrator, engineering data shall be supplied on plans submitted and certified by a duly licensed engineer.
- e. Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register, in writing, a statement that applicant has all necessary licenses and/or approvals from the other affected governmental agencies.
- f. Where the applicant is not the owner of the property, such as in the case of a shopping center or industrial park, permission in writing from the person in possession or ownership of the property shall be supplied as part of the application documentation.

## 3. PERMIT FEES

The application, including all required documentation, shall be filed with the Administrator together with a permit fee as specified by the Official Fee Schedule. If any sign is hereafter erected, placed, installed or otherwise

established on any property before obtaining a permit as required herein, it shall be considered a violation of this Ordinance and subject to the penalties set forth in Chapter 12: Enforcement. Signs which are used to identify non-profit organizations are exempted from permit fees.

4. ISSUANCE OF PERMIT

Upon receipt of a fully complete sign application, the Administrator shall examine the application and all material attached thereto to determine its compliance with this Section, as well as any other applicable Town Ordinances. The Administrator shall take formal action on the application within thirty (30) days of the date the application was filed.

5. EFFECT OF SIGN PERMIT ISSUANCE

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

6. EXPIRATION

A sign permit shall become null and void if the work authorized thereunder has not been completed within a period three (3) years following the date of the permit.

7. PERMIT EXEMPTIONS

The following shall not be considered creating a sign and therefore shall not be required to have a sign permit unless otherwise specified:

a. Changeable Copy

The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.

b. Maintenance

Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy not meeting the specifications noted above is involved. The changing of logo, verbiage, style, effect, or color on a sign to update or modernize an existing business sign without changing ownership is permitted but shall be required to pass administrative review.

**C. GENERAL LIMITATIONS**

1. No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
2. No sign shall be placed on a utility easement or drainage easement.
3. No sign or sign structure, other than official highway signs, shall be placed upon, over or in any street or highway right-of-way or any sidewalk.
4. 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 sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop," "Look," "Danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
5. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing. See Section 8.18 for requirements for a visibility triangle at all intersections.
6. No sign shall be permitted which is placed on any curb, sidewalk post, pole, electroliner, hydrant, bridge, tree or other surface located on public property, except as otherwise expressly authorized by this Section.
7. No sign shall bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter that is untruthful or will offend public morals or decency.

**D. ILLUMINATION**

All signs must meet the following illumination criteria:

1. All illuminated signs must meet the standards as specified in the National Electrical Code, as adopted and amended by the state.
2. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or gives that illusion.

3. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external streets in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
4. The direct non-reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
5. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding areas. No light shall shine directly onto adjacent property.
6. No sign within fifty (50) feet of a residential use or residentially zoned property shall be illuminated unless the sign is visibly obstructed from view from the residential use or property. This restriction shall not apply to signs identifying residential subdivisions or multi-family developments.

#### **E. MAINTENANCE AND REMOVAL**

##### **1. INSPECTION**

Signs for which a permit is required may be inspected periodically by the Administrator and/or his agent for compliance with this and other codes of the Town.

##### **2. REMOVAL OF ILLEGAL OR UNSAFE SIGNS**

The Administrator, acting as provided in this subsection, may order the removal of any sign erected or maintained in violation of this Section. The Administrator shall provide notice of violation in accordance with Section 12.3 (Citations for Civil Zoning Violations) of this Ordinance. However, the Administrator may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Temporary signs may also be removed without notice and a notice of violation issued. Any sign removed by the Administrator and/or his agent pursuant to the provisions of this Section shall be held by the Town for redemption by the Owner for a period of thirty (30) days. To redeem, the owner shall pay all costs incurred by the Town for removal, as well as all applicable fines.



### 3. MAINTENANCE

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Failure to comply will constitute a violation of this Ordinance and be subject to the provision of Chapter 12: Enforcement.

### 4. ABANDONED SIGNS

A sign used to advertise a business which no longer operates shall be removed by the owner or lessee of the premises upon which the sign is located within one year of the last day of business operation. If the owner or lessee fails to remove it, the Administrator shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice or file an appeal of the Administrator's decision with the Board of Zoning Appeals, the Administrator or his duly authorized representative may remove the sign at cost to the owner of the sign. Where a successor to a defunct business agrees in writing to maintain the sign(s) as provided in this Section, this removal shall not apply. The new sign user shall forthwith apply to the Administrator for a new sign permit in the same manner as if the sign(s) were new to the premises.

## F. NONCONFORMING SIGNS

1. Signs which were lawful prior to the time this Section was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Section shall be deemed legal nonconforming signs. Such signs shall be permitted to continue (be grandfathered) until such time a major change is made to the sign. Major changes include changing the name, changing the size, adding lights, refurbishing and/or relocation.
2. All nonconforming signs shall be kept in good repair and in safe, neat, clean and attractive condition. In the event signs are not kept in good condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of its replacement cost at the time of the damage, the signs shall then conform to this Section. Nothing herein shall prevent maintenance, repainting or normal repair of legally established nonconforming signs.
3. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Section. Nothing in this Section shall be construed to give a legal status to any sign without a sign permit.

**G. PROHIBITED SIGNS**

The following types of signs are expressly prohibited in all zoning districts:

**1. BENCH SIGNS**

Signs located on benches or other similar structures placed on or adjacent to the public right-of-way.

**2. HAND-PAINTED SIGNS**

Hand-painted signs erected as permanent outdoor advertising signs shall not be permitted, unless such signs have the approval of the Administrator prior to applying for a sign permit.

**3. MISCELLANEOUS SIGNS AND POSTERS**

The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless otherwise permitted by this Section.

**4. MOVING SIGNS**

No sign or any portion thereof shall be permitted which moves or assumes any motion or gives the illusion of moving.

**5. NEON SIGNS**

Signs containing exposed neon shall not be permitted as outdoor advertising signs. Neon signs shall be permitted inside a business, provided the sign meets the other related conditions set forth in this Section.

**6. OFF-PREMISE SIGNS**

Signs advertising goods, products, services, events or activities not located, sold or offered on the premises on which the sign is located shall be prohibited except as expressly permitted in this Section.

**7. ROOF SIGNS**

Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than that wall shall not be permitted.

#### 8. SWINGING SIGNS

Overhead swinging signs, except those meeting the requirements for suspended signs shall not be permitted.

#### 9. TOWERS (WATER, RADIO, AND THE LIKE)

No sign shall be placed on any tower or tank without the approval of the Plan Commission.

#### 10. VEHICLE SIGNS

Signs placed on parked vehicles, boats or truck or utility trailers which are visible from a public right-of-way, the apparent purpose of which is to advertise a product or to direct the public to a business or activity shall not be permitted.

This paragraph is not intended to apply to standard advertising or identification practices where signs or advertising is painted on or permanently attached to business or commercial vehicles which are used in the daily operation of the business and parked in designated parking spaces designed for their particular vehicle type.

#### 11. VIDEO PROJECTION SIGNS

Signs which operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts, any portion of which moves or gives the illusion of movements shall not be permitted, except as permitted in this Section.

#### 12. SIGNS WITH SOUND, ODOR, OR VISIBLE MATTER

Signs which emit audible sound, odor, or visible matter.

#### 13. SIGNS SIMILAR TO EMERGENCY OR TRAFFIC FUNCTIONS

Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or roadway sign, signal or device shall not be permitted.

#### 14. SIGNS WHICH OBSTRUCT

Signs which obstruct any door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure shall not be permitted.

#### 15. SIGNS WHICH IMPAIR

Signs that hide any traffic or roadway sign, signal, or device from view or that interfere with the standards of Section 8.18 (Vision Clearance) shall not be permitted.

#### 16. SIGNS WHICH ENCROACH

Signs that are located in any right-of-way including those posted on utility poles or street signs shall not be permitted.

#### 17. OTHER SIGNS

Signs which are not included under the types of signs permitted in this Section shall not be permitted.

### H. EXEMPT SIGNS

#### 1. GENERAL

The signs set out in this Section shall be exempt from the permit requirements of Section 8.15 B, subject to the restrictions and limitations contained herein. Exempt signs shall not count toward the total sign allowance of a lot.

#### 2. EXEMPT SIGN TYPES

- a. **DRIVE THROUGH MENU BOARDS:** Each drive-through establishment shall be permitted one (1) free-standing or wall mounted menu board per drive-through window, which shall not exceed thirty-two (32) square feet in area or eight (8) feet in height and shall be located adjacent to and oriented toward the drive-through lane. In addition, each drive through window shall be permitted a separate speaker post in the drive-through area with a sound system not audible at the lot lines. Both the menu board and the speaker post shall be located behind the required front yard.
- b. **FLAGS:** Flags of any country, state, or unit of local government. Flags shall not exceed sixty (60) square feet. Flagpoles accompanying such flags shall meet all permitting and setback requirements and shall be limited to

a height of thirty (30) feet in residential districts and forty (40) feet in non-residential districts. Any flag not meeting the criteria of this subsection shall be subject to height and area regulation as a free-standing sign, and shall be included when figuring the total amount of signage on a lot.

- c. MURALS: Murals that do not function as a sign are exempt. Murals that function as a sign are considered a wall sign and shall be regulated as such.
- d. PUBLIC SIGNS: Signs in the public interest erected by or on the order of public officer(s) in the performance of the officer's public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs directing the traveling public to public and quasi-public facilities, or signs on public buildings or structures and the like.
- e. SMALL SIGNS: Any sign of not more than one and one-half square feet in area.
- f. SPONSORSHIP SIGNS: Sponsorship signs, such as those inside little league ball fields and at other community facilities, provided such signs are oriented to those visiting and using the facility and not intentionally directed outwards.
- g. SUSPENDED SIGNS: Signs suspended above a walkway to identify a business, profession, or industry conducted on the premises, provided:
  - i. Such signs shall not exceed four (4) square feet in sign area per face.
  - ii. Such sign shall extend no lower than eight (8) feet above the area over which it is suspended.
  - iii. Such signs shall identify only a building, business, profession, or industry and bear no commercial message. Only one (1) such sign shall be displayed per building entrance.
- h. TEMPORARY SIGNS:
  - i. In all zoning districts, each property is permitted to have two signs, each of which shall not exceed five square feet in area, and one additional sign that shall not exceed eight square feet in area.
  - ii. In non-residential zoning districts, each vacant property or property that is under construction, is permitted an additional one sign that shall not exceed 32 square feet in area.

- iii. In non-residential zoning districts, each vacant tenant space or tenant space that is under construction, is permitted an additional one sign that shall not exceed 32 square feet in area. Such sign shall be attached to the wall or window of the space.
- i. UTILITY MARKER SIGNS: Utility signs necessary to mark cables and lines for public and private utilities.

#### I. GENERAL SIGN STANDARDS

1. A non-commercial message may be substituted, in whole or in part, for any other message displayed on any sign which conforms to this Section without consideration of message content.
2. Determining the measurements of a sign
  - a. The surface area shall be that area which is enclosed by the smallest circle, triangle, or rectangle that can be used to enclose the sign, excluding the supporting structure which does not form part of the sign proper or of the display. See figure 8.1.
  - b. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. In the case of a sign where two or more sides can be seen from any one point, each side shall be considered a separate sign.
  - c. The height of a sign shall be the distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.



FIGURE 8.1: MEASUREMENT OF A SIGN

## J. RESIDENTIAL ZONING DISTRICTS

### 1. Applicable Districts

This section shall apply to all single-family and multi-family residential districts as well as residential uses in non-residential districts.

TABLE 8.8: PERMITTED SIGNS: RESIDENTIAL DISTRICTS

Sign Type	Uses in all Residential Districts				
	Single Family Subdivision Identification	Mobile Home Park Identification	Multi-Family Complex Identification	Non Residential Uses Permitted in Residential Districts	Home Occupations
Wall Signs	X	X	X	X	X
Ground Signs	X	X	X	X	
Changeable Copy Signs				X	
Exempt Signs	See Section 8.15 H.				
Temporary Signs	See Section 8.15 I.				

## 2. Regulations by Use and Sign Type

### a. Single Family Subdivision Identification and Mobile Home Park Identification Signs.

- i. Permitted Sign Types: Ground or Wall sign.
- ii. Maximum Number. Two (2) single face signs or one (1) double faced sign per entrance road.
- iii. Maximum Area. Forty (40) square feet per sign.
- iv. Maximum Height. Six (6) feet.
- v. Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
- vi. Other Limitations: Signs shall not be internally illuminated.

### b. Multi-Family Complex Identification Signs.



- i. Permitted Sign Types: Ground or Wall sign.
  - ii. Maximum Number. Two (2) single face signs or one (1) double faced sign per entrance drive.
  - iii. Maximum Area. Forty (40) square feet per sign.
  - iv. Maximum Height. Six (6) feet.
  - v. Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
  - vi. Other Limitations: Signs shall not be internally illuminated.
- c. Non Residential Uses Permitted in Residential Districts.
- i. Permitted Sign Types: Ground or Wall sign.
  - ii. Maximum Number. One (1) sign per street frontage.
  - iii. Maximum Area. Forty (40) square feet per sign.
  - iv. Maximum Height. Six (6) feet.
  - v. Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
  - vi. Other Limitations: Signs shall not be internally illuminated.
- d. Home Occupation.
- i. Permitted Sign Types: Wall sign.
  - ii. Maximum Number. One (1) sign per lot.
  - iii. Maximum Area. Two (2) square feet.
  - iv. Maximum Height. Four (4) feet.
  - v. Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
  - vi. Other Limitations: Home Occupation signs shall not be illuminated.
- e. Changeable Copy Signs

Changeable copy is permitted as a component of the sign types permitted for non-residential uses in residential districts, provided that the

changeable copy surface shall not cover more than forty percent (40%) of any sign.

## K. COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

### 1. Applicable Districts

This section shall apply to all zoning districts designated by this Ordinance as Commercial and Industrial.

TABLE 8.9: COMMERCIAL AND INDUSTRIAL DISTRICTS

Sign Type	District					
	OTBD	GB	HB	I-1	I-2	I-3
Wall Signs	X	X	X	X	X	X
Ground Signs	X	X	X	X	X	X
Pole Signs			X	X	X	X
Window Signs	X	X	X	X	X	X
Projecting Signs	X	X	X			
Awnings and Marquees	X	X	X			
Changeable Copy Signs	X	X	X			
Unified Center Signs	X	X	X	X	X	X
Exempt Signs	See Section 8.15 H.					
Temporary Signs	See Section 8.15 I.					

### 2. Regulations by Use and Sign Type

#### a. Sign Regulations for Free Standing Businesses

The following regulations shall apply where a building is occupied by only one tenant. Users of regulations for free standing businesses are not excluded from inclusion in a unified center sign program.

##### i. Wall Signs

- a) *Maximum Number. One (1) sign per building side, provided, however, in no event shall a sign face into a residential zone, unless the residential zone is located across the public right-of-way on which the commercial or industrial building fronts.*
- b) *Maximum Area. 1.5 square feet of area for each linear foot of building face, to a maximum of 120 square feet.*

ii. Awnings, Canopies and Marquees

Awnings, canopies, and marquees may be permitted, however, if such structures incorporate signage, the signage will be counted as and included in the wall sign area and number requirements.

Awnings, canopies and marquees shall be a minimum of eight (8) feet above any walkway and may not project above any roofline. All signs shall be affixed to or painted upon the surface thereof and shall not extend vertically or horizontally beyond the limits of the awning or marquee.

iii. Free Standing Signs: Ground Signs

- a) *Maximum Number. One (1) sign.*
- b) *Maximum Area. Forty (40) square feet.*
- c) *Maximum Height. Six (6) feet.*
- d) *Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.*
- e) *Other Limitations: Not to be used in combination with a pole sign.*

iv. Free Standing Signs: Pole Signs

- a) *Maximum Number. One (1) sign.*
- b) *Maximum Area. Forty (40) square feet.*
- c) *Maximum Height. Twenty (20) feet.*
- d) *Setback. Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.*

- e) *Other Limitations: Shall only be permitted on lots with frontage greater than 100 feet. Shall not be used in combination with a ground sign.*

v. Projecting Signs

A maximum of one (1) sign per frontage on a public or private street shall be permitted per business.

- a) *No projecting sign shall, at its lowest point, be less than eight feet above grade level.*
- b) *Projecting sign area shall not exceed twelve (12) square feet for the primary frontage and eight (8) square feet for a secondary frontage.*
- c) *Projecting signs shall extend no more than four (4) feet from the facade of the building. Proof of insurance may be required.*
- d) *Projecting signs shall not project into an alley or parking area more than three (3) feet and shall not be less than fourteen (14) feet above the surface where vehicles are allowed.*
- e) *Projecting signs shall not be closer than ten (10) feet to another projecting sign or to a freestanding sign or five (5) feet from an interior property line or line dividing two (2) separate business frontages.*

vi. Window Signs

Window signs shall not exceed twenty five percent (25%) of the window area. Signs shall only be allowed on ground floor windows.

vii. Changeable Copy Signs

Changeable copy is permitted as a component of any free standing or wall signs in a commercial or industrial district, provided that the changeable copy surface shall not cover more than forty percent (40%) of any sign.

b. Sign Regulations for Multi-Tenant Buildings

The following regulations have been designed to meet the needs of users of shared tenant spaces which must therefore share allocated sign space. A separate sign permit is required for each tenant.

## i. Wall Signs

- a) *Maximum Number.* No more than one (1) sign per tenant, per building side, provided no tenant exceeds the maximum area allotted below.
- b) *Maximum Area.* Each tenant may be permitted 1.5 square feet of area for each linear foot of building face, measured along the exterior wall of the user's lease area, provided no user shall be permitted more than one hundred (100) square feet of signage.

## ii. Awnings, Canopies and Marquees

Awnings, canopies, and marquees may be permitted, however, if such structures incorporate signage, the signage will be counted as and included in the wall sign area and number requirements.

Awnings, canopies and marquees shall be a minimum of eight (8) feet above any walkway and may not project above any roofline. All signs shall be affixed to or painted upon the surface thereof and shall not extend vertically or horizontally beyond the limits of the awning or marquee.

## iii. Free Standing Signs

- a) *Permitted Sign Types.* Ground Sign.
- b) *Maximum Number.* One (1) sign.
- c) *Maximum Area.* Seventy-five (75) square feet
- d) *Maximum Height.* Six (6) feet
- e) *Setback.* Ten (10) feet from right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
- f) *Additional Limitations.* Such signs must be shared between two or more users. Free standing signs which are not shared by more than one tenant shall be required to meet the sign standards for freestanding buildings.

## iv. Changeable Copy Signs

Changeable copy is permitted as a component of any free standing or wall signs in a commercial or industrial district, provided that the

changeable copy surface shall not cover more than forty percent (40%) of any sign.

- c. Sign Regulations for Unified Centers (i.e. Shopping Centers, Business Parks, Industrial Parks)

In addition to the signage used to advertise individual businesses, the following regulations are designed to accommodate signage to advertise a group of businesses functioning as a unified development, such as a business park, industrial park, or a shopping center.

For unified centers, including shopping centers, office parks and industrial parks, in single ownership or under unified control, one additional business sign shall be permitted, in addition to those signs permitted in this section for each main entrance to the center. Such signs shall indicate only the name of such center and the name and type of business of the occupants of such center. Unified Center Signs may be free-standing signs or placed separately on a building (i.e. as a directory sign).



FIGURE 8.2: UNIFIED CENTER SIGN

- i. When Placed on a Building:
  - a) *The total area of the unified center sign shall be limited to ten (10) percent of the facade of the building and shall not exceed forty (40) square feet in area. Each portion of the sign identifying an individual business shall not exceed six (6) square feet in sign area.*

- b) When mounted to a building, a unified center sign shall not extend above the roofline of the building on which the sign is placed.*
- ii. Free-standing*
  - a) The maximum surface area of such sign shall not exceed two hundred (200) square feet.*
  - b) Free-standing unified center signs should be ground style signs. In no circumstances shall a unified center sign exceed ten (10) feet above the building, or thirty five (35) feet total, whichever is less. The design, materials and color of the structure supporting a unified center sign shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials permitted are wood, masonry, stucco over wood or steel frame, and pre-cast concrete.*

**L. DOWNTOWN OVERLAY ZONE**

1. Notwithstanding anything to the contrary in this Ordinance, **only** the following sign types shall be permitted within the Downtown Overlay District:

Table 8.10: Downtown Overlay Sign Standards

<b>Sign Type</b>	<b>Number, Area, Height, and Other Limitations</b>
Wall Sign	Maximum Number: one (1) per street frontage. Shall not be used in combination with a projecting sign. Maximum Area: 15% of the building frontage (24 square feet maximum per business)
Window Sign	Shall not cover more than 15% of any window.
Projecting Sign	Maximum Number: one (1) per street frontage. Shall not be used in combination with a wall sign. Maximum Area: Twelve (12) square feet Other Limitations: May not extend more than four (4) feet from the building.
Sign Board	Maximum Height: Four (4) feet high Maximum Width: Three (3) feet Other Limitations: May only be used during business hours and must be stored indoors when the business is not open. A clear sidewalk width of at least four (4) feet must be maintained at all times that the sign is displayed.
Exempt Signs	See Section 8.15 H.
Temporary Signs	See Section 8.15 I.

**M. ALTERNATIVE SIGN REGULATIONS**

1. PERMITTED SIGNS FOR GASOLINE SERVICE STATIONS



Due to the differing characteristics of gasoline service station sign requirements, the following sign provisions shall apply for filling stations.

- a. A convenience store or fast food restaurant located on the same premise as the gasoline service station shall be a separate tenant than from the gasoline service station and shall be permitted its own signage in accordance with the regulations herein. However, in accordance with this Section, there shall be no more than three (3) signs on any lot.
- b. Signs such as "self serve" and, "full serve" pump numbers and company logos shall be permitted without being counted toward the total signage permitted, provided the letters, numbers and symbols are no larger than six (6) inches in height.
- c. In addition to the signage permitted for all commercial uses, gasoline service stations shall be permitted one set of gasoline prices (one price per fuel product) with letters and numbers no greater than eighteen (18) inches in height, visible from each direction of traffic from each street frontage. Whenever possible, gasoline prices shall be incorporated into the business signage on the site. In the event that gasoline prices are displayed on a separate sign, such sign shall conform to the following area and height requirements:
  - i. The area is not to exceed twelve (12) square feet in sign area.
  - ii. The height is not to exceed six (6) feet.
  - iii. The location of the sign shall be such that the necessary vision clearance area (See Section 8.18) is provided.

## 2. OFF-PREMISES SIGNS

Such signs may only identify a building, business, profession, or industry not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. Off -premise signs shall only be permitted by right for business parks and industrial parks. Off- premise signs for individual business and for shopping centers shall be permitted as a special exception under the terms of Chapter 11. Off premise signs shall meet the following requirements:

- a. Only one such sign shall be displayed for each unified center, building, business, profession or industry.

- b. Such sign shall indicate only the name, location and information about the park itself. Products or services shall not be advertised.
- c. Such sign shall have a maximum sign face area of one hundred (100) square feet, a maximum height of thirty-five (35) feet above grade, and a minimum setback of ten (10) feet from street right-of-way or outside the Vision Clearance Area (Section 8.18), whichever is greater.
- d. Such sign shall be a minimum distance of one hundred (100) feet from any residential zoning district.
- e. Such sign shall be a minimum distance of five hundred (500) feet from any other off premise sign.

## 8.16 TEMPORARY USES AND STRUCTURES

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### A. INTENT

The purpose of these temporary use & structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to accommodate the temporary needs or properties and land uses, ensure that temporary uses do not become permanent without proper scrutiny, and protect the public welfare from the unique hazards that can be created by temporary uses and structures.

### B. General Temporary Use and Structure Standards Applicable to All Zoning Districts

1. Temporary Structure Standards. All temporary structures shall conform to the following requirements:
  - a. Applicable Development Standards. Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this section.
2. Temporary Structure Time Limits. Any temporary structure used for a permitted primary use may only be permitted for up to two (2) years, unless otherwise specified by this Ordinance.
3. All temporary uses shall occur outside of the right-of-way.

4. Temporary Use and Structure Standards. Temporary uses and structures described in this Section are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:
  - a. Permit Requirements. All temporary uses and structures shall require an Improvement Location Permit unless otherwise specified in this section. No temporary use or structure, or the related signs, lighting, parking, etc., shall be constructed or placed upon a site prior to all necessary permits being obtained.
5. Time Limits. One (1) year extensions of the initial time limits for temporary uses and/or structures established in this section may be granted by the Administrator who may impose reasonable conditions as part of the approval.
6. Removal. All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.
7. Construction Trailers. Construction trailers are permitted as temporary structures during times of construction activity. Construction trailers shall not be located in any setback, buffer yard, easement, or right-of-way.
8. Construction Dumpsters. Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall not be located in any required setback, buffer yard, easement, or right-of-way.
9. Standards
  - a. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
10. No public address systems or other noise-producing devices shall be permitted in a residential district.
11. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
12. No banners, pennants, or unnecessary signs shall be permitted unless otherwise specified.

13. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

**C. Residential Temporary Use and Structure Standards Applicable to the Single-Family Residential Zoning Districts.** The following temporary uses and structures are permitted as described below; no permit shall be required unless otherwise specified.

1. **Garage/Yard Sales.** Yard sales, garage sales, flea market sales and other similar permitted sales conducted in residential districts, shall be permitted no more than three (3) times in a calendar year and for no more than three (3) consecutive days. Garage/yard sales shall be distinguished from flea markets in that garage/yard sales are clearly incidental to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.
  - a. All items of personal property sold at a garage and/or yard sale shall be owned by the owner or occupier of the premises or by a participant at the sale. Personal property for sale must not be property that has been acquired by the owner expressly for the purpose of resale.
2. All personal property exhibited for sale outside any structure during a garage and/or yard sale shall be removed from the outside and placed within a building immediately following the last day of such sale. All signs erected for such garage and/or yard sale shall be removed within 48 hours of the conclusion of the sale.
3. **Children's Roadside Stands.** Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

**D. Special Event.** Temporary sales for special events are required to obtain an Improvement Location Permit. See Section 12.10 Improvement Location Permit.

1. **General Requirements**
  - a. A parking lot designated for a special event shall be permitted.
2. Temporary signs in connection with a special events shall conform to the temporary sign requirements of Section 8.15 I.
3. The sale of Christmas trees, outdoor tent theater, sale of seasonal fruits and vegetables from roadside stands, and tent sales shall be permitted for a

maximum time of sixty (60) days per year and no more than four (4) events per year.

4. Festivals, bazaars, carnivals, and similar temporary uses shall be permitted for a maximum of ten (10) days.

## 8.17 TRASH RECEPTACLES

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Any new outdoor trash receptacle, dumpster, compactor, or similar container placed after the effective date of this Ordinance shall comply with the following standards:

### A. DESIGN

1. Screening
  - a. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be screened on all sides by a fence or wall that is constructed of wood, brick, or stone and that compliments the primary structure's façade.
2. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be accessible by gates.
3. The screening of outdoor trash receptacles, dumpsters, compactors, or similar containers shall meet the setback requirements for fences and walls.
4. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be placed on a paved surface.

### B. MAINTENANCE

All trash receptacles, dumpsters, compactors, or similar containers and their screening must be properly maintained and kept in good condition.

### C. EXEMPTIONS

1. Outdoor trash receptacles, dumpsters, compactors, or similar containers temporarily placed for construction projects shall be exempt from the standards of this Section.

2. Outdoor trash receptacles, dumpsters, compactors, or similar containers temporarily placed for collection purposes shall be exempt from the standards of this Section.
3. Any combination of trash receptacles or similar containers less than a total of 120 gallons in capacity in any zoning district shall be exempt from this Section.

## **8.18 VISION CLEARANCE AREAS**

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### **A. VISION CLEARANCE TRIANGLE**

A vision clearance triangle shall be maintained at every intersection; for the purposes of this Section, intersections shall include railroad, alley, and driveway intersections with streets.

### **B. VISION TRIANGLE LEG LENGTHS**

The required vision clearance triangle leg lengths shall be as specified in the most current edition of the Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials. In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right of way lines extended. Deviation from these standards shall require written approval from the Administrator.

### **C. VERTICAL CLEARANCE AREA**

No primary or accessory structures, landscaping, fences, walls or signs are allowed to be placed in or to project into the vision clearance triangle between the heights of two and one-half (2.5) feet and nine (9) feet above the crown of the adjacent street.

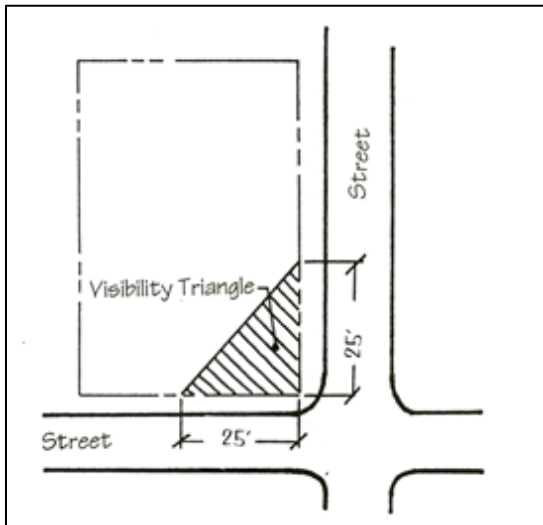


Figure 8.3: VISION CLEARANCE AREAS

**D. EXEMPTIONS**

The above provisions shall not apply to official warning signs or signals necessary to the public safety.

## Town of Pittsboro Unified Development Ordinance

# Chapter 9: Subdivision Regulations

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## 9.1 POLICY AND INTERPRETATION

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- A.** No parcel of land, lot, or plot located in a proposed subdivision shall be transferred or sold before a plat of such subdivision has been approved by the Plan Commission, in accordance with the provisions of these regulations, and recorded with the County Recorder. This Chapter 9 shall apply to all zoning districts
- B.** The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, for the purpose of sale, transfer, or lease resulting in the creation of one (1) or more new building sites shall not be permitted except as provided in this section. All such described divisions shall be subject to all of the appropriate requirements of this ordinance;
- C.** Land to be subdivided shall be of such a character that it can be developed without peril to health, flood, fire, or other menace; and land shall not be subdivided until access to public facilities and improvements are available and proper provisions have been made for drainage, water, sewerage, other necessary new public improvements adequate for serving the subdivision.
- D.** No plat or re-plat of a subdivision of land located within the jurisdiction of the Plan Commission shall be recorded until it shall have been approved by the Plan Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Plan Commission.
- E.** No land shall be subdivided unless the intended use of the individual lot is in conformance with this Ordinance, now or hereafter adopted.
- F.** In all subdivision, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, and scenic views.
- G.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**H. Conflict with Public and Private Provisions**

1. **Public Provisions:** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. **Private Provisions:** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Plan Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

- I.** No Building Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations; and, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town.

- J.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.

- K.** These regulations shall not apply to the following:

1. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each

building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

2. A division of land into two (2) or more tracts for an agricultural use, provided such division shall not affect the minimum lot size necessary to obtain any permit or construct any structure.
3. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property, provided such allocation shall not affect the minimum lot size necessary to obtain any permit or construct any structure.
4. The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law, provided such allocation shall not affect the minimum lot size necessary to obtain any permit or construct any structure.
5. Widening of existing streets to conform to the Comprehensive Plan, Thoroughfare Plan, or Capital Improvement Plan.
6. The acquisition of street rights-of-way by a public agency.
7. The exchange of land for the purpose of straightening property boundary lines which does not result in the change of the present land usage.

## **9.2 REPLATS**

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For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a subdivision.

## **9.3 INSPECTIONS AND PERMITS**

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- A. The developer shall notify the Administrator twenty-four (24) hours prior to the planned installation of improvements within the development. The Administrator will notify the Town Engineer who shall have the responsibility for inspecting and testing street curbs, subbases, pavement depth and quality, sewer lines, water

lines, utilities, and drainage improvements to see that they conform to the specifications for this Ordinance and to accepted engineering practice.

- B.** The Town of Pittsboro shall reserve the right to withhold Improvement Location Permits for the remaining ten percent (10%) of undeveloped lots in a final subdivision plat if the developer has failed to install all of the improvements shown on the Secondary Plat and the Final Construction Plan, except for sidewalks. Sidewalks may be installed on each lot by individual builders upon development of individual lots.
- C.** All fees and costs of the Town Engineer in review of plats, plans, specifications, field inspection of improvements, and any other aspects of subdivision review, shall be paid by the applicant in accordance with the Official Schedule of Fees adopted by the Town Council.
- D.** Disagreements shall be settled by the Plan Commission by majority vote.

## **9.4 GENERAL**

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No annexation, initial zoning, rezoning, or primary platting shall be approved unless the Plan Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant for a subdivision of land into fifty (50) lots or greater shall, at the request of the Plan Commission, submit sufficient information and data in the form of a Fiscal Impact Analysis on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision.

## **9.5 APPLICATION FOR SUBDIVISION**

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- A.** The applicant shall consult informally with the Administrator and the Town Engineer for advice and assistance before filing the application for a primary, secondary, or minor subdivision plat. At this meeting, the applicant should submit a conceptual layout of the plat for review.
- B.** No application shall be accepted until all items detailed below have been completed and executed by the person proposing the subdivision and the property owner(s).

- C. When the applicant wishes to pursue the plat before the Plan Commission, the applicant shall complete the requirements listed below, in addition to a formal application according to the Plan Commission Rules of Procedure. The applicant shall submit three (3) copies of the proposed plat on twenty-four (24) by thirty-six (36) inch sheets and three (3) copies on eleven (11) by seventeen (17) sheets, application, and appropriate fees to the Administrator. The Town shall have thirty (30) days in which to review the documents and to determine if there are any deficiencies of the proposed plat. The deficiencies, if any, shall be submitted to the applicant in writing.
- D. After the plat is checked for deficiencies, the applicant shall submit three (3) revised sets of twenty-four (24) by thirty-six (36) inch sheets, if applicable, and three (3) copies on eleven (11) by seventeen (17) sheets. All deficiencies shall be corrected and shall be submitted to the Administrator and the Town Engineer or their designee fifteen (15) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.
- E. Street names shall be proposed, but the final decision of the street names shall be determined by the Plan Commission.
- F. Upon placement on the agenda, and prior to the date of a public hearing, the Town shall review the proposal and prepare a written report to the Plan Commission indicating a recommendation with regard to the subdivision being proposed.
- G. The applicant shall pay all fees of the Town incurred in review of the application and inspection of the development of the subdivision.

## **9.6 NOTICE OF PUBLIC HEARING**

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Notice shall be provided by the applicant at the applicant's expense in accordance with the Plan Commission Rules of Procedure and Indiana Code.

## 9.7 MINOR PLATS

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- A.** The division of a tract of land into four (4) residential parcels or less, fronting upon an existing street and needing no new street or infrastructure, may be approved as follows:

The minor plat shall be subject to the same basic procedures as any other subdivision, provided that the Administrator may determine in advance of the filing of an application the details to be required on the plat.

- B.** The intent of this section is to eliminate redundant requirements for minor plats which do not necessitate all of the detail of larger plats. However, the intent of this section is not to circumvent good subdivision practices; therefore, the use of this procedure shall be limited to the creation of four (4) or less new parcels from any tract of land under single ownership at the time of adoption of this ordinance.

## 9.8 PRIMARY PLAT PROCEDURE

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- A.** The plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale requires more than one (1) sheet, the plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall not exceed twenty-four (24) inches by thirty-six (36) inches in size.
- B.** The primary plat shall be prepared and certified by a professional engineer or land surveyor registered by the State of Indiana.
- C.** The plat shall include a vicinity map showing the following:
1. Location of proposed subdivision.
  2. Existing subdivisions and parcels of land adjacent to the proposed subdivision, including the names of the property owners.
  3. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.

4. All public thoroughfares/ rights-of-way adjacent to the site.
5. Location and size of all utilities adjacent to the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, cable television lines, etc.
6. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
7. All section and municipal corporate boundaries lying within or contiguous to the tract.
8. The location of any streets and alleys in the proposed subdivision showing the relationship of said streets to any existing or proposed streets in contiguous subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood.
9. The vicinity map may be prepared by indicating the data by notation on available maps of an appropriate scale.

**D.** A primary subdivision plat shall be submitted showing the following:

1. The proposed name of the subdivision.
2. Names and addresses of the owner, applicant, consulting engineer, land surveyor, and planning firm who prepared the plat.
3. Legend and notes, including a graphic scale, north point, and data.
4. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, range lines or comers, and existing bench marks.
5. Topographic contours at typical intervals of one (1) foot if the general slope of the tract is less than five percent (5%), or intervals of two (2) feet if the slope is in excess of five percent (5%). Said contours shall be referenced to mean sea level elevations and to U.S. Geological Survey datum plane.
6. Layout of lots, showing dimensions and numbers.
7. Building lines showing setback dimensions throughout the subdivision.
8. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
9. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths,

types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways. This may be deferred to the Secondary Plat approval stage if permitted by the Administrator.

10. Existing and proposed easements including the location, width, and purpose of each easement.
11. Location and size of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate. NOTE: All proposed utility services must be underground; no open-loop geothermal systems are allowed within the municipal limits of the Town of Pittsboro; and all sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system or as permitted by the Plan Commission.
12. Location of natural streams, regulated surface drains, legal ditches flood plains, pipelines, power lines, etc.
13. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
14. Location of any subsurface drain tile either known to exist or proposed for the site.
15. Test results if required by the Town Engineer including test locations, made to ascertain subsurface soil, rock, and groundwater conditions.
16. Location of water courses, marshes, wooded areas, isolated trees to be preserved, houses, barns, and other structures and significant features.
17. Proposed sidewalks.
18. Proposed decorative lighting.
19. Type of drainage system(s) proposed to handle surface, underground, and runoff waters. The coefficient to be used for this determination shall be approved by the Town Engineer.



20. The existing excess capacity available from the Pittsboro Waste Water Treatment Plant; the nearest location to the building site of a trunk or connecting sewer line; and the expected demand of the development or building (numbers to be acquired from the Town).
21. Preliminary architectural drawings in sufficient detail to show building size, height, materials, types of units, and location of all buildings (existing and proposed) on the development site. This requirement may be waived by the Town Engineer until secondary plat approval. In housing and large commercial developments this information may not be available.
22. Proposed preliminary landscaping, signage, entrance to the development, screening, and attempts at preserving natural terrain and open space. The Plan Commission may request a landscaping/ screening plan. This requirement may be waived by the Town Engineer until secondary plat approval.
23. Estimated traffic count increase on adjacent streets resulting from the proposed development; description of type and condition of roads to serve such development; total number of motor vehicles expected to use or be stationed in such development; and on and off-site parking to be supplied. A formal engineering study need not be conducted unless the Plan Commission requests the same.
24. Photographs may be requested by the Administrator or the Town Engineer for specific areas or elements on or surrounding the site.
25. If the primary plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule." Due to a fluctuating economy the Plan Commission shall give some flexibility to revisions to the phasing schedule throughout the process and development.
26. Protective covenants which are properly prepared and legally sound shall be incorporated in the plat.
27. Soil map of the site from the Soil Conservation Service.
28. Proposed development schedule.

## 9.9 PRIMARY PLAT APPROVAL

Within twenty-one (21) days after the Plan Commission has reviewed the primary plat and heard testimony submitted at the public hearing, the Plan Commission shall approve or disapprove the primary plat or continue to allow time for amendments. The Commission shall notify the applicant in writing of its decision within twenty-one (21) days of the public hearing date.

### A. Approval

1. If the Plan Commission determines in the public hearing that the primary plat complies with the standards set forth in this ordinance, it shall make written findings and a decision granting primary approval to the plat. This information shall be sent to the applicant in a letter signed by the President or Secretary of the Plan Commission.
2. Approval of a primary plat by the Commission is strictly tentative, involving merely the general acceptability of the layout submitted.
3. The Commission may introduce such changes or revisions as are deemed necessary in the best interest and general welfare of the community.
4. The applicant must secure Indiana Department of Environmental Management (IDEM) permits prior to Primary Plat Approval.
5. The primary approval of a plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President or Secretary of the Commission who shall state the approval in a letter and affix his or her signatures to it.

### B. Disapproval

1. If the Commission disapproves a primary plat application, the Commission shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission. The applicant shall be provided a copy.
2. The applicant shall be required to observe a six (6) month waiting period before re-filing a primary plat which has been disapproved by the Plan Commission. The Plan Commission may waive this waiting period upon finding of a substantial change in conditions to the subject location.

3. The applicant may submit a new application for primary plat approval after the six (6) month waiting period but must pay all applicable fees as if it were an original application.

## 9.10 SECONDARY PLAT PROCEDURE

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- A. After approval of the primary plat by the Plan Commission and fulfillment of the requirements of this ordinance, eight (8) blackline or blue-line reproductions of the secondary plat of the subdivision shall be submitted to the Plan Commission along with one (1) reproducible mylar transparency. All plats shall be drawn at the same scale as the primary plat and shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches in size. All drawings shall also be submitted electronically (PDF and DWG).
- B. If the Plan Commission approves the secondary plat, it shall place a certification thereof on the reproduced copies. Upon the final approval of the plat, one (1) copy of the certified plat shall be forwarded to each of the following persons:
  1. Hendricks County Auditor and Recorder
  2. Any corporate utility company that may be affected
  3. Applicant
  4. File of Plan Commission
  5. Hendricks County Surveyor
  6. Town Engineer
  7. Town Manager
- C. The secondary plat may include all or only a part of the primary plat which has received approval and shall be prepared and certified by a professional engineer or land surveyor registered by the State of Indiana. If the secondary plat does not contain all of the land approved on the primary plat, it shall be designated by a section number in a numerical order.
- D. The following information shall be shown on or submitted with the secondary plat:

1. Accurate boundary lines, with dimensions and angles, which provide a legal survey per state statute.
2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the tract boundary.
5. Source of title of applicant to the land as shown by the last entry in the books of the County Auditor.
6. Name of subdivision followed by the words "Secondary Plat."
7. Name and address of the owner and applicant.
8. North point, graphic scale, and date.
9. Proposed street names.
10. Complete curve table for all curves included in the plat.
11. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
12. Lot numbers and dimensions including the square footage of each lot.
13. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
14. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
15. Building lines and setback dimensions throughout the subdivision.
16. Location, type, material, and size of all monuments and markers.
17. Construction plans and specifications for the improvements required by this ordinance.
18. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
19. Certification by a registered land surveyor.

20. Certification by the owner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the owner(s) and applicant(s) to make and install all improvements in accordance with the plans and specifications approved by the Plan Commission and accompanying the secondary plat.
21. Certificate of approval of the Primary Plan by the Pittsboro Plan Commission.
22. A final landscape/screening plan shall be incorporated in the secondary plat design plans and a phasing schedule of landscaping/ screening improvements.
23. Any other information or data requested by the Plan Commission necessary to clarify conditions and terms of plat approval.

## **9.11 SECONDARY PLAT APPROVAL**

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- A.** At least twenty-eight (28) days prior to the Plan Commission meeting at which an application shall be reviewed, an applicant may apply for approval of the secondary plat. If the Plan Commission determines that the plat complies with the standards of this Ordinance, it shall make written findings and a decision regarding secondary approval of the plat. No notices of public hearing shall be required for secondary plat approval.
- B.** The secondary approval of the plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President or Secretary who shall affix his or her signatures to the plat original and all other relevant documents which also may require such signatures.
- C.** If the Plan Commission disapproves the secondary plat, it shall make written findings and notify the applicant in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President or Secretary of the Plan Commission.
- D.** Approval of the secondary plat shall be effective for a period of three (3) years from the date of approval. Failure to obtain approval from the Plan Commission, record the plat with the Hendricks County Recorder, and commence construction of the subdivision within the three (3) year period, shall result no building permits being granted until an extension or re-submittal of application is

made. For the purpose of this chapter, "commencing construction" means completion of the construction survey and staking.

- E.** A certificate of secondary plat approval shall not be signed until a performance bond or proof or surety has been submitted to the Plan Commission if required.
- F.** No Building Permit shall be issued by the Administrator, or his agent, for any structures on any subdivision lots prior to the recording of said subdivision by the County Recorder of Hendricks County, Indiana.
- G.** No Certificate of Occupancy shall be issued by the Administrator, or his agent, for any structure on any subdivision lots prior to installation and completion of all facilities, including grading, as shown on the development plans and approved by the Plan Commission; except that in the case of an asphalt road surface, as the installation of the final surface coat may be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
- H.** A plat of subdivision may not be filed with the Hendricks County Auditor, and the Hendricks County Recorder may not record it unless it has been granted secondary approval by the Plan Commission and has been properly signed by the President or Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved by the Plan Commission.
- I.** The applicant shall supply one (1) copy of the recorded plat to the Administrator.

## 9.12 CONSTRUCTION PLANS

- A.** It shall be the responsibility of the applicant of every proposed subdivision to have prepared and certified by a land surveyor or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
- B.** The final construction plans shall be based on preliminary plans which have been approved with the primary plat and shall be prepared and submitted in conjunction with the secondary plat. The plans shall show the following:

1. General construction plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet, and map sheets shall be of the same size as the secondary plat.
2. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to USGS datum plane.
3. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
4. The Plan Commission may require, where steep slopes exist, the cross sections of all proposed streets.
5. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
6. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high and low water elevations of all ponds, lakes, and streams. All elevations shall be referenced to the USGS datum plane.
7. Upon completion of the construction, the developer's engineer or land surveyor shall provide the Plan Commission with a set of "as built" construction plans showing the location, dimensions, and materials used to construct all improvements within the subdivision.

## 9.13 SUBDIVISION BONDS

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### A. Performance Bonds and Contracts for Utility Services

1. At the time when the Secondary Plat is approved by the Plan Commission and before the plat is signed by the President or Secretary of Plan Commission or is recorded, if the improvements and installations required by this ordinance have not been completed, the applicant shall file a performance bond or irrevocable letter of credit with the Clerk-Treasurer and the Town Council. The performance bond or letter of credit shall:
  - a. Be drawn in favor of the Town Council;
  - b. Be in an amount determined by the Plan Commission to be sufficient to complete the improvements and installations in compliance with this ordinance. The applicant's engineer shall supply an estimate of the cost of improvements and installation on the project, or the applicant shall provide an actual contract amount, if available, to aid the Commission in its determination of the amount of the bond. The engineer's estimate or contract amount, however, shall not be binding upon the Plan Commission. The Plan Commission may set the bond amount higher than the value of the engineer's estimate or actual contract amount, as appropriate, provided that any excess amount is based upon a reasonable adjustment for the estimated cost of inflation of materials and labor needed to complete the improvements and installations covered by the performance bond.
  - c. Provide surety satisfactory to the Plan Commission.
  - d. Comply with all statutory requirements and shall be satisfactory to the Plan Commission's attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
  - e. Extend for two (2) years, or 100% complete, whichever is longer, or as specified by the Commission in the resolution approving the secondary subdivision plat, except that any performance bond required to be obtained by a land developer pursuant to Section 9.13(A)(3) shall be released upon completion to the satisfaction of the Town Engineer of the improvements or installations covered by that performance bond and shall be partially released on an annual basis in accordance with a partial



release schedule agreed to by the Plan Commission and the land developer.

2. With respect to the installation or extension of water, sewer or other utility service, instead of a performance bond, the applicant shall show by written evidence that it has entered into a contract with the Town or other utility providing the water, sewer or other utility service and the Plan Commission determines, based on said evidence, that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this ordinance.
3. Notwithstanding Section 9.13(A)(1) and (2), a land developer, as defined in Ind. Code § 6-1.1-4-12(a), of Class 1 or Class 2 structures is not required to obtain a performance bond or any other surety before the date said land developer records an approved secondary plat, except that said land developer must obtain a performance bond pursuant to Section 9.13(A)(1) before recording an approved secondary plat if the area under development, as defined in Ind. Code § 36-7-4-709(e), is within the existing public right of way or related to erosion control or if the incomplete improvements and installations include streets, sanitary piping, storm water piping systems, water mains, sidewalks, ornamental landscaping in common areas, or erosion control that are in the approved development or required to service the approved development and are included within the legal description of the recorded plat or a section of the legal description of the recorded plat identified in the secondary plat filing.
4. A land developer, as defined in Ind. Code § 6-1.1-4-12(a), of Class 1 or Class 2 structures is not required to obtain a maintenance bond that has an effective period of greater than three (3) years.
5. The Plan Commission may, upon proof of difficulty, recommend to the Town Council extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Town Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's attorney. The Town Council shall have the authority to increase the bond amount to cover increased costs, in accordance with Section 9.13(A)(1)(b).
6. All required improvements shall be made by the applicant, at its expense, without reimbursement by the local government or any improvement district therein.

7. The applicant shall be required to maintain at its expense a licensed civil engineer or engineering firm to manage the construction of the subdivision improvements. The managing engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the secondary plat. The managing engineer shall submit progress reports to the Town Engineer as substantial steps are completed and should notify the Town Engineer when important work has been scheduled so that an inspection can be made. A final report shall be submitted to the Plan Commission and the Town Council by the engineer or his firm.
8. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the applicant shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to the specifications.
9. If a secondary plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section..

**B. Release of Performance Bond**

1. The Town Council shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer has submitted a final inspection report of the subdivision. The engineer shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's system.
2. The Town Council, upon approval of the Town Engineer's inspection report, may pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond. The Town shall not be required to accept any dedicated improvements, which may remain private at the Town's discretion.
3. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town Council may thereupon declare the bond to be in default

and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

**C. Other Forms of Surety**

1. The applicant may provide the Town Council with other liquid assets in an amount equal to the required performance and maintenance bonds. Such liquid assets may include a cash escrow account, certificate of deposit, irrevocable letter of credit, money market accounts, etc., so long as to the proper documents are presented by the applicant to the Town Council giving said Council proper signatory access to the funds upon default.
2. Should the applicant be required to extend to the subdivision site improvements such as extensions of water and sewer lines owned by the Town of Pittsboro which may provide benefits to other properties in the vicinity of the proposed subdivision, then the applicant and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the applicant shall pay the Town over a ten (10) year period a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the applicant in annual installments.

Thus, after ten (10) years from the time of completion of installation of the applicable utility by the developer, no monies shall be paid to the developer, regardless of whether addition customers connect to or utilize the installed utilities.

## Town of Pittsboro Unified Development Ordinance

# Chapter 10: Design Standards

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## 10.1 GENERAL

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- A.** The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.
- B.** Whenever a proposed subdivision borders an existing street, the Plan Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way may also be required.
- C.** In designing and approving subdivision streets, the following factors shall receive consideration:
  - 1. Accessibility for emergency vehicles and school buses;
  - 2. Safety for both vehicular and pedestrian traffic;
  - 3. Efficiency of service for all users;
  - 4. Livability or amenities as affected by traffic elements in the circulation system; and
  - 5. Economy of both construction and use of land.
- D.** The design of homes and their aesthetic appearance shall conform to the following factors:
  - 1. No two homes on any given street or cul-de-sac shall be the same or relatively the same design.
  - 2. No two homes within two hundred fifty (250) feet of one another's property shall be of the same or relatively the same design.
  - 3. Mirroring of a design or floor plan is considered to be a duplication of design and will not be permitted.
  - 4. The determination of "relatively the same design," if in question shall be determined by the Administrator, and may be appealed to the Plan Commission.
  - 5. In some instances, similar floor plans may be considered to not be of the same or relatively the same design if substantial aesthetic differences are incorporated.

Such substantial differences may include several of the following: roof pitch, architectural style, exterior material, design elements, color, landscaping and orientation to the site.

- E.** When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Plan Commission that a private street is the only feasible solution, said private streets may be authorized provided pavement construction standards shall be the same as the minimum public standard, and adequate covenant provisions are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to the Town of Pittsboro.

In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:

1. All applicable statutory provisions.
2. The local zoning ordinances, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
3. The Thoroughfare Plan and Capital Improvement Plan of the Town of Pittsboro, including all public facilities, open space, and recreation plans, as adopted.
4. The rules and regulations of the Indiana Department of Environmental Management, the Natural Resources Commission, Aeronautics Commission, Hendricks County Drainage Board, and other appropriate state agencies.
5. The rules, regulations, and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
6. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
7. The "Indiana Manual of Uniform Traffic Control Devices" for installation of traffic control devices.

## 10.2 STREET STANDARDS

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- A. The street and alley layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision, and where streets cross other streets. Streets shall conform to the following principles and standards:
1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
  2. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
  3. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
  4. Residential street patterns shall provide reasonably direct access to the primary circulation system.
  5. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. A street should be approximately at right angles for at least one hundred (100) feet therefrom.
  6. Not more than two (2) streets shall intersect at anyone (1) point, unless specifically approved by the Plan Commission.
  7. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterial or collector streets, their alignment shall be continuous.
  8. The minimum right-of-way of residential streets shall be fifty-four (54) feet when parking is limited to one side of the street and sixty (60) feet when parking is permitted on both sides of the street. All cul-de-sacs shall terminate in a circular drive with a minimum diameter of one hundred twenty (120) feet from back of curb. Cul-de-sac streets shall be not longer than six hundred



(600) feet, unless the Plan Commission shall determine after public discussion that a greater distance better serves the interest of public health, safety, and welfare, including traffic flow considerations; such distance to be measured from the center of the turning circle to the intersection of the center line of the cul-de-sac street and the center line of a through street provided, however, that if the residential streets within the subdivision has only one (1) intersection with a through street, the entire subdivision shall be considered a cul-de-sac and the distance shall be measured from the point of intersection of the subdivision street and the through street.

9. Where cul-de-sacs do occur, pedestrian through connections with the adjacent street shall be provided.
10. A temporarily dead-ended street (stub street) shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. All stub streets shall be public and dedicated. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended. In no case shall more than four developable lots be permitted on stub street.
11. At the intersection of any proposed residential street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided in accordance with standards established by the handbook, A Policy of Geometric Design of Highways and Streets, by the American Association of State Transportation and Highway Officials.
12. All subdivisions exceeding 30 units must provide a minimum of two entrances to the subdivision.
13. Crosswalks shall be installed at all intersections with traffic control signals and where pedestrian facilities are present, or at the determination of the Plan Commission.
14. Where feasible, new residential streets should be designed to limit on-street parking to one side of the street. All mailboxes should then be located along the other side of the street, where parking is prohibited.

## 10.3 BLOCK STANDARDS

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- A.** Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required by this Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- B.** The length, width, and shape of blocks shall be appropriate for the location and the type of development contemplated, but shall follow the restrictions and guidelines below:

  - 1. Blocks in residential areas shall not be more than eight hundred (800) feet nor less than four hundred (400) feet in length when gross density is less than or equal to two (2) dwelling units per acre.
  - 2. Blocks in residential areas shall not be more than six hundred fifty (650) feet nor less than four hundred (400) feet in length when gross density is greater than two (2) dwelling units per acre.
  - 3. Wherever practical, blocks along major arterials and collector streets should be a minimum of one thousand (1,000) feet in length.
  - 4. Blocks in commercial and mixed-use areas shall not be more than six hundred (600) feet.
  - 5. Blocks in industrial areas shall not be more than one thousand (1,000) feet, but the Plan Commission may approve longer blocks in locations deemed necessary for the prospective use.
- C.** The Plan Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination. Minimum length of blocks shall be three hundred (300) feet. Mid-block crosswalks should only be installed in combination with additional traffic control measures to ensure pedestrian safety.
- D.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, water, and commercial areas.

## 10.4 LOT STANDARDS

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- A.** Lot dimensions shall comply with the minimum standards pursuant to Chapter 4: Zoning Districts of this Ordinance.
- B.** The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- C.** Lot dimensions shall not exceed a multiple of 3 times depth versus width unless dictated by topography or shape of the parent tract.
- D.** All lots shall abut on a public street except where a private street has been specially approved.
- E.** Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- F.** Flag lots shall not be permitted.
- G.** Building setback lines shall conform to the provisions of this Ordinance.
- H.** Lots abutting a watercourse, drainage-way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by this Ordinance from front, rear, and side yards.
- I.** Vehicular access from lots to minor or major arterial streets may be prohibited. Vehicular access from lots to collector streets may be prohibited if the Design Hour Volume is determined by the Administrator to be excessive.

## 10.5 EASEMENTS

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- A.** Easements to permit access for maintenance and repair of surface and subsurface drainage improvements and utility installations shall be provided on the final copies of the Primary Plat, Secondary Plat, and Construction Plans. Location of easements shall be reviewed by the Town Engineer and representatives of local utility companies.
- B.** Easements shall be a minimum of twenty (20) feet in width, shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, and where feasible, one-half (1/2) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.
- C.** Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, the applicant shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a legal drain, the Hendricks County Drainage Board.
- D.** When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the applicant and indicated on the plat. Appropriate legal documentation must be submitted.
- E.** Where shared-use paths and trails are located outside of the public right-of-way, access easements shall be granted in a width to be determined by the Plan Commission.

## 10.6 OPEN SPACE

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- A.** The applicant shall be required to plat a minimum of one (1) acre of open space for each forty (40) dwelling units to be constructed when the density of such development is 2.5 dwelling units per acre or greater. A dwelling unit shall be defined as a single-family home, condominium, or apartment rental unit.
- B.** Open space may be left in a natural or passive state.
- C.** Retention and detention areas used to control storm water may be counted in open space areas but shall not account for more than 50% of the required open space.
- D.** Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Comprehensive Plan or any other adopted plans, the Plan Commission may request their dedication for such purposes, or their reservation for a period of two years, following the date of the final approval of the plan.
- E.** The applicant shall permanently dedicate the open space acreage for public use. The land may be deeded by the applicant to the Town of Pittsboro Community School Corporation, local service clubs, or to a duly organized homeowners association within the subdivision. Documentation of such acceptance shall be required. The Plan Commission shall have final approval as to the use of dedicated open space.
- F.** Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Secondary Plat.
- G.** Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and may be incorporated into dedicated open space.

## 10.7 SUBDIVISION AND STREET NAMES

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- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the preliminary plat approval.
- B. Street names shall not duplicate any existing name within the area covered by these regulations except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.
- C. The Plan Commission shall have final authority to name all streets (in case of conflicts) at the time of preliminary plat approval.

## 10.8 STANDARDS FOR IMPROVEMENTS AND INSTALLATIONS

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Improvements and installations shall comply with this Ordinance as well as the Town of Pittsboro Design and Construction Standards. Where conflict exists, the Town of Pittsboro Design and Construction Standards shall control.

## 10.9 STREET IMPROVEMENTS

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- A. Streets shall be completed to grades shown on the Construction Plans drawn by the applicant's professional engineer or land surveyor and approved by the Plan Commission.
- B. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

- C.** At intersections of streets or alleys, property line comers shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs. Arterial and all streets in commercial and industrial subdivisions shall have a minimum curb return radius of thirty (30) feet. Collector streets shall have a minimum curb radius of twenty-five (25) feet. Local street shall have a minimum curb return radius of twenty (20) feet.
- D.** If the smaller angle of intersection of two (2) streets is less than seventy-five (75) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.
- E. Road Geometry**

  - 1. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows:

    - a. Principal and Minor Arterial Streets 300 feet
    - b. Collector Streets 200 feet
    - c. Local Streets 200 feet
  - 2. Curvature measure along the center line shall have a minimum radius as follows:

    - a. Principal Arterial Streets (determined by design speed standards)
    - b. Minor Arterial Streets (determined. by design speed standards)
    - c. Collector Streets 200 feet
    - d. Local Streets 150 feet
  - 3. Between reversed curves there shall be a minimum tangent distance as follows:

    - a. Principal and Minor Arterial Streets 200 feet
    - b. Collector Streets 150 feet
    - c. Local Streets 100 feet
- F.** Maximum/ Minimum grades for streets shall be as follows:

  - 1. Principal and Minor Arterial Streets - not greater than four percent (4%).

2. Collector Streets - not greater than five percent (5%).
  3. Local Streets - not greater than eight percent (8%).
  4. Minimum grade for all streets is one-half percent (0.5%).
- G.** Before any performance bond covering a street installation is released, the Plan Commission, Town Council, or Town Engineer may request that core borings of the street be done at the applicant's expense. Cores shall be sent to an independent testing laboratory for analysis.
- H.** A developer may request permission of the Plan Commission to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt.



## I. Dimensional Street Requirements

<b>Minimum Street Design Standards</b>				
	Arterial	Collector	Local Residential	Local Office and Industrial
Typical ADT	15,000 – 25,000	1,500 – 15,000	0 – 5,000	0 – 10,000
Minimum Right of Way	72	72	54 if one on-street parking lane 60 if two on-street parking lanes	72
Lane Width (Min)	13	12	11	12
On-street parking width (min/max)	7/9 (optional)	7/9 (optional)	8 (inclusive of 2-foot curb and gutter)	0/9
Design Speed	35 (or as designated in Thoroughfare Plan)	25-35	25	25-35
Minimum Sidewalk Width	6 (unless multi-use path)	6 (unless multi-use path)	6	6
Minimum Pedestrian Buffering	8 foot planting strip	6 foot planting strip	5 foot planting strip	6 foot planting strip
Minimum Bicycle Facilities	5 ft/13 ft lanes (with on-street parking) or optional multi-use pathway	5 ft/13 ft (with on-street parking) or optional multi-use pathway	None (unless as determined necessary by the Plan Commission)	None (unless as determined necessary by the Plan Commission)

**J. Design Requirements of Street Pavements**

Refer to the Town of Pittsboro Standard Construction Details and Specifications for Pavement Design.

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**10.10 STORM WATER AND SUBSURFACE DRAINAGE**

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- A.** The applicant shall provide the subdivision/development with an adequate storm water sewer system whenever curbs and gutters are installed and whenever the evidence available to the Plan Commission indicates that natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. Curbs and storm drains along streets are required.
- B.** The storm water drainage system shall be separate and independent of any sanitary sewer system.
- C.** Storm drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the details on the Construction Plans provided by the applicant's engineer or as approved by the Town of Pittsboro.
- D.** Storm sewer inlets shall be provided at all low points and so that surface water is not carried across or around any intersection, nor for a distance of more than three hundred (300) feet in the gutter or as approved by the Town Engineer.
- E.** It is the responsibility of the applicant and all future owners to keep all major watercourses, drainage systems, etc., not under the jurisdiction of any public agency, open and free flowing.
- F.** Drainage facilities shall be capable of accommodating peak runoff from a ten (10) year return period storm or greater intensity, without endangering the public safety, health, or causing significant damage to property.
- G.** No structures shall be constructed in a one hundred (100) year flood plain.

- H. Design Calculations:** Design calculations are required as part of the drainage plan and shall specifically include:
1. Estimate of storm water runoff
    - a. Drainage map, including indication of drainage patterns for lots and blocks of areas affecting the proposed development site.
    - b. Weighted runoff coefficient computations.
    - c. Time of concentration computation indicating overland flow time and travel times in swales, gutters, pipes, and/ or channels.
  2. Close conduit and open channel design computations:
    - a. Size of pipe or channel cross-section.
    - b. Pipe and channel slopes in percent.
    - c. Roughness coefficient.
    - d. Flow velocities in feet per second.
    - e. Design capacity in cubic feet per second.
    - f. Pipe and channel invert elevations.
  3. Head loss computations in manholes and junction chambers.
  4. Hydraulic gradient computation, wherever applicable.
- I. On-site drainage facilities** shall be designed to accommodate:
1. the water runoff from the parcel after development;
  2. the present water runoff from developed areas upstream; and
  3. the present peak water runoff from undeveloped areas upstream.
- J. Each applicant or other entity which make any surface change shall be required to:**
1. Collect on-site surface runoff and springs and dispose of it to the point of discharge into an adequate outlet approved by the Town Engineer.
  2. Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse.

3. Provide and install at his expense, in accordance with the requirements of the Ordinance, all drainage and erosion control improvements.
- K.** The applicant shall provide a subsurface drainage system, below curbs, to be placed along both sides of the subdivision streets and wherever else within the subdivision that it is determined to be necessary. The purpose of the subsurface piping system is to provide drainage for the street subbase. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the Town Engineer. No subsurface drainage system connections will be permitted to the sanitary sewer system.
- L.** It shall be illegal for sump pumps, downspouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer.
- M.** Plans for storm water drainage shall include details for storm water detention and retention. Detention facilities shall be designed using the following guidelines to limit the peak discharge from a development.
1. For developments with a drainage area (tributary to storm water detention facilities) equal to or greater than ten (10) acres, peak discharge from the detention facility shall be limited to the five (5) year predeveloped frequency storm peak discharge, with a duration equal to or slightly greater than the time of concentration for the drainage area, or the twenty-four (24) hour duration storm, whichever provides the lesser peak discharge.
  2. For developments with drainage area (tributary to detention facilities) less than ten (10) acres, peak discharge from the detention facility shall be limited to the ten (10) year predeveloped frequency storm peak discharge, with the same duration criteria provided in Section (a) above.
  3. The five (5) year/ten (10) year peak discharge shall be based on land use conditions prior to development, using corresponding runoff coefficients, time of concentration, and other basin parameters.
  4. Inflow (runoff) to all storm water detention facilities shall be determined using a one hundred (100) year twenty-four (24) hour storm to develop an inflow hydrograph.
  5. The one hundred (100) year twenty-four (24) hour peak discharge (and inflow hydrograph) shall be based on land use conditions representing fully

developed conditions, using corresponding runoff coefficients, time of concentration, and other basin parameters.

6. A routing procedure shall be used to demonstrate that the storm water detention facility will reduce the one hundred (100) year peak discharge, from the developed area, to a peak discharge equal to or less than five (5) year/ten (10) year peak discharge using the pre-development conditions.
7. The results of the routing procedure shall demonstrate that adequate storage volume has been provided. Then detention facility shall not be overtopped from the one hundred (100) year twenty-four (24) hour storm event, and shall have a minimum freeboard of two (2) feet between the maximum routed pool elevation and the top of the facility embankment.
8. An emergency spillway shall be provided to discharge flow resulting from pool elevations greater than the one hundred (100) year twenty-four (24) hour pool elevation. the spillway shall have a minimum size adequate to pass the routed one hundred (100) year twenty-four (24) hour storm (assuming that the primary spillway is plugged and non-functional) without overtopping the detention facility embankment. The elevation of the emergency spillway shall not be placed lower than the routed one hundred (100) year twenty-four (24) hour pool elevation.
9. Erosion protection shall be provided for the primary outlet and emergency spillway so that the detention facility embankment will be adequately protected. Location of the emergency spillway shall be in undisturbed material, unless otherwise approved by the Town Engineer.
10. The minimum allowable size for the primary outlet conduit, from the detention facility, shall be twelve (12) inches. If further restriction of the outlet conduit is required, the restriction shall be made at the head end of the outlet conduit.
11. In those instances where the discharge velocity from the primary outlet or emergency spillway is greater than 6fps or excessive in the opinion of the Town Engineer, energy dissipation may be required.
12. Detention facilities, which are designed to have dry bottoms, must be designed to include underdrains, to drain the bottom of the detention facility, so that the facility can be maintained. Also, the bottom of the facility shall be designed to have longitudinal and traverse grade to the outlet, so that the facility will empty, leaving no ponded water.

13. Methodology for developing peak discharge hydrographs, and flood routing calculations shall be in accordance with acceptable engineering practice. Calculations based on the Soil Conservation Service Procedures, the Corps of Engineers Procedures, or the Bureau of Reclamation Procedures are considered acceptable. All other procedures must be approved by the Town Engineer.
14. Peak discharge calculations shall be submitted for the five (5) year/ten (10) year pre-development and one hundred (100) year post-development conditions. The calculations shall show the drainage area, the runoff coefficients, the time of concentrations, and other basin parameters used to develop the appropriate peak discharges.
15. Calculations shall be submitted which show stage-discharge relationships (rating curves) for the primary outlet and emergency spillway, the stage storage relationship for the detention facility, the inflow hydrograph for the one hundred (100) year twenty-four (24) hour storm, and the routed one hundred (100) year twenty-four (24) hour discharge hydrograph.

## **10.11 CURBS AND GUTTERS**

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- A. The Plan Commission shall require curbs and gutters to be installed on each side of the street surface.
- B. The curbs and gutters shall be constructed according to the following specifications:
  1. The base for the curbs and gutters shall be well compacted on the existing base or grade.
  2. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).
  3. The curbs and gutters shall be roll type, unless otherwise required or approved by the Town Engineer.
  4. Inlets shall be located at the low point in the street grade and at other spacing as storm water system calculations require. The maximum spacing between any two inlets shall be 500 feet.

5. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and recommended for bicycle traffic.

## 10.12 SEWERS

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- A. The applicant shall provide the subdivision/development with a complete sanitary sewer system which shall connect with an existing interceptor sewer linking the subdivision to the Pittsboro sewage disposal plant. If said inceptor is not located adjacent to the subdivision site, it shall be the responsibility of the applicant to extend the interceptor sewer to his property line.
- B. Design plans for installation of a sanitary sewer system shall be provided by the applicant and approved by the Town Council and the Indiana Department of Environmental Management and other appropriate local and State agencies as required. Upon the completion of the sanitary sewer installation, the construction plans for such systems as-built shall be filed with the Town Council.
- C. Each lot in the subdivision shall be required to pay a sewer connection fee to the Pittsboro Clerk-Treasurer at the time of obtaining a Building Permit.
- D. Selected Design Criteria
  1. Alignment - All sewers shall be laid with a straight alignment between manholes.
  2. Manhole Location - Manholes type, size, location and design shall be completed in accordance with the Recommended Standards for Wastewater Facilities.
  3. Manholes - The difference in elevation between any incoming sewer and the manhole invert shall not exceed twenty-four (24) inches where required to match crowns. The use of drop manholes will require approval by the Town Engineer. The minimum inside diameter of the manholes shall conform to those specified by the Town Engineer or according to State Requirements.
  4. Sewer Locations - Sanitary sewers shall be located within street or alley rights-of-way, unless topography dictates otherwise. When located in easements on private property, access shall be provided for all manholes and oversizing

may be required in these instances. Where sewer lines in private easements cross public street or alley rights-of-way, a manhole shall be provided in such rights-of-way where possible. Imposed loading shall be considered at all manhole locations. No less than six (6) feet of cover shall be provided over top of pipe in street and alley rights-of-way or five (5) feet in all other areas.

5. Clean outs - Cleanouts will not be permitted, rather manholes shall be placed where appropriate for cleaning.
6. Relation of Sewers to Water Mains - A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. A minimum vertical distance of eighteen (18) inches shall be maintained between intersecting water and sewer lines.
7. Mandatory Connections to Public Sewers - If a public sanitary sewer is accessible and a sanitary sewer is installed in a street or alley abutting upon a property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste. It shall be unlawful for any such owner or occupant to maintain upon such property an individual sewage disposal system.

## 10.13 WATER SUPPLY

- A. The applicant shall provide the subdivision/development with a complete water supply system, which shall be connected to the existing approved Pittsboro water supply; except that when no such supply is available, the applicant shall provide one (1) of the following:
  1. The plans for the installation of water main supply systems shall be provided by the applicant and approved by the Town Council and the Indiana Department of Environmental Management. Upon completion of the water supply installation, the plans for such system as built shall be filed with the Town Council.
  2. Fire hydrants shall be provided at each street intersection and at intermediate points between intersections, as recommended by the local fire department. Generally, hydrant spacing may range from three hundred fifty (350) to six hundred (600) feet, depending on the area being served.



## 10.14 MONUMENTS AND MARKERS

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- A.** Monuments and markers shall be placed under the supervision of a licensed land surveyor and according to State Land Surveyor Regulations so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B.** Monuments shall be set:
  - 1. At the intersection of lines forming angles in the boundary of the subdivision, at the beginning and end of all curves and points of tangency of the perimeter of the plat.
  - 2. At the intersection of right-of-way lines within the plat.
- C.** Markers shall be set:
  - 1. At the intersection of the center lines of all streets, the center points of all cul-de-sac turn arounds, at the beginning and end of all curves and at angle points.
  - 2. At all points where lot lines intersect curves, either front or rear.
  - 3. At all angles in property lines of lots.
  - 4. At all lot comers not established by monuments.
- D.** Monuments shall be of precast concrete or cast-in-place concrete with minimum dimensions of four (4) inches by four (4) inches by thirty-six (36) inches set vertically in place. They shall be marked on top with iron or copper dowels at least three-eighths (3/8) inch in diameter, or deeply scored on top with a right angle cross. Markers shall consist of iron pipes, steel bards, or copper bars, contain magnetic qualities, have a distinctive top which will be marked with a deep point or cross at the correct location, and be thirty-six (36) inches in total length and not less than five-eighths (5/8) inch in diameter.
- E.** A minimum of one (1) permanent bench mark shall be established for each forty (40) acres or fraction thereof, subdivided and at a location designated by the Town Engineer. The monuments shall be of concrete with a dimension of four (4)

inches by four (4) inches and forty-eight (48) inches long. A brass plate inscribed with the elevation of the bench mark shall be fastened to the concrete with a minimum of one-fourth ( $1/4$ ) inch high letters and numbers. Unless otherwise directed by the Town Engineer, bench mark datum shall conform to USGS sea level datum of 1929 and I or USC & GS datum.

- F.** It shall be the responsibility of the applicant to prevent disturbance or destruction to all existing monuments within the jurisdictional boundaries of the Town of those parties under the direction of or in the employment by the applicant. Any activities relating to the applicant's improvements which cause disturbance or destruction of existing monuments shall be reported immediately to the Town as well as to the appropriate county, state, or federal agencies. The applicant shall be responsible for the cost of any repair or reestablishment of any existing monument disturbed or destroyed by his activities. The applicant shall be aware of fines and penalties in existence for disturbance or destruction of existing monuments.
- G.** All Public Land Survey points (section comers, quarter section comers, etc.) within or on the boundaries of the land to be subdivided shall be shown of the plat and referenced by no less than three (3) measurements of angle and distance. Each measurement of angle and distance shall be made from a separate known point on the perimeter of the subdivision.
- H.** Lot corner markers shall be accurate at the time of sale or transfer from the applicant to a second party. After sale or transfer is complete, the applicant, the Town, or other authorized agents shall be not liable for the accuracy of said markers.
- I.** All documentation necessary for the Town Engineer to ascertain the location and accuracy of the required monuments of this Section shall be submitted by the applicant to the Town Engineer.
- J.** The plat shall indicate the type and location of all required monuments set within the property being subdivided.
- K.** Applicant shall be required to establish the elevation of any bench mark set within the limit of the project to within one-hundredth ( $1/100$ ) of a foot of the U.S. Geological Survey 1929 sea level datum or USC & GS datum. Evidence of the

established elevation shall be certified by a registered land surveyor licensed by the State of Indiana and shall be submitted to the Town Engineer.

- L. Applicant shall be required to establish the location of all horizontal monuments by means of a traverse of the third order or better. Evidence of successful completion of the required traverse shall be certified by a registered land surveyor licensed by the State of Indiana and shall be submitted to the Town Engineer.

## **10.15     SIDEWALKS AND BICYCLE FACILITIES**

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- A. Sidewalks shall be required to be located on both sides of every public street or street planned to be dedicated to the Town of Pittsboro, including around cul-de-sacs. Sidewalks shall be four (4) inches thick in all locations, except driveways where they shall be thicker. Sidewalks shall be a minimum of six (6) feet wide and included within the non-pavement right-of-way. Sidewalks shall be portland cement type in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with expansion joints every forty-eight (48) feet and control joints every six (6) feet.
- B. A planted strip of grass or landscaped area at least four (4) feet wide shall be required to separate the sidewalk from adjacent curbs and gutters. In commercial districts, this buffer space may include amenities such as benches, bicycle racks, planters, or additional sidewalk width in place of planted material.
- C. Shared-use paths and trails shall be installed in accordance with the Comprehensive Plan or any other Town adopted plans detailing bicycle and pedestrian improvements.
- D. Installation of on-street bicycle facilities may be required by the Plan Commission.
- E. Sidewalks and pathways located away from streets should be properly lighted to permit visual surveillance of the walk or path from the street.

- F. When sidewalks or pathways cross major street intersections within or adjacent to the subdivision/development, safety devices such as painted crosswalks, signs, or traffic signals shall be installed.
- G. Easements of at least ten (10) feet in width shall be provided for sidewalks, pedestrian paths, and bicycle paths.
- H. All sidewalks, shared-use paths, and trails shall be constructed in compliance with the most recently adopted ADA Standards for Accessible Design.

## 10.16 STREET SIGNS AND STREET LIGHTING

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- A. The applicant shall be responsible for installing street signs at each intersection throughout the subdivision. The Town of Pittsboro shall be responsible for placement of traffic control signs where deemed necessary in the development by the Town Engineer.
- B. When the subdivision contains private streets, the applicant shall be required to post a sign at the entrance of the development proclaiming the name of the subdivision with the phrase "PRIVATE STREETS" placed directly below in letters of two (2) inches minimum height.
- C. The applicant shall provide the subdivision with street lights to be installed at intersections throughout the subdivision or where deemed necessary by the Town Engineer. Street lights shall be pole mounted and conform to the installation specifications of the Town of Pittsboro. All electric lines are to be buried.

## 10.17 UTILITIES

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All utility lines, including electrical power, gas, telephone, CATV, sewer, and water shall be located underground throughout the subdivision. Unless otherwise approved all electric telephone and CATV services shall be run on the rear lot line of any subdivision. The location of utility lines shall be shown on the Primary Plan and on the Construction Plans. Service connections to the property lines of each lot in the development shall be provided by the utility or applicant.

## **10.18 EARLY WARNING SIREN**

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An Early Warning Siren with activation equipment at the site shall be installed by the developer of a subdivision when any portion of the property being developed exceeds 2 statute miles (straight line distance) from an existing early warning site. The location, height, type of siren, and its activation equipment, shall be determined by the Pittsboro Fire Department.

## **10.19 DRAINAGE, EROSION, AND SEDIMENT CONTROL**

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- A.** No changes shall be made in the contour of the land, nor shall grading, excavation, removal, or destruction of the topsoil, trees, or other vegetative cover of the land be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Administrator or there has been a determination by the Administrator that such plans are not necessary. (Applies only to subdivision developments).
- B.** Measures used to control erosion and reduce sedimentation and to provide drainage shall, as a minimum, meet the standards and specifications of the Hendricks County Storm Drainage, Erosion, and Sediment Control Ordinance. The Administrator shall ensure compliance with all appropriate specifications.

## **10.20 PERFORMANCE PRINCIPLES**

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- A.** The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.
  - 1. Existing features which would add value to residential, commercial, natural, or manmade assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
  - 2. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.

3. Development plans shall keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
4. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
5. The disturbed area and the duration of exposure shall be kept to a practical minimum.
6. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
7. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
8. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
9. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
10. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

## 10.21 GRADING FOR DRAINAGE

In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- A. Rule 5 (327 IAC 15-5, Rule 5) is a performance-based regulation designed to reduce pollutants that are associated with construction and/or land disturbing activities for all disturbance of one (1) acre or more and is regulated by the Indiana Department of Environmental Management (IDEM). A Rule 5 permit is required before any qualifying land disturbance shall commence.
- B. The locations, grading, and placement of subgrade (base) material of all streets, public driveway, and public parking areas shall be accomplished only after erosion control measures have been taken.

- C.** All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings, dispose of it without ponding. All land within the development shall be graded to drain and dispose of surface water without ponding, except where approved by the Town Engineer.
- D.** All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted, as required, and shall be of such slope, shape, and size as to conform with the requirements of the Plan Commission.
- E.** Concentration of surface water runoff shall only be permitted in swales, watercourses, pipes, and detention ponds.
- F.** Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.
- G. Excavation and Fills**

  - 1. Cut and fill slopes shall not be steeper than three to one (3:1), unless stabilized by a retaining wall or cribbing as approved by the Town Engineer when handled under special considerations.
  - 2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above this area.
  - 3. Cuts and fills shall not endanger adjoining property.
  - 4. Fills shall be placed and compacted so as to minimize sliding or erosion of the soil.
  - 5. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
  - 6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during this period of construction.
  - 7. Grading shall not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the land owner.

8. During grading operations, necessary measures for dust control shall be exercised.
9. Grading equipment shall not be allowed to cross live streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

## **10.22 RESPONSIBILITY FOR DRAINAGE AND EROSION CONTROL**

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- A.** Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his expense as quickly as possible.
- B.** Maintenance of all driveways, parking areas, drainage facilities, and watercourses within any development plan area is the responsibility of the applicant, provided that said facilities have not been dedicated to the public and accepted by the appropriate authority for public maintenance.
- C.** It is the responsibility of the applicant that any communal stream, watercourse, or swale, or upon the flood plain or floodway area of any watercourse during the period of development, be returned to their original or equal conditions upon completion of said activities.
- D.** No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Hendricks County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- E.** On-site drainage facilities shall be sufficient to accept:
  1. the water runoff from the parcel after development;
  2. the present water runoff from developed areas upstream;
  3. the present water runoff from undeveloped areas upstream; and



4. that part of the water runoff attributable to future development in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas.
- F.** Each applicant or other entity which makes any surface changes shall be required to:
1. Collect on-site surface runoff and springs and dispose of it to the point of discharge into an adequate outlet approved by the Town Engineer.
  2. Handle existing and potential off-site runoff through the development by designing to adequately handle storm runoff from a fully developed area upstream.
  3. Pay his proportionate share of the total cost of off-site improvements to the common natural watercourse, based on a fully developed drainage area.
  4. Provide and install at his expense, all necessary drainage and erosion control improvements (temporary and permanent) or as required by the Town Engineer.
- G.** It is the responsibility of the applicant and owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.
- H.** The applicant and owner will assume the responsibility for maintaining an open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Chapter, which are necessary for proper drainage.

## **10.23 COMPLIANCE WITH REGULATIONS AND PROCEDURES**

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- A.** The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the standards and specifications of the Hendricks County Storm Drainage, Erosion, and Sediment Control Ordinance.

- B.** The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development and shall become a part thereof.
- C.** Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Town Engineer.
- D.** In the event the applicant, developer, or a subcontractor thereof proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the Plan Commission may revoke the approval of all plans and a suit for an injunction may be instituted to halt further construction until development plans are approved.
- E.** Topsoil shall not be removed from residential lots or used as spoil. No construction debris, junk, rubbish, or waste material shall be buried in any land or left deposited on any lot or street within a subdivision.

## **10.24 COMMERCIAL AND INDUSTRIAL SUBDIVISIONS**

- A.** Land proposed for platting as a commercial or industrial subdivision shall be subject to all of the requirements of this Ordinance and shall conform to the zoning requirements of the district in which it is located. A Primary Plat, Secondary Plat, and Construction Plans shall be submitted to the Plan Commission for review.
- B.** Lots and block standards for commercial and industrial subdivisions should be flexible so that lot sizes may be expanded by the applicant to meet the requirements of a prospective buyer or tenant. If, after recording of a Secondary Plat, the applicant wishes to amend the lot dimensions, an amended Secondary Plat shall be presented by the applicant to the Plan Commission for review. Substantial changes shall have to go through another public hearing process. The determination of "substantial changes" and the necessity of a public hearing shall be made by the Administrator.
- C.** Streets located in a commercial or industrial subdivision shall be constructed to the specifications for Local Office/Industrial streets as detailed in this Ordinance

and the Town of Pittsboro Design and Construction Standards. Once constructed to the specifications of the Town, the applicant may offer to dedicate the streets to the Town or may, upon approval of the Plan Commission, elect to keep the streets private to be maintained by the owners and/ or tenants of the subdivision. The Town is not required to accept dedication of such streets.

- D.** Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed non-residential subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip, when necessary.
- E.** Truck routes shall be established so as to prevent industrial traffic from encroaching into adjacent residential areas.
- F.** The applicant shall provide each building or lot in the subdivision with a paved parking area with enough marked spaces to meet the requirements of this Ordinance. The parking area shall have a proper drainage system and should be adequately landscaped and lighted.
- G.** Loading areas or loading docks shall be designed so that they do not interfere with the operation of other lots or buildings. Loading areas shall not encroach on setback lines.
- H.** No materials, supplies, motor vehicles, or equipment shall be stored outside of the buildings, unless the storage area is properly screened.
- I.** Frontage roads shall be provided where requested by the Plan Commission to prevent numerous entrances on existing streets.
- J.** With respect to traffic and storm drainage, commercial and industrial subdivisions shall be considered in totality, and individual parcels or lots shall not be considered separately.

## Town of Pittsboro Unified Development Ordinance

# Chapter 11: Processes and Permits

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## 11.1 BUILDING PERMIT

### A. APPLICATION

#### 1. Building Permit Required

No building or other structure, whether permanent or temporary, and including, but not limited to:

- a. Residential – primary structure, accessory structure, addition with foundation, condominium unit, manufactured housing unit
- b. Residential – remodel (no foundation work)
- c. Commercial/Industrial/Institutional – primary structure, accessory structure, addition with foundation
- d. Commercial/Industrial/Institutional – remodel (no foundation work)
- e. Structures other than buildings (such as driveways, concrete pads, wireless telecommunications facilities)

shall be erected, moved, added to, or altered, repaired, or demolished, nor shall any building structure or land be established without a building permit issued by the Administrator or his/her staff. No building permit shall be issued by the Administrator or his/her staff except in conformity with the provisions of this Ordinance, unless by written order from the Board of Zoning Appeals in the form of an administrative appeal, review, Special Exception Use, or variance as provided by this Ordinance.

#### 2. Application For A Building Permit

All applications for a building permit shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building, structure, repair, demolition, or alteration. The application shall include any other information as lawfully may be required by the Administrator or his/her staff as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. The plans shall be retained by the Administrator.

### 3. Action By The Administrator

Within fifteen (15) days after the receipt of a complete application, the Administrator shall either approve or disapprove the application. If the application is approved, and upon payment of any fees required by ordinance, the Administrator shall issue a placard to the applicant. The placard is to be posted in a conspicuous place on the property in question and will attest to the fact that the plans for construction or alteration are in compliance with the provisions of this Ordinance. If disapproved, the Administrator shall notify the applicant in writing indicating the reasons for the disapproval within five (5) days of the decision.

#### **B. EXPIRATION OF PERMITS**

If the work described in any building permit has not been completed within three years of the date of issuance, the permit shall expire.

#### **C. FAILURE TO OBTAIN A BUILDING PERMIT**

The failure to obtain a building permit as required by this Ordinance shall be deemed a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement.

#### **D. LIMITATION ON BUILDING PERMIT**

Building permits issued on the basis of plans and applications approved by the Administrator authorize only the use or arrangement set forth in such approved application or amendments, and no other use, arrangements, or construction is permitted. Any use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement .

#### **E. RECORDS OF BUILDING PERMITS**

Every building permit issued pursuant to this Section 11.1 (Building Permits) shall be kept on file by the Administrator for the period as specified by the Indiana State Code and shall be available as public record.

#### **F. FEES FOR BUILDING PERMITS**

1. All applicable fees, charges, and expenses required by this Ordinance shall be paid in full, by the applicant or owner, prior to the placard being issued.
2. Any person or persons who shall initiate construction of a structure prior to obtaining a building permit shall be subject to the fines and penalties in Chapter 12: Enforcement.

## 11.2 OTHER PERMITS

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### A. APPLICATION

#### 1. Other Permits Required

No structure or site work, whether permanent or temporary, and including, but not limited to:

- a. Carports
- b. Swimming Pools (pursuant to Section 8.1)
- c. Tents (commercial only)
- d. Fence
- e. Mini-barn
- f. Deck
- g. To grade
- h. Street/Curb Cuts
- i. Parking
- j. Sign Permit
- k. Demolition

shall begin without a permit issued by the Administrator or his/her staff. No permit shall be issued by the Administrator or his/her staff except in conformity with the provisions of this Ordinance, unless by written order from the Board of Zoning Appeals in the form of an administrative appeal, review, Special Exception Use, or variance as provided by this Ordinance.

## 2. Application For Other Permits

All applications for a permit shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed structure or site work. The application shall include any other information as lawfully may be required by the Administrator or his/her staff as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. The plans shall be retained by the Administrator.

## 3. Action By The Administrator

Within fifteen (15) days after the receipt of a complete application, the Administrator shall either approve or disapprove the application. If the application is approved, and upon payment of any fees required by ordinance, the Administrator shall issue a placard to the applicant. The placard is to be posted in a conspicuous place on the property in question and will attest to the fact that the plans for construction or alteration are in compliance with the provisions of this Ordinance. If disapproved, the Administrator shall notify the applicant in writing indicating the reasons for the disapproval within five (5) days of the decision.

## B. EXPIRATION OF PERMITS

If the work described in any improvement location permit has not been completed within three years of the date of issuance, the permit shall expire.

## C. FAILURE TO OBTAIN A PERMIT

The failure to obtain a permit as required by this Ordinance shall be deemed a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement.

## D. LIMITATION ON OTHER PERMITS

Permits issued on the basis of plans and applications approved by the Administrator authorize only the use or arrangement set forth in such approved application or amendments, and no other use, arrangements, or construction is permitted. Any use, arrangement, or construction contrary to that authorized



shall be deemed a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement.

**E. RECORDS OF OTHER PERMITS**

Every permit issued pursuant to this Section 11.2 (Other Permits) shall be kept on file by the Administrator for the period as specified by the Indiana State Code and shall be available as public record.

**F. FEES FOR PERMITS**

1. All applicable fees, charges, and expenses required by this Ordinance shall be paid in full, by the applicant or owner, prior to the placard being issued.
2. Any person or persons who shall initiate construction of a structure or site work prior to obtaining the necessary permit(s) shall be subject to the fines and penalties in Chapter 12: Enforcement.

## **11.3 CERTIFICATE OF OCCUPANCY**

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**A. CERTIFICATE REQUIRED**

It shall hereby be declared unlawful and in violation of the provisions of this Section for any builder, property owner, individual, or entity to allow any structure (for which a building permit is required by this Ordinance) to become occupied prior to the following:

1. Passing a final inspection by the Administrator or his or her designee; and
2. Receiving a Certificate of Occupancy from the Town.

**B. INSPECTION**

Any change from one use to another use, as identified in Appendix A: Schedule of Uses, shall require a new Certificate of Occupancy and may require inspection by the Administrator or his or her designee.

**C. ISSUANCE OF CERTIFICATE OF OCCUPANCY**

Applicants shall notify the Administrator of their request for an inspection in order to obtain a Certificate of Occupancy, which inspection shall be made within ten

days of such request. Certificates of Occupancy shall be issued by the Administrator following Administrator's inspection and confirmation that the lawful erection, reconstruction, or structural alteration of the building or other improvement of the land have been completed pursuant to the Town's ordinances and state law, or that the use of the building or premises will change in conformance with the terms of the Town's ordinances,

#### **D. RECORDS OF CERTIFICATE OF OCCUPANCY**

Every Certificate of Occupancy issued pursuant to this Section 11.3 (Certificate of Occupancy) shall be kept on file in the Office of the Administrator.

## **11.4 REZONINGS BY PETITION OF PROPERTY OWNERS**

#### **A. PURPOSE**

The purpose of this section is to provide standards and procedures for making amendments to the Zoning Map (Rezone) that are of general significance or application and that are initiated by the property owner. This amendment process is not intended to relieve particular hardships, nor to confer special privileges or rights upon any person, but to ensure that the statutory requirements established in this Ordinance and the Indiana Code for the zoning of property are met.

#### **B. AUTHORITY**

The Zoning Map may be amended by the passage of an Ordinance duly adopted by the Town Council in accordance with the procedures set forth in this Section.

#### **C. PARTIES ENTITLED TO INITIATE AMENDMENTS**

An application for rezoning may be initiated by a petition signed by property owners who own at least fifty percent of the land involved.

#### **D. STANDARDS FOR AMENDMENTS**

The wisdom of amending the Zoning Map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. In making their determination, however, the Town Council should, in

determining whether to approve or deny, or to approve some modification of the Plan Commission's recommendation, consider, among other factors, the following:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the district of the subject property;
3. Whether the proposed amendment is the most desirable use for which the land in the district is adapted;
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for development and growth.

#### **E. PROCEDURE FOR REVIEW AND DECISION**

A petition to amend the Zoning Map shall be processed in accordance with the procedures set forth below:

##### **1. Application**

Applications for Zoning Map Amendments shall be filed in accordance with the Plan Commission Rules of Procedure and Indiana Code Section 36-7-4-602. Applications must include, at a minimum, the applicant's name, address, phone number, email, project address, brief project description, aerial location map, and purpose of the application.

##### **2. Public Hearing and Notice**

The Plan Commission shall hold a public hearing on the application in accordance with their Rules of Procedure and Indiana Code Section 36-7-4-604. Notice for the public hearing shall be provided in the manner prescribed by the Plan Commission's Rules of Procedure and Indiana Code Section 36-7-4-604. The public hearing shall be held within sixty days of receiving the fully completed application.

### 3. Plan Commission Action

The Plan Commission shall certify a favorable recommendation, an unfavorable recommendation, or no recommendation of the proposed map amendment to the Town Council. The Plan Commission's recommendation shall be certified to the Town Council within ten business days after the Plan Commission determines its recommendation.

### 4. Town Council Action

The Town Council shall consider each recommendation of the Plan Commission. The Town Council shall give notice pursuant to Indiana Code Section 5-14-1.5-5 of its intention to consider a proposal of the Plan Commission at its meeting.

#### a. Proposals for Map Amendments Receiving Favorable Recommendation from the Plan Commission

If the Town Council adopts, as certified, the proposal, it shall take effect pursuant to Section 11.4(E)(5) below. If the Town Council rejects the proposal, it is defeated. If the Town Council fails to act upon the proposal within ninety days after certification by the Plan Commission, the proposal shall take effect as if it had been adopted ninety days after certification.

#### b. Proposals for Map Amendments Receiving Unfavorable Recommendations or No Recommendation from the Plan Commission

If the Town Council adopts the proposal, it shall take effect pursuant to Section 11.4(E)(5) below. If the Town Council rejects or fails to act on the proposal within ninety days after the proposal is certified by the Plan Commission, it is defeated.

### 5. Effective Date

Such amendment adopted by Town Council shall become effective immediately upon adoption and approval by the Town Council.

### 6. Reconsideration

A proposal for a map amendment that is defeated shall not be reconsidered sooner than one year after its defeat.

## 11.5 SPECIAL EXCEPTIONS

Special Exception Uses are those uses that, because of their unique characteristics and potentially adverse impact upon the immediate area, as well as the Town as a whole, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Therefore, the determination of a Special Exception Use, as appropriate, shall be contingent upon its meeting a set of development standards. Special Exception Uses are set forth in Section 3.3 of this Ordinance and Appendix A thereto, Schedule of Uses.

- A.** The authority to review and approve or deny Special Exception Uses rests with the Board of Zoning Appeals pursuant to Indiana law. The Board may approve a Special Exception Use in a district if, after a public hearing, it finds that:
  - 1. Appendix A: Official Schedule of Uses, authorizes that Special Exception in that district.
  - 2. The requirements and development standards for the requested Special Exception Use as prescribed by this Ordinance and Indiana Code Section 36-7-4 et. seq. will be met.

- B. STANDARDS FOR SPECIAL EXCEPTION USES**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed Special Exception Use in terms of the following standards and shall approve a Special Exception Use only upon finding adequate evidence showing that such use at the proposed location:

- 1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
- 2. Will not be hazardous or disturbing to existing neighboring uses;
- 3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide

adequately any such services and have issued written commitments in a form agreeable to the Town regarding the same;

4. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **C. GENERAL REQUIREMENTS**

1. The Board of Zoning Appeals may impose any reasonable conditions upon its approval as it deems necessary.
2. The Board of Zoning Appeals may make its approval conditioned upon the applicant signing written commitments concerning the use or development of the property in accordance with Section 11.12 (Written Commitments).
3. A Special Exception Use approved by the Board may not be expanded, extended, or enlarged unless re-approved by the Board under the procedures set forth in this Section (Special Exception Uses) for approving a Special Exception Use.
4. A Special Exception Use approved or authorized by this Section (Special Exception Uses) ceases to be authorized and is void if that use is not established within a three year period of the date the Special Exception Use was approved by the Board of Zoning Appeals, or thereafter if that Special Exception Use is discontinued at that site for a continuous twelve-month (12-month) period during which time it is not succeeded by the same specifically approved Special Exception Use.
5. A Special Exception Use may be terminated by the Board, upon filing of a complaint by an interested person or the Administrator, and upon finding at

public hearing, with notice to the property owner and any other interested parties pursuant to Board rules, that the terms of this Section (Special Exception Uses), or conditions of approval or commitments, have not been complied with.

**D. PROCEDURE FOR REVIEW AND DECISION**

**1. Application**

Applications for Special Exception Uses shall be filed in accordance with the Board of Zoning Appeals Rules of Procedure. Applications must include, at a minimum, the applicant's name, address, phone number, email, project address, brief project description, aerial location map, and purpose of the application, in addition to any other elements required by the Board of Zoning Appeals Rules of Procedure.

**2. Site Plan Review**

If necessary, Site Development Plan Review shall be conducted by the Administrator in accordance with the requirements of Section 11.11 (Site Development Plan Review). A separate application fee shall be required for Site Development Plan Review in accordance with the Town's Official Schedule of Fees.

**3. Public Hearing and Notice**

The Board of Zoning Appeals shall hold a public hearing on the application in accordance with the requirements of their Rules of Procedure and Indiana Code Section 36-7-4 et. seq. Notice for the public hearing shall be performed in the manner prescribed by the Board of Zoning Appeals Rules of Procedure and Indiana Code Section 36-7-4 et. seq.

**4. Action By Board of Zoning Appeals**

At the close of the public hearing, or at the close of a public hearing that is continued, the Board of Zoning Appeals shall approve, approve with conditions, or deny the application. If the application is approved or approved with conditions, the Board of Zoning Appeals shall instruct the Administrator to issue a Special Exception Use letter listing the specific conditions specified by the Board of Zoning Appeals for approval, which decision shall be filed in the office of the Board of Zoning Appeals within five days of the Board of Zoning Appeals' decision. If the application is denied by the Board of Zoning Appeals, it shall notify the applicant in writing within five

days of the Board of Zoning Appeals' decision and shall maintain a copy of such notification in the office of the Board of Zoning Appeals.

**5. Review**

Every decision by the Board of Zoning Appeals shall be subject to review pursuant to Indiana Code Sections 36-7-4-1016 and 36-7-4-1600 et. seq.

**E. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS**

In approving a Special Exception Use, the Board of Zoning Appeals may impose conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Ordinance. Such conditions shall be expressly set forth in the Special Exception Use letter granting the special exception. Violation of any such condition shall be a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement. In addition to prescribing conditions, the Board of Zoning Appeals may require the owner of the subject property to make written commitments concerning the use or development of the property in accordance with Section 11.12 (Written Commitments). Violation of any such written commitment shall be a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement, although the Town shall not be prevented from seeking any other remedy available at law for violation of such written commitment.

**F. NO PRESUMPTION OF APPROVAL**

The listing of a Special Exception Use within each zoning district shall not constitute an assurance or presumption that such special exception will be approved. Rather, each proposed special exception shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth herein and with the development standards for the district in which it is to be located.

**G. EFFECT OF APPROVAL**

The approval of a proposed Special Exception Use shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Town.



## 11.6 VARIANCES

### A. AUTHORITY

The Board of Zoning Appeals may, in its sole discretion, authorize, upon application in specific cases, variances from the terms of this Ordinance pursuant to the terms of this Section, but only where such applications meet the statutory criteria pursuant to Indiana Code Sections 36-7-4-918.4 or 918.5, as applicable. No nonconforming use of neighboring land, structures, or buildings in the same district, and no permitted or nonconforming uses of lands, structures, or buildings in other districts, shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit.

### B. DEFINITIONS OF VARIANCES

Two (2) types of variances may be granted by the Board of Zoning Appeals pursuant to the terms of this Section:

#### 1. Development Standards Variance

A development standards variance is designed to adjust the regulations of this Ordinance to the land for which the variance is granted. A development standards Variance applies to bulk, height, area, or space requirements of this Ordinance. Once granted, a development standards variances shall run with the land.

#### 2. Use Variance

A use variance grants permission for a prohibited use in a given zoning district to be allowed. When granted, a use variance runs with the land, unless specifically stated otherwise in the conditions provided in the Board of Zoning Appeals approval or provided in written commitments.

### C. REVOCATION OF A VARIANCE

#### 1. Revocation of a Development Standards Variance

- a. A development standards variance shall be deemed automatically null and void if the property, building, or structure for which the variance was granted is for any reason substantially demolished or destroyed three years or more after approval of the development standards variance. Thus, a new replacement building or structure shall be required to

conform to regulations in effect at that time, absent any previous variance granted to the property, building, or structure.

- b. If the applicant to whom the development standards variance was granted fails to comply with any of the conditions made by the Board of Zoning Appeals or written commitments, the variance shall automatically be revoked without notice by the Town, and the variance shall no longer apply to the property, building, or structure.

## 2. Revocation of a Use Variance

- a. If the use for which the variance is granted is not established within a three year period of the date the use variance is granted by the Board of Zoning Appeals, or thereafter if the use for which the variance is granted ceases for any continuous period equal to or greater than twelve months in length, the use variance shall automatically be revoked without notice by the Town, and the use variance shall no longer apply to the property, building, or structure.
- b. A use variance shall be deemed automatically null and void if the principal building or structure related to the use variance that was granted is for any reason substantially demolished or destroyed three years or more after the approval of the use variance. Thus, the use of a new principal replacement building or structure shall be required to conform to regulations in effect at that time, absent any previous use variance granted.
- c. If the applicant to whom the variance was granted fails to comply with any of the conditions made by the Board of Zoning Appeals or written commitments, the use variance shall automatically be revoked without notice by the Town, and the use variance shall no longer apply to the property, building, or structure.

## 3. Revocation for Failure to Obtain a Permit

The granting of a development standards variance or use variance shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Town. . The issuance of a permit must occur within three years of the date that the development standards variance or use variance was approved by the Board of Zoning Appeals, or the use or development standards variance shall become null and void.

Actual construction must be completed within three years from the date that the permit is obtained, or the use or development standard variance shall become null and void.

**D. PROCEDURE FOR REVIEW AND DECISION**

**1. Application**

Applications for variance shall be filed in accordance with the Board of Zoning Appeals Rules of Procedure. Applications must include, at a minimum, the applicant's name, address, phone number, email, project address, brief project description, aerial location map, and purpose of the application, in addition to any other elements required by the Board of Zoning Appeals Rules of Procedure.

**2. Action by Administrator**

Upon receipt of a properly completed application for variance, the Administrator shall transmit the application to the Board of Zoning Appeals. The application shall be scheduled for a public hearing in accordance with the Board of Zoning Appeals Rules of Procedure and Indiana Code Section 36-7-4 et. seq. Not less than five days before the hearing, the Administrator, or his or her designee, may file with the Board of Zoning Appeals a written statement setting forth any facts or opinions relating to the matter.

**E. NOTIFICATION REQUIREMENTS**

Notice of public hearings shall be in accordance with the requirements of the Board of Zoning appeals Rules of Procedure and shall be prepared and submitted by the Applicant.

**F. ACTION BY BOARD OF ZONING APPEALS**

1. Either at the public hearing, or at the conclusion of the hearing that is continued, the Board shall either approve, conditionally approve, or deny the variance request. No variance shall be granted or denied by the Board except at a public meeting.

The Board of Zoning Appeals shall make a determination in writing of its findings for each application, which shall be filed in the office of the Board of Zoning Appeals within give days after making its decision, and may designate the preparation of such written findings to a member of the Board or the

Administrator or his or her designee. The Board's findings shall be based upon the following statutory requirements:

a. Use Variance

Variances of use from the terms of this Section may be approved only upon a determination in writing that the following apply:

- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- iii. The need for the variance arises from some condition peculiar to the property involved.
- iv. The strict application of the terms of this Ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought.
- v. The approval does not interfere substantially with the Comprehensive Plan.

b. Development Standards Variance

Variances from the development standards of this Ordinance may be approved only upon a determination in writing that the following apply:

- i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- iii. The strict application of the terms of this Ordinance will result in practical difficulties in the use of the property.

## **G. APPEALS**

Every decision of the Board of Zoning Appeals shall be subject to review pursuant to Indiana Code Section 36-7-4-1600 et. seq.

**H. SUPPLEMENTAL CONDITIONS AND WRITTEN COMMITMENTS**

The Board may prescribe additional appropriate conditions in its conditional approval of any variance or may require written commitments in accordance with Section 11.12 (Written Commitments) of this Ordinance. Violation of any conditions when made a part of the terms under which the variance is granted, or violation of any written commitments, shall be deemed a violation of this Section and shall result in the automatic revocation, without notice, of the variance granted. Violation of any such condition or written commitment shall also be a violation of this Ordinance and subject to the provisions of Chapter 12: Enforcement, although the Town shall not be prevented from seeking any other remedy available at law for the violation of a written commitment.

**I. PETITION DENIAL/RE-SUBMISSION TIME LIMIT**

Any petition or appeal that is submitted to the Board of Zoning Appeals, officially reviewed and denied by the Board, may not be resubmitted for one year after it is denied by the Board of Zoning Appeals unless there is a majority vote by the Board to reconsider the petition.

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## **11.7 INTERPRETATIONS**

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**A. INTERPRETATIONS**

The interpretation authority established by this Section (Interpretations) is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which the same may be applied. Many such situations can be readily addressed by an interpretation of the specific provisions of this Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Ordinance but is intended only to allow authoritative application of that content to specific cases.

**B. ADMINISTRATOR**

The Administrator or his or her designee, subject to the procedures, standards, and limitations of this Ordinance may, by written order, render interpretations, including use interpretations, of the provisions of this Ordinance and of any rule

or regulation issued pursuant to it. The Administrator can forward any interpretation application to the Board of Zoning appeals for their review and approval at any time.

### **C. PARTIES ENTITLED TO SEEK INTERPRETATIONS**

Applications for interpretations may be filed by any person having a legal or equitable interest in a property that gives rise to the need for an interpretation, provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

### **D. PROCEDURE FOR REVIEW AND DECISION**

#### **1. Application**

Applications for interpretations shall be filed in accordance with the Board of Zoning Appeals Rules of Procedure. Applications must include, at a minimum, the applicant's name, address, phone number, email, project address, brief project description, aerial location map, and purpose of the application, in addition to any other elements required by the Board of Zoning Appeals Rules of Procedure.

#### **2. Action on Application**

Within twenty-five days following the receipt of a properly completed application for interpretation, the Administrator shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Administrator to act within twenty-five days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

#### **3. Records**

A record of all applications for interpretations shall be kept on file in the Town Hall.

#### **4. Appeal**

Appeals from interpretations rendered by the Administrator may be taken to the Board of Zoning Appeals pursuant to Section 11.9 (Appeals).

**E. STANDARDS FOR USE INTERPRETATIONS**

The following standards shall govern the issuing of use interpretations.

1. Any use defined in Appendix A of this Ordinance shall be interpreted as therein defined;
2. No use interpretation shall permit any use in any district unless evidence is presented that demonstrates that it will comply with the general district regulations established for that particular district;
3. No use interpretation shall permit any use in a district unless such use is similar to other uses permitted in the district and is more similar to those uses than to uses permitted in a more restrictive district;
4. If the proposed use is most similar to a use permitted only as a Special Exception Use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the grant of a Special Exception Use by the Board of Zoning Appeals for such use pursuant to Section 11.5 (Special Exception Uses);
5. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

## **11.8 AMENDMENTS BY TOWN COUNCIL OR PLAN COMMISSION**

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**A. PURPOSE**

The purpose of this Section 11.8 (Amendments) is to provide standards and procedures for making amendments to the text of this Ordinance and the Zoning Map that are of general significance or application and that are initiated by the Town Council or Plan Commission. This amendment process is not intended to relieve particular hardships, nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

**B. AUTHORITY**

The text of this Ordinance and the Zoning Map may be amended from time to time by the passage of an Ordinance duly adopted by the Town Council in accordance with the procedures set forth in this Section.

**C. PARTIES ENTITLED TO INITIATE AMENDMENTS****1. Amendment to Text**

Amendments to this Ordinance may be initiated by the Plan Commission or the Town Council, and the proposal shall be prepared by the Plan Commission, which shall make a recommendation to the Town Council.

**2. Amendment to Zoning Map**

Amendments to this Ordinance may be initiated by a proposal and recommendation of the Plan Commission and adoption by the Town Council.

**D. STANDARDS FOR AMENDMENTS**

The wisdom of amending the text of the Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. In making their determination, however, the Town Council should, in determining whether to approve or deny, or to approve some modification of the Plan Commission's recommendation, consider, among other factors, the following:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the district of the subject property;
3. Whether the proposed amendment is the most desirable use for which the land in the district is adapted;
4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for development and growth.



**E. PROCEDURE FOR REVIEW AND DECISION**

A petition to amend the text of the Ordinance or the Zoning Map shall be processed in accordance with the procedures set forth below:

**1. Proposal**

The Plan Commission shall prepare the proposal consistent with Indiana Code Section 36-7-4-601, and in preparing and considering the proposal, the Plan Commission and Town Council adhere to Indiana Code Section 36-7-4-603 and Section 11.8(D) of this Ordinance.

**2. Public Hearing and Notice**

The Plan Commission shall hold a public hearing on the application in accordance with their Rules of Procedure and Indiana Code Section 36-7-4-604. Notice for the public hearing shall be provided in the manner prescribed by the Plan Commission's Rules of Procedure and Indiana Code Section 36-7-4-604. The public hearing shall be held within sixty days of receiving (from the Town Council) or initiating the proposal.

**3. Plan Commission Action**

The Plan Commission shall certify a favorable recommendation, an unfavorable recommendation, or no recommendation of the proposed amendment and shall then certify its proposal to the Town Council. However, if the proposal is to adopt a replacement zoning ordinance pursuant to Indiana Code Section 36-7-4-606, the Plan Commission shall only certify its recommendation to the Town Council if the same is favorable. The Plan Commission's recommendation shall be certified to the Town Council within ten business days after the Plan Commission determines its recommendation.

**4. Town Council Action**

The Town Council shall consider each recommendation of the Plan Commission. The Town Council shall give notice pursuant to Indiana Code Section 5-14-1.5-5 of its intention to consider a proposal of the Plan Commission at its meeting.

**a. Proposals for Text Amendments Receiving Favorable Recommendation from the Plan Commission**

If the Town Council adopts, as certified, the proposal, it shall take effect pursuant to Section 11.8(E)(5) below. If the Town Council fails to act upon

the proposal within ninety days after certification by the Plan Commission, the proposal shall take effect as if it had been adopted ninety days after certification. If the Town Council rejects or amends the proposal, the proposal shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment; the Plan Commission shall then have forty-five days in which to consider the rejection or amendment and report to the Town Council and either (1) approve the amendment or fail to act within the forty-five day period, in which case the ordinance stands as passed by the Town Council as of the date of the filing of the Plan Commission's report of approval with the Town Council or the end of the forty-five day period, or (2) disapprove the rejection or amendment, in which case the action of the Town Council stands only if confirmed by another vote of the Town Council within forty-five days after the Plan Commission certifies its disapproval (but if the Town Council fails to confirm its action within forty-five days, the ordinance takes effect as if the Town Council adopted the proposal initially certified by the Plan Commission).

b. **Proposals for Text Amendments Receiving Unfavorable Recommendations or No Recommendation from the Plan Commission**

If the Town Council adopts, as certified, the proposal, it shall take effect as certified. If the Town Council rejects the proposal or fails to act on it within ninety days of its certification to the Town Council, it is defeated. If the Town Council amends the proposal, the proposal shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the amendment; the Plan Commission shall then have forty-five days in which to consider the amendment and report to the Town Council and either (1) approve the amendment or fail to act within the forty-five day period, in which case the ordinance stands as passed by the Town Council as of the date of the filing of the Plan Commission's report of approval with the Town Council or the end of the forty-five day period, or (2) disapprove the amendment, in which case the action of the Town Council stands only if confirmed by another vote of the Town Council within forty-five days after the Plan Commission certifies its disapproval (but if the Town Council fails to confirm its action within forty-five days, the ordinance is defeated).

c. **Proposals for Map Amendments Receiving Favorable Recommendation from the Plan Commission**

If the Town Council adopts, as certified, the proposal, it shall take effect pursuant to Section 11.8(E)(5) below. If the Town Council rejects the proposal, it is defeated. If the Town Council fails to act upon the proposal within ninety days after certification by the Plan Commission, the proposal shall take effect as if it had been adopted ninety days after certification.

- d. Proposals for Map Amendments Receiving Unfavorable Recommendations or No Recommendation from the Plan Commission

If the Town Council adopts, as certified, the proposal, it shall take effect as certified. If the Town Council rejects or fails to act on the proposal within ninety days after the proposal is certified by the Plan Commission, it is defeated.

5. Effective Date

Such amendment adopted by Town Council shall become effective immediately upon adoption and approval by the Town Council.

6. Reconsideration

A proposal for a map amendment that is defeated shall not be reconsidered sooner than one year after its defeat.

## 11.9 APPEALS

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### A. PURPOSE

1. The appeal procedure is provided as a safeguard against arbitrary or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intent of this Ordinance or the rightful authority of the Administrator to enforce the requirements of this Ordinance. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this Ordinance and to the reasonable interpretations of that language by those charged with the administration of this Ordinance.
2. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts

stated in the certificate, a stay would cause, in his opinion, imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record, on application, of notice to the Administrator and on due cause shown.

3. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end has all the powers of the officer from whom the appeal is taken.

#### **B. AUTHORITY**

The Board of Zoning Appeals shall hear and decide appeals from, and review orders, requirements, decisions, determinations, or the failure to act, of the Administrator acting pursuant to his or her authority and duties under this Ordinance and to that end the Board of Zoning Appeals shall have the same powers and be subject to the same standards and limitations as the Administrator with respect to any order, decision, or determination being appealed.

#### **C. PARTIES ENTITLED TO APPEAL**

Appeals to the Board of Zoning Appeals concerning the interpretation or administration of this Ordinance may be taken by any persons aggrieved or affected by any decision of the Administrator.

#### **D. PROCEDURE**

##### **1. Application**

An application for appeal to the Board of Zoning Appeals shall be filed not later than thirty days after the action being appealed and shall be in accordance with the requirements of the Board of Zoning Appeals Rules of Procedure. Applications must include, at a minimum, as applicable, the applicant's name, address, phone number, email, project address, brief project description, aerial location map, and purpose of the application, in addition to any other elements required by the Board of Zoning Appeals Rules of Procedure.

##### **2. Action by the Administrator**

Upon receipt of a properly completed application for an appeal, the Administrator shall provide to the Board of Zoning Appeals the application together with all the documents, plans, and papers constituting the record from which the action appealed was taken.

3. Public Hearing and Notice

The Board of Zoning Appeals shall hold a public hearing on the application in accordance with their Rules of Procedure and Indiana Code Section 36-7-4-920. Notice for the public hearing shall be provided in the manner prescribed by the Board of Zoning Appeals Rules of Procedure and Indiana Code Section 36-7-4-920, but in no case shall notice to interested persons be given less than ten days before the date set for the hearing. The entity or person taking the appeal shall assume the cost of public notice and due notice to interested parties. An entity or person taking an appeal may appear in person, by agent, or by attorney. No person may communicate with the Board of Zoning Appeals prior to the hearing with the intent to influence the decision of the member of the Board of Zoning Appeals on a matter pending before the board; however, not less than five days before the hearing, staff may file a written statement setting forth any facts or opinions relating to the matter.

4. Action by Board of Zoning Appeals

Within thirty days after the close of the public meeting, the Board of Zoning Appeals shall make a decision on the appeal, and shall file a written copy of its decision in the office of the Board of Zoning Appeals within five days of making the decision. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in its opinion, is proper to be made in the premises. The failure of the Board of Zoning Appeals to act within thirty days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

5. Review

Every decision by the Board of Zoning Appeals shall be subject to review pursuant to Indiana Code Sections 36-7-4-1016 and 36-7-4-1600 et. seq.

**E. CONDITIONS AND LIMITATIONS ON RIGHTS GRANTED BY APPEAL**

In any case where this Ordinance imposes conditions and limitations upon any right, any such right granted by the Board of Zoning Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

## **11.10 SUBDIVISION PLATS**

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See Chapter 9: Subdivision Regulations of this Ordinance.

## **11.11 SITE DEVELOPMENT PLAN REVIEW**

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**A. PURPOSE**

Site development plan review is required in all zoning districts in the Town of Pittsboro to promote orderly development and redevelopment in the Town and to ensure that such development is in harmony with surrounding properties and consistent with the general welfare and the policies in the Comprehensive Plan. The procedures set forth in this Section are used for determining whether new development or redevelopment is in compliance with the standards of the Town of Pittsboro Zoning Ordinance. This Section provides standards by which submission and approval of site plans, for access control, lighting, signage, and landscaping of a lot or parcel of land in order to achieve the following purposes:

1. Compatibility of land uses, buildings and structures;
2. Protection and enhancement of property values;
3. Efficient use of land;
4. Minimization of traffic, safety and use of land; and
5. Minimization of environmental problems.

**B. APPLICABILITY AND AUTHORITY**

1. Site development plan review shall be required in all zoning districts in the Town of Pittsboro, except site development plan review shall not be required for a single-lot, single-family permit or application. Site development plan

approval is required prior to the issuance of a building permit for the following development situations:

- a. Any new principal structures;
  - b. An existing principal structure is proposed to be expanded more than twenty five percent (25%) of the gross area of the existing structure;
  - c. Any new or modified building and/or site improvements for a zoning lot which has previously received site development plan approval under this ordinance. Re-approval of the plan is required for components of the plan, which depart from the approved site development plan. The extent of required documentation of any proposed changes to be incorporated in the submittal for re-approval shall be determined by the Administrator;
  - d. Any new or modified off-street parking or loading area improvements;
  - e. A site development plan shall not be required solely because of a change in the use, except where such change of use results in increased off-street parking requirements that cannot currently be met on the site.
  - f. In accordance with Section 3.6 (Nonconforming uses), no building or structure which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than fifty percent of its value, shall be restored except in conformity with the regulations of the District in which it is located.
2. Pursuant to Indiana Code Section 36-7-4-1401.5, the Plan Commission has exclusive authority to approve or disapprove a development plan for real property located within the plan commission's jurisdiction; however, pursuant to Indiana Code Section 36-7-4-1402(C), the Town Council authorizes the Administrator to review and approve site development plans as provided in this Section. Any application for site development plan approval that is accompanied by an application for a variance shall not be acted upon by the Administrator until after a public hearing and recommendation before the Zoning Board of Appeals, to the Administrator. The Administrator, at any time, can forward any site development plan to the Plan Commission for review and approval. The Plan Commission shall follow the procedures for review of site development plans in accordance with Section 11.11, G (Action on Site Development Plans).

**C. INITIATION**

An application for site development plan approval may be made by the owner(s) or owner's representative, with written authority from the owner(s), intending to request a building permit under the requirements of this Section.

**D. APPLICATION**

The applicant shall file an application for site development plan approval with the Administrator. It shall be accompanied by an application for any variances, Building Permits, and a nonrefundable fee which is established from time to time by the Town Council. The owner shall provide the following information with the application:

1. Name, address and telephone number of the applicant including the name and address of each person or entity owning an interest in the subject property and the extent of such ownership interest. For purposes of this Section 11.11, D (Application), the term "ownership interest" shall include any legal or equitable interest held at the time of application in the real property which is the subject of the application. The application shall include the signatures of the owner(s).
2. A site development plan in accordance with Section 11.11, E (Contents of Site Development Plan).

**E. CONTENTS OF SITE DEVELOPMENT PLAN**

Site development plans shall include the following information, unless the Administrator, in his or her discretion, determines that any of the below information is not applicable:

1. Applications for Site Plan Review shall be filed in accordance with the Plan Commission Rules of Procedure.
2. Each application shall include three copies of all documents and drawings on twenty-four by thirty-six inch paper and three copies of all documents and drawings on eleven by seventeen paper. For all graphic and plan drawings, a scale of not less than one inch equals one hundred feet (1"=100') shall be used. If the application is to be reviewed by the Plan Commission, the applicant shall provide an additional three sets of drawings not exceeding 24 inches by 36 inches and an additional eight copies of drawings on eleven by seventeen paper.



3. All application materials must be submitted electronically as well as in hard copy.
4. The names and addresses of persons and/or firms responsible for preparing the plan.
5. A site plan drawing including the following:
  - a. Date, north point and scale;
  - b. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within two hundred feet;
  - c. Boundary lines of adjacent tracts of land, showing owners of record;
  - d. Legal description of the parcel;
  - e. Tax parcel Identification number;
  - f. Existing and proposed topography with contours at two foot intervals;
  - g. Existing and proposed easements;
  - h. The location of existing and/or proposed fire hydrants;
  - i. For a site which includes existing structures or improvements, an indication of those improvements that are to remain and those which will be removed;
  - j. Underground storage tanks, if any;
  - k. General alignment and lengths of all streets and all property lines;
  - l. All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way;
  - m. Streets; alleys; easements and utilities, including street lighting and underground conduits for street lighting;
  - n. Driveways, entrances, exits, parking areas and sidewalks;
  - o. Calculations of the following, as applicable:
    - i. Number of dwelling units or square footage of non-residential uses;
    - ii. Number of parking spaces;
    - iii. Number of loading spaces; and

- iv. Quantities of landscape materials to be provided.
- p. A lighting plan indicating all exterior building mounted and free-standing lights and structures including overall height, type of lamp, luminaries;
- q. Preliminary exterior building elevations of all proposed structures and exterior elevations of existing buildings when existing buildings are proposed to be structurally altered. Elevations shall indicate the materials to be used in the design of the structure and the proposed color scheme;
- r. Elevations of proposed signs as well as the materials and colors intended for the sign. "Typical" elevations shall be provided for wall mounted signs including renderings of all sign faces; views of supporting members, poles, bases and pedestals; side views which indicate both signage depth and projections; method of illumination, materials indications, and dimensions of all sign elements;
- s. Include the proposed name by which the project shall be legally or commonly known.
- t. Location, widths, and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of way or easements, parks, wooded areas, cemeteries, water courses, drainage ditches, swamps, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the commission or the administrator for the subject land, and within three hundred feet of the proposed project;
- u. Existing and proposed water mains, storm sewers, sanitary sewers, culverts, bridges, and other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and exact locations, as can best be obtained from public or private records;
- v. Existing zoning of the land and all adjacent lands;
- w. Existing contours based on U.S.G.S. datum with intervals of not more than five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent. Elevations shall be based on sea level datum;
- x. The water elevation at the date of the survey of lakes, streams, or swamps within the project affecting it, as well as the approximate high and low water elevation of such lakes, streams, or swamps. The plan shall also

show the contour line of the regulatory flood (100-year flood) elevation. All elevations shall be based on sea level datum;

- y. A statement of the proposed uses, stating the type and size of residential and non-residential buildings, and the type of business, commercial or industry, so as to reveal the effect of the project on traffic, fire hazards, or congestion of population;
  - z. Full description and details, including engineering calculations, for provision of storm water drainage plans and facilities;
  - aa. Statement of proposed starting and completion dates for the project, including any proposed phasing and sequencing;
  - bb. Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs, chords and chord bearings;
  - cc. Proposed covenants, restrictions, by-laws, or articles of incorporation affecting property owners and/or homeowners associations;
  - dd. Accurate location of all survey monuments erected, corners, and other points established in the field in their proper places; and
  - ee. Supplementary explanation of the specific type(s) of activities proposed on the site. Such information shall include, but is not limited to:
    - i. Estimated number of employees, resident shoppers, residents, etc.;
    - ii. Hours of operation;
    - iii. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, light, hazardous or noxious fumes, wellhead protection, etc.;
    - iv. Modifications to vegetative cover, drainage patterns, earth work, problem areas;
    - v. Any ancillary improvements that the applicant proposed to remedy or prevent problems created by the development; and
    - vi. Draft version of any covenants and design guidelines, if applicable.
6. All documents and information submitted as part of an application for site development plan approval constitute a statement by the applicant that he intends and agrees to be bound to develop in accordance with such information upon approval.

## 7. Traffic Study

A traffic study shall be submitted if required by the Plan Commission, the Administrator, or the Administrator's designee. This review shall include, at a minimum, current traffic counts, projected future traffic counts, current Level of Service, and projected future Level of Service.

## 8. Landscape Plan

Shall be in accordance with the requirements of Section 8.5.

## 9. Lighting Plan

Shall be in accordance with the sections of Section 8.7.

## 10. Other information that may reasonably be required by the Administrator to adequately assess the proposal which may include:

- a. A report examining the estimated impacts of the proposed development on the school district or a letter from the school district outlining its estimates of the impacts of the proposed development;
- b. Estimated impacts on and capabilities of emergency services, including but not limited to, fire, police and emergency medical services, and their respective response time;
- c. An examination of the impacts of the proposed development on available recreational facilities in the Town, as well as any proposed mitigation measures;
- d. An examination of impacts to utilities servicing the facilities, such as water, sewer, gas, electrical, communication, and other utilities.
- e. A report examining the fiscal impacts of the project on the Town, both positive and negative.
- f. A traffic study examining the impacts of development of the highest acceptable use, as well as any new roads/intersections on current and projected traffic flow and level-of-service.

**F. ADMINISTRATIVE PROCEDURES**

**1. Applications**

Applications for Site Plan Review shall be filed in accordance with the Plan Commission Rules of Procedure. Applications must include the items listed in Section E, above.

**2. Special Requests**

In addition to the minimum data and information required by this Section, every applicant shall submit such other additional data, information, or documentation as the Administrator or any body before which its application is pending may deem necessary or appropriate to achieve a full and proper consideration of that application.

**3. Supplemental Data**

Whenever supplemental data in connection with a previously filed application is required by the Administrator or any body before which an application is pending or offered by the applicant, it shall be submitted at least twenty-five days prior to the date on which it is to be considered or acted upon in connection with such application. The filing of such data shall, in the discretion of the Administrator and of the body hearing the application, because to delay a requested or scheduled hearing or decision date.

**4. Notice**

To be provided in accordance with the Plan Commission's Rules of Procedure.

**G. ACTION ON SITE DEVELOPMENT PLANS**

The Administrator or the Plan Commission, upon completing its review of the site development plan application, shall take one of the following actions:

**1. Administrator Action to Approve**

If the site development plan meets all the requirements of this Ordinance and other applicable Town Ordinances, the application shall be approved.

## 2. Action to Disapprove

If the development plan does not meet all the requirements of this Ordinance, other applicable Town Ordinances, and special items raised during the review of the application, the application may be denied.

## 3. Conditional Approval

If minor corrections to the site development plan are necessary for it to meet the standards set for approval, and such minor corrections can be clearly noted, then such conditions may be noted, and approval of the application may be given. Revised drawings shall be submitted to the Administrator prior to issuance of a Building Permit.

## 4. Table

If the Administrator forwards the Site Development Plan to the Plan Commission, and if the site development plan is found to be in violation of the requirements of this Ordinance, other applicable Town Ordinances, or incomplete with respect to necessary information, the Plan Commission may table action on the site development plan until compliance is shown or required additional information is provided.

# H. STANDARDS FOR SITE PLAN REVIEW

In reviewing and determining whether to approve or disapprove a site development plan, the Administrator or Plan Commission shall consider the following criteria listed below, as appropriate.

1. The application shall comply with the provisions of this ordinance and other Ordinances of the Town.
2. The plan shall be in reasonable conformity with the Comprehensive Plan.
3. Reasonable provision shall be made to ensure that development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, or septic and schools.
4. Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.

5. Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding property and the neighborhood, including:
  - a. Relationships of Buildings to Sites
    - i. The site shall be planned to achieve a desirable transition to the street, provide for adequate planting, safe pedestrian movement and off-street parking areas.
    - ii. Parking areas should include innovative ways to significantly screen the parking areas from views from public ways.
    - iii. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
  - b. Building Design
    - i. Structures shall be in scale and harmonious with adjoining buildings.
    - ii. Materials shall be selected for their harmony of the building and adjoining buildings. Materials shall also be selected for suitability to the type buildings and the design in which they are used.
    - iii. Materials shall be of durable quality.
    - iv. Exterior lighting shall be part of the architectural concept. Fixtures, standards and exposed accessories shall be harmonious with the building design.
  - c. Signs
    - i. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
    - ii. The colors, material and illumination of every sign shall be compatible and harmonious with the building and site to which it principally relates.
    - iii. All signs shall conform to Section 8.15: Sign Standards of this Ordinance.
6. Open space provided is configured to make that open space usable, functional, and appropriate to the development proposed.

7. Streets and sidewalks shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets and sidewalks.
8. Provision shall be made to ensure that adequate access roads or entrance or exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets.
9. Adequate provision shall be made to ensure that the vehicular circulation elements of the proposed development will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.
10. Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good firefighting and fire prevention practice.
11. Adequate provision shall be made for the collection and disposition of all on- and off-site storm water and natural water, including but not limited to on-site drainage retention facilities.
12. Adequate provision shall be made for the collection and disposition of sanitary sewage.
13. Adequate provision shall be made to avoid an increase in hazard to adjacent property from flood, increased run-off or water damage.
14. Adequate provision shall be made to clean, control and otherwise alleviate contamination or environmental hazards on land when the site is in an area found by the Administrator to be contaminated by a toxic substance or otherwise to contain environmental hazards which are detrimental to the public health, safety and welfare.
15. Adequate provision shall be made to avoid glare of vehicular and stationary lights that would affect the established character of the neighborhood, and to the extent such lights will be visible across from any property line, the performance standards for illumination shall be met.
16. Adequate provision shall be made to ensure that the location, lighting and type of signs and the relationship of signs to traffic-control is appropriate for the site and will not have an adverse effect on any adjacent properties.



**I. CONDITIONS ON PLANS**

In considering any site development plan, the Administrator may establish reasonable and appropriate conditions upon the approval of a site development plan.

**J. EXPIRATION OF PLAN APPROVAL**

Site development plans shall expire if neither site work nor building construction has commenced within three years of the date the Administrator has granted such plan approval.

**K. PUBLIC IMPROVEMENT PERFORMANCE GUARANTEES**

To ensure compliance with any condition(s) imposed under this Section, the Administrator may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the Town, equaling one hundred and ten percent of the Town's estimated cost of public improvements associated with a project for which site development plan approval is sought, be deposited with the Town to ensure faithful completion of the improvements and also be subject to the following:

1. The performance guarantee shall be deposited prior to the onset of any construction, clearing of land or earth moving related to the site development plan. The Town may establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than ten percent which shall be retained by the Town until all work has been completed and subsequently inspected and approved by the Town or its agents. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
2. As used in this Section, "improvements" mean those features and actions associated with a project which are considered necessary by the Town Council, to protect natural resources, or the health, safety, and welfare of the residents of the Town and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project, which is the subject of development plan approval.

**L. AS-BUILT PLANS AND REQUIRED CERTIFICATION**

The developer or owner shall cause as-built drawings to be prepared and submitted to the Administrator for all streets, drainage ditches and facilities, utility pipes and structures, and finished grade elevations for the project. The as-built plans shall be filed with the Administrator prior to the release of any performance assurances. The as-built plans shall be accompanied by a certification of completion and compliance properly executed by the licensed engineer or surveyor preparing the site development plan and/or as-built plans in the form prescribed by the Administrator.

## **11.12 WRITTEN COMMITMENTS**

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**A. PURPOSE, INTENT, AND AUTHORITY**

This Section grants authority to the Plan Commission and the Board of Zoning Appeals to allow or require specific written commitments in connection with the following approvals or actions, in compliance with Indiana Code Section 36-7-4 et. seq.

**B. WHEN USED**

1. As a condition to the: (1) adoption of a rezoning proposal, (2) primary approval of a proposed subdivision plat or development plan, (3) approval of a vacation of all or part of the plat, (4) approval of an application for a special exception, special use, contingent use, conditional use, or variance, or (5) as otherwise provided by Indiana Code Section 36-7-4 et. seq, the owner of a parcel of real property may be required or allowed to make a commitment to the Plan Commission or Board of Zoning Appeals, as applicable, concerning the use or development of the parcel.

**C. COMMITMENTS SUBJECT TO STATE LAW**

Commitments are subject to the requirements of Indiana Code Section 36-7-4-1015, as amended from time to time.

**D. STANDARD FORMS**

1. The Plan Commission and Board of Zoning Appeals may adopt written commitment forms, which are permitted or required to be used.

2. If the Plan Commission and/or Board of Zoning Appeals adopt standard forms, the same shall be used whenever a written commitment is permitted or required by the Plan Commission or Board of Zoning Appeals. When necessary, the standard forms may be modified in order to form the type of commitment needed and not already provided for in one of the standard forms.

**E. BINDING EFFECT**

1. A written commitment that is permitted or required by the Plan Commission or Board of Zoning Appeals is binding on:
  - a. The owner(s) of the parcel;
  - b. Any subsequent owner(s) of the parcel; and
  - c. Any person(s) or entity(ies) who acquire an interest in the parcel.
2. A written commitment that is permitted or required by the Plan Commission or Board of Zoning Appeals is binding on the owner(s) of the parcel even if the commitment is unrecorded; however, an unrecorded commitment is binding on a subsequent owner(s) or other person(s) or entity(ies) acquiring an interest in the parcel only if that subsequent owner(s) or other person(s) or entity(ies) has actual notice of the commitment.

**F. EFFECTIVE DATE OF COMMITMENT**

A written commitment permitted or required by the Plan Commission or the Board of Zoning Appeals shall take effect upon the approval of the action for which the written commitment was permitted or required by the Plan Commission or Board of Zoning Appeals.

**G. COVENANT RUNNING WITH THE LAND**

A written commitment that is permitted or required by the Plan Commission or Board of Zoning Appeals shall be considered a covenant running with the land and shall bind all subsequent owners to its terms and conditions and any subsequent modification thereto made pursuant to this instrument, statutes of the State of Indiana, or this Ordinance.

## H. ENFORCEMENT

Written Commitments permitted or required by the Plan Commission or Board of Zoning Appeals may be enforced to the full extent permitted by Indiana Code Section 36-7-4-1015, as amended from time to time. An action to enforce a written commitment may be brought, in addition to being brought by the Plan Commission, Board of Zoning Appeals, or person specifically designated in the written commitment, by all persons with any legal or equitable interest in a property within two parcels or six hundred feet, whichever is greater, from the property upon which the written commitment applies.

## I. RECORDING

1. Commitments shall be signed by the president of the appropriate Board or Commission approving the commitment and shall be recorded in the office of the Hendricks County Recorder within twenty-four hours of the effective date of the commitment as described in Section 11.12(F) above.
2. The Plan Commission or Board of Zoning Appeals, as applicable, shall require the owner of the parcel giving a written commitment to either record the commitment or authorize the Town of Pittsboro to record the commitment at the owner's expense.

## J. MODIFICATION AND TERMINATION

A written commitment that is permitted or required by the Plan Commission or Board of Zoning Appeals may be modified or terminated only by a decision of the Plan Commission or Board of Zoning Appeals (whichever body permitted or required the commitment) made at a public hearing after notice as provided by the Board or Commission's Rules of Procedure. The request for modification or termination may be initiated by the owner or by the body that permitted or required the commitment. The body that permitted or required the commitment may approve or disapprove modification or termination to the extent allowed by applicable law.

## K. PUBLIC NOTICE

When the Plan Commission or Board of Zoning Appeals considers modification or termination of an existing written commitment, notice of a public hearing shall be given in accordance with the Board or Commission's Rules of Procedure and as required by Indiana Code Section 36-7-4 et. seq.

**L. VALIDITY OF OTHER LAND USE RESTRICTIONS**

This Section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law to the extent the same is more restrictive than the written commitment.

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**11.13 FEE SCHEDULE**

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**A. FEES FOR PERMITS AND APPLICATIONS**

1. The Town Council shall maintain the Official Schedule of Fees, charges, and expenses, as set forth periodically. The Plan Commission or Administrator shall establish collection procedures pertaining to this Section. The Schedule of Fees shall be available to the public in the office of the Administrator and may be altered or amended only by ordinance of the Town Council.
2. All applicable fees, charges, and expenses shall be paid in full, by the applicant or owner, as required by this Ordinance. No plan shall be accepted for filing and processing unless and until the applicable filing fees have been paid and the application is deemed to be complete.
3. Any person or persons who shall initiate construction prior to obtaining the required permit or approval shall be subject to the fines and penalties in Chapter 12: Enforcement.

**B. ADDITIONAL REVIEW FEES**

1. All applicants may request additional meetings and/or reviews at the applicant's expense. Fees are set on an hourly basis. The Town may designate this responsibility to a consultant, if necessary. If designated, the fees paid for the review will be equal to the Town's agreed consulting rate.
2. The applicant shall be responsible for unforeseen expenses incurred by the Town in reviewing applications or modifications to applications. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.

**C. REFUND OF FEES**

1. All application and filing fees are nonrefundable regardless of the outcome of the application.
2. Applicants may request a refund of building inspection fees pursuant to the following requirements:
  - a. Withdrawal of a permit application must be completed before requesting a refund. To withdraw an application, the applicant shall submit a letter to the Administrator requesting withdraw and attach a copy of the original application.
  - b. Refunds shall be requested in the form prescribed in the Plan Commission's Rules of Procedure, which shall include but not be limited to:
    - i. Job address
    - ii. Requestor's information
    - iii. Type of fees to be refunded
    - iv. Reason for requesting the refund
    - v. Verification of permit withdrawal / cancelation
  - c. Refunds shall be payable only to the original payer of the fees.
  - d. Refunds shall only be issued for that portion of work that has yet to be completed (ie inspections that have not taken place)
  - e. Under no circumstances will any fees be refunded after a Certificate of Occupancy has been issued pursuant to Section 11.3 of this Ordinance.

## Chapter 12: Enforcement

12.1	GENERAL PROVISIONS .....	12 - 2
12.2	CIVIL ZONING VIOLATIONS.....	12 - 2
12.3	CITATION FOR CIVIL ZONING VIOLATIONS .....	12 - 3
12.4	TRIAL FOR CIVIL ZONING VIOLATIONS .....	12 - 5

## 12.1 GENERAL PROVISIONS

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- A.** It shall be the duty of the Administrator or his/her designee to enforce these regulations and to bring any violations or lack of compliance to the attention of the Town Attorney, who may recommend filing a complaint against the person and prosecute the alleged violator, with the approval of the Plan Commission.
- B.** The Town, by its authorized official, may, by suit in the Circuit or Superior Court(s) of Hendricks County, enjoin violations of this Ordinance.
- C.** The Plan Commission, by mandatory injunction in the Circuit Court or Superior Court(s) of Hendricks County against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition permitted in violation of this Ordinance.
- D.** A use that violates this Ordinance shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for the nuisance.
- E.** No Building Permit required under the state building Ordinances or this Ordinance shall be issued on any property subject to this Ordinance in violation of the provisions of this Section or not in substantial compliance with this Ordinance.

## 12.2 CIVIL ZONING VIOLATIONS

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- A.** Any person who uses property in violation of this Ordinance shall be deemed to have committed a civil zoning violation and may be issued a warning ticket or citation by the designated enforcement entity. This Ordinance is included under a list of ordinances scheduled for the jurisdiction of the Clerk-Treasurer of Pittsboro.
- B.** Each day a violation remains uncorrected, after notification, is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed by the provision below, provided a warning ticket has first been issued pursuant to the Section 12.3.



**C.** The monetary fine for each civil zoning violation shall be as follows:

1. First Occurrence of Violation

- a. The monetary fine for the first occurrence of a violation shall be One Hundred Dollars (\$100.00)
- b. Each day a violation remains uncorrected shall be a distinct and separate violation and subject to an additional One Hundred Dollar (\$100.00) fine.

2. Recurring Violation(s)

- a. For any recurrence of any violation within a 365-day period from the correction of the first occurrence, the following fines shall apply for each day the recurrence remains uncorrected:
  - i. Second Occurrence: \$ 250.00
  - ii. Third Occurrence: \$ 500.00
  - iii. Fourth Occurrence: \$1,000.00
  - iv. Each Occurrence in excess of four (4): \$2,000.00
- b. Each day a violation remains uncorrected shall be a distinct and separate violation and subject to an additional fine in the amount established above.

- D.** All fines prescribed by this Section for civil zoning violations shall be paid within seventy two (72) hours to the Clerk-Treasurer of Pittsboro, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, and duplicate of which shall be made a part of the records of the Plan Commission. All fines thus received shall be deposited with the Town of Pittsboro Clerk-Treasurer. If a violation is to be appealed, the procedures set forth in Section 12.4 B shall apply.

## 12.3 CITATION FOR CIVIL ZONING VIOLATIONS

- A.** The Administrator or his/her designee may issue a civil zoning violation to a person who commits a zoning violation to the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs. The citation may be served by personal service, by certified mail, or by placement in a conspicuous place on the property where the

violation occurs and shall serve as notice to a person that he or she has committed a civil zoning violation.

- B.** Warning tickets or citations issued for a violation are considered a violation of health, safety, and welfare. A person who receives a warning ticket or a citation may either choose to abate the violation or file a petition for a variance, special exception use, rezoning, or other means provided by this Section to correct the violation, as prescribed by the Subsection D below. A person who elects to file such a petition shall indicate this intent in writing to the Administrator within the time provided in the warning ticket or citation.
- C.** No citation shall be issued for the first offense unless the legal owner, the contract vendee, or any person or entity with a possessory interest in the real estate upon which the violation occurs has been issued a warning ticket before the issuance of the citation to allow said person to correct the violation to come into compliance with the prescribed zoning ordinance or regulations. A warning ticket will first be provided detailing the violation, including the Chapter and Section of the Ordinance of the violation and the required remedy. The warning ticket shall be issued for a period of at least one day but not more than 30 days. The period granted shall be reasonably tied to the necessary time to remedy the violation. For example, the time to remove a temporary sign in violation may be one day while the time to remove a primary structure in violation may be 30 days. The warning period may be extended upon request to and granting by the Administrator if satisfactory progress is being made to correct the violation. Warning tickets shall not be issued for recurring offenses within a 365-day period from correction of the first offense. If the violation is not remedied, or notice provided to the Administrator of a pending petition or appeal as permitted by Sections 12.3.B or 12.3.E, within the duration of the warning ticket period, a citation will be issued.
- D.** The person shall have ten (10) days, after the citation to file a petition, and additional monetary fines as prescribed in Section 12.2 shall be stayed upon the date of the filing of such petition, as long as the violation does not continue at the real estate. A person who files the petition within the ten (10) days shall pursue the petition in an expeditious fashion. The Plan Commission or Board of Zoning Appeals, as applicable, will hear the petition at a public meeting. At that time, the Plan Commission or Board of Zoning Appeals, may, in its sole discretion, waive all or a portion of any fines. If the petition is denied, withdrawn, or dismissed for want of prosecution, and the civil zoning violation continues at the

real estate, fines shall be assessed dating back to the original citation. A lawsuit may be commenced by the designated enforcement entity in a court of competent jurisdiction in Hendricks County, Indiana.

- E.** If a person believes that the warning ticket or citation received results from an incorrect interpretation of this Ordinance by the Administrator, the aggrieved person may file an appeal of the decision for a hearing by the Board of Zoning Appeals. Said appeal shall be on the Board of Zoning Appeals Application and shall include payment of the appropriate filing fee. A person who elects to file such an appeal shall indicate this intent in writing to the Administrator within the time provided in the warning ticket or citation.
- F.** A person shall have thirty (30) days after issuance of the warning ticket to file an appeal of the allegedly incorrect interpretation, and additional monetary fines as prescribed in Section 12.2 shall be stayed upon the date of the filing of such petition until a decision is made by the Board of Zoning Appeals. A person who files an appeal within the thirty (30) days shall have the appeal heard at the next regularly scheduled Board of Zoning Appeals meeting. If the board upholds the interpretation of the zoning ordinance which led to issuance of the warning ticket, and the civil zoning violation continues at the real estate, then a citation will be issued and will move forward with the Plan Commission. The applicant can either conform to the Ordinance, correct the violation and pay the fine, or request a trial on the citation for determination by a court of competent jurisdiction in Hendricks County, Indiana.
- G.** If the violation is determined by the Administrator to be a threat to public health or safety, the Administrator may order the land use or activity to cease and desist immediately, regardless of whether a warning ticket or citation has been issued.
- H.** The warning ticket and citation shall be in the form prescribed by the Plan Commission.

## 12.4 TRIAL FOR CIVIL ZONING VIOLATIONS

- A.** The Town may elect to bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action for any unpaid citation or unabated violation of this Ordinance.

- B.** A person adjudged to have committed a zoning violation is liable for the court costs and fees. No cost shall be assessed against the enforcement agency in any such action.
- C.** Seeking a civil penalty as authorized by this section does not preclude the Town from seeking alternative relief from the court in the same action, or from seeking injunctive relief or other remedy in a separate action for the enforcement of this Ordinance.

## Chapter 13: Definitions

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13.3	DEFINITIONS .....	13 - 3

## 13.1 INTENT

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For the purpose of this Ordinance, certain terms or words used herein shall be interpreted according to the rules and definitions of this Section, except when the context clearly indicates otherwise.

Whenever any words and phrases used herein are not defined but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein except when the context otherwise requires.

All other words not herein defined, shall be defined according to any recent edition of a dictionary of the American language.

## 13.2 RULES

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- A.** Words used in the present tense include the future tense; words used in the future tense include the present tense; words used in the singular include the plural; and words used in the plural include words used in the singular.
- B.** The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity.
- C.** Words used in the masculine include the feminine; words used in the feminine include the masculine.
- D.** The word "shall" is mandatory; the word "may" is permissive, and the word "should" is a preferred requirement.
- E.** The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- F.** The word lot includes the words plot or parcel.

## 13.3 DEFINITIONS

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### A

**ABANDONMENT, PROPERTY** – The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor resuming the use of the property.

**ABANDONMENT, PUD** – Failure to obtain a Final Plan after rezone to the PUD district and approval of the Preliminary Plan or cessation of development for a period of time as defined by the standards of this Ordinance.

**ABANDONMENT, WIRELESS TOWER** – Cessation of use of a wireless tower for a period of time as defined by the standards of this Ordinance.

**ABUTTING** – Physically touching or bordering upon; or sharing a common property line.

**ACCESS** – A way or means of approach to provide physical entry to a property.

**ACCESS ROAD** – A street designed to provide vehicular access to abutting property and to discourage through traffic.

**ACCESSORY APARTMENT** - A second dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation, and sleeping.

**ACCESSORY STRUCTURE** - A structure that is subordinate to and located on the same lot as the principal structure, and which does not change or alter the character of the premises.

**ACCESSORY STRUCTURE, RECREATION-BASED** – An accessory structure placed on a lot and used for recreation, entertainment, and lounging. Examples of recreation-based accessory structures include decks, docks, hot tubs, ground mounted satellite dishes, sport courts, swimming pools. Recreation-based accessory structures do not include any enclosed structures.

**ACCESSORY STRUCTURE, STORAGE-BASED** – An accessory structure placed on a lot and used to store, keep, shelter, or contain material items. Examples of storage-based accessory structures include barns, carports, detached garages, green houses, mini-barns, pole structures, pool houses and sheds. Generally,

storage-bases accessory structures are enclosed or partially enclosed. As such, children's play equipment which is enclosed by a roof shall be considered a storage-based structure.

ACCESSORY STRUCTURE, SUPPORT-BASED – An accessory structure placed on a lot and used to provide essential support services to a primary structure, primary land use, or another accessory structure. Examples of support-based accessory structures include maintenance facilities, mechanical structures, stand-alone restroom facilities, storage buildings, enclosed vending, and other structures that support the primary structure.

ACCESSORY USE - A use subordinate to and located on the same lot as the principal use, and which does not change or alter the character of the principal use.

ACRE – A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.

ACREAGE, NET – Net acreage is defined as the area of the site less all unbuildable areas including, but not limited to, allocated street rights-of-way, wetlands, and permanent open space. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from gross acreage. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the Building Commissioner shall render a determination.

ACTUAL CONSTRUCTION – Work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

ADDITION – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ADMINISTRATOR - The official appointed and/or delegated the responsibility for the administration, implementation, and enforcement of these regulations as set forth in Section 2.6 and elsewhere in this ordinance.

ADVERTISING SIGN – See Sign, Advertising.

ADVISORY PLAN COMMISSION – A Plan Commission serving a single local government jurisdiction established as defined under the I.C. 36-7-1-2 as amended. The Plan Commission is an Advisory Plan Commission.

AGRICULTURE – The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of



livestock; tillage, animal or poultry husbandry; farming; and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" shall not include feed lots, stock yards, or the common feeding of garbage or offal to swine or other animals. See also: Farm

**AGRICULTURAL BUSINESS** – Establishments primarily engaged in supplying goods and services to the agricultural community including, but not limited to: tractor and farm implement sales, grain elevators, stock yards, farming machinery sales, farm machinery repair, soil preparations services, crop services, landscaping services, horticultural services and greenhouses, veterinary and other animal services including breeding, boarding and agricultural-related auctioning, farm labor and management services.

1. **Agricultural Roadside Stand:** A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.
2. **Agricultural Produce Business:** A permanently sited retail business engaged in the display and sale of agricultural produce and products.
3. **Agricultural Produce Business, Seasonal:** shall mean a temporary retail business in a permanent structure, engaged in the display and sale of agricultural produce and products which are primarily grown in the season in which they are being sold.

**AGRICULTURAL TOURISM BUSINESS** – A business venture located on a working farm, ranch, or agricultural enterprise that provides an educational or recreational experience for visitors.

**AIRPORT** – A Use devoted to the take off, landing and storing of aircraft, other than a Municipally Owned Airport.

**AISLE** – The traveled way by which cars enter and depart parking spaces.

**ALLEY** A public or private right-of-way which may be used for utility purposes but is generally less than thirty (30) feet in width and is intended to provide secondary access to the rear or side of lots or buildings in urban areas. It is not intended for the purposes of through vehicular traffic.

**ALLEY LINE** A lot line bordering on an Alley.

ALTERATION – See Land Alteration.

ANIMAL - Any live or dead dog, cat, non-human primate, guinea pig, hamster, rabbit, or any other warm-blooded or cold blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, exhibition purposes, sale or as a pet. This term excludes: birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes.

1. Exotic Animal: Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, and is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
2. Farm Animal: Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas.
3. Pet Animal: Any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits and hamsters. This term excludes exotic animals and wild animals.
4. Wild Animal: Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, and wolf.

ANIMAL, DOMESTIC - An animal that is tame or domesticated and not normally found in the wild state and/or is not classified or considered as wildlife, livestock,

or exotic animal. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal (See also definitions of livestock and wildlife).

ANNEXATION, INVOLUNTARY - An annexation initiated without written consent from all property owners within the area to be annexed as further defined by Indiana Code 36-4-3 et seq.

ANNEXATION, VOLUNTARY - An annexation by consent in which all property owners within the area to be annexed provide written consent to the annexation as further defined by Indiana Code 36-4-3 et seq.

APARTMENT - One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

APARTMENT, ACCESSORY - A permitted independent, subordinate dwelling unit contained on the same lot as the primary dwelling unit or a business.

APPLICANT - The owner of land who makes application to the Pittsboro Plan Commission or Board of Zoning Appeals for action by said Commission or Board, thereby affecting that land.

AREA, NET – The land area of a parcel excluding those areas that contain structures, parking or other impervious surfaces, and non-buildable natural features such as wetlands, woodlands, natural habitats, and the like.

AREA OF SIGN - See Sign Area.

ASSISTED LIVING FACILITY - A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be 65 years of age or over, or a multiple family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangement includes primarily non-medical services to deal with the activities and instrumental activities of daily living.

ATTACHED BUILDING - A building that is structurally connected to another building by foundation, common wall, or roof line. Future expansion of a building shall be connected by foundation, common wall or roof line and shall not stand independently of the original existing building.

ATTACHED MULTI-FAMILY DWELLING - See Dwelling, Attached Multi-family.

ATTACHED SINGLE-FAMILY DWELLING - See Dwelling, Attached Single-family.

**AUTOMATED TELLER MACHINE (ATM)** – An electronically operated device used to conduct financial transaction on-site, by means of direct computerized access.

**AUTOMOBILE FILLING STATION** - See Gas Station

**AUTOMOBILE OR TRAILER SALES AREA** – An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers to be displayed, sold or rented on the premises.

**AUTOMOBILE WASHING** - See Car Wash.

**AUTOMOTIVE SERVICE, MAJOR** - The replacement of any part or general repair, rebuilding or reconditioning of engines, passenger cars, commercial vehicles or trailers, including body work, framework, welding and major painting service. Above stated is applied to passenger vehicle(s).

**AUTOMOTIVE SERVICE, MINOR** - The service and maintenance of equipment and parts, including oil change and lubrication, muffler shops, tire sales and installation, wheel and brake shops, automobile detailing, or installation of CB radios, cellular phones, car stereos, or car alarms. Above stated is applied to passenger vehicle(s), and is typically accomplished without keeping vehicle overnight.

**AWNING** - Any structure made of cloth or metal with a frame attached to a building and projecting over a sidewalk, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

## **B**

**BANNER** – A sign of light-weight, flexible, and temporary material such as cloth or plastic which is attached to a building, structure, or other support in such a manner as to allow movement caused by the atmosphere.

**BANNER, FIXED** – A sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at two or more edges.

**BASE FLOOD** - See Regulatory Flood.

**BASEMENT** – The portion of a building with more than half of its height below the ground. For the purposes of this Ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

**BEACON** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**BED AND BREAKFAST** - A house or portion of a house where short-term lodging rooms and meals are provided for compensation. The operator of the establishment shall live on the premises. Guest rooms are not intended for cooking or eating but meals may or may not be provided.

**BIG BOX RETAIL** - A large-scale self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited medical services, such as a dentist or optometrist's office.

**BILLBOARD** – See Sign, Billboard.

**BLOCK** – A tract of land bounded by streets, or by a combination of streets and railroad rights-of-way, waterways, boundary lines of municipalities, or other barriers.

**BLOCK FACE** - One (1) side of a street between intersections.

**BOARD** – The Pittsboro Board of Zoning Appeals (BZA).

**BOARDING HOUSE** – An establishment offering rooms for rent, where meals are regularly served for compensation for three (3) or more persons, but not exceeding eight persons, and not open to transients, in contradistinction to hotels and restaurants open to transients.

**BOND** - A form of security including a surety bond, in an amount and form satisfactory to the Town Council. The Town Council shall approve all bonds whenever a financial guarantee is required by these regulations.

**BUFFER AREA** – Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

**BUFFER LANDSCAPING**- Any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance to be placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers.

**BUILDABLE AREA** – The area of a lot remaining after the minimum yard, right-of-way, easements and other open space requirements of this Ordinance have been met.

**BUILDER** – The person or firm who obtained the Building Permit.

**BUILDING** Any structure that is primarily above ground and enclosed, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

**BUILDING, ACCESSORY** – See Accessory Structure.

**BUILDING AREA** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one (1) story in height, or architectural appurtenances projecting not more than two (2) feet.

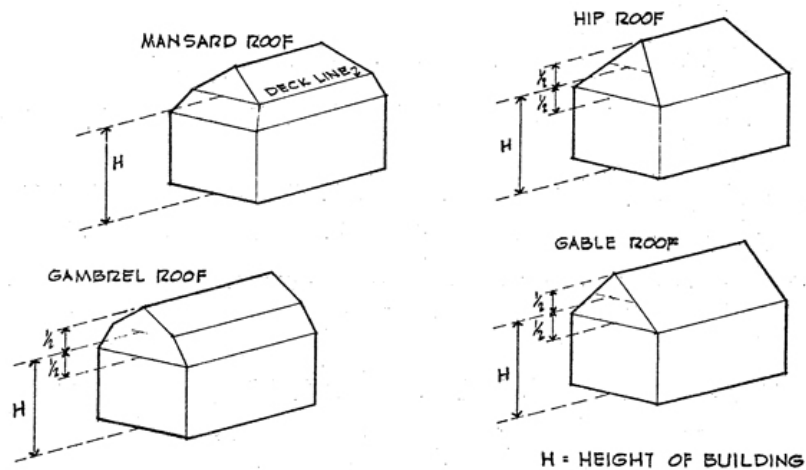
**BUILDING CODE** - The Town Ordinance establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters within the Town; also referred to as the Building Code of Pittsboro, Indiana.

**BUILDING COMMISSIONER** - Building Commissioner shall be synonymous with the term Building Inspector, and shall refer to the person employed and delegated the primary responsibility of issuing building permits and conducting inspections of same.

**BUILDING, DETACHED** A building having no structural connection with another building.

**BUILDING FRONTAGE** – The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building whichever is greater.

**BUILDING, HEIGHT OF** - 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 SETBACK LINE** - The line that establishes the minimum permitted distance between the front of a building or structure and the front lot line. (See also Setback).

**BUILDING PERMIT** – A certificate issued under this Ordinance, permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the condition of the land.

**BUILDING, PRINCIPAL** - A building in which the main or principal use of the lot on which said building is situated is conducted. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building. Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

**BUILDING SITE** – An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.

**BUSINESS** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices; or the maintenance or operation of recreational and amusement enterprises for profit.

**BUSINESS DISTRICT** - Refers to the OTBD, GB, and HB districts.

**BUSINESS, RETAIL** – Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business

use includes, but need not be limited, to such activities as: supermarkets or stores that sell hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

**BUSINESS, SERVICE** -- Any activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**BUSINESS, WHOLESALE** -- A business establishment that generally sells commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for future resale, for use in the fabrication of a product or for use by a business service.

**BZA** -- Board of Zoning Appeals.

## C

**CAMPGROUND** - A parcel of land used or intended to be used for temporary occupancy by campers, through the use of recreational vehicles, travel trailers, mobile homes, tents, cabins, or other temporary accommodations.

**CANOPY** – Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

**CANOPY, GASOLINE ISLAND** – Any structure made of metal with frames attached to the ground or a building that projects over gasoline islands or pumps.

**CARPORT** - A covered automobile parking space not completely enclosed by walls or doors.

**CAR WASH** An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, and/or waxing of motor vehicles.

**CEMENTITIOUS SIDING** – A composite building material used to cover the exterior of a building and composed of sand, cement, and cellulose fibers.

**CEMETERY** Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.



**CERTIFICATION OF OCCUPANCY** A certificate signed by the Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance and other applicable Town Ordinances.

**CHILD CARE HOME** - 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:

1. While unattended by a parent, legal guardian or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term includes Class I Child Care Homes and Class II Child Care homes.

1. Class I Child Care Home: A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time. See I.C. 12-7-2-33.7.
2. Class II Child Care Home: A child care home that services more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time. See I.C. 12-7-2-33.8

**CHURCH** - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a non-profit religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**CLINIC** - A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric services and similar uses for outpatient only.

**CLUB** Building and facilities owned or operated by a person or organization for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**CLUSTER** - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation,

common open space, and/or preservation of historic or environmentally sensitive features.

CO-LOCATION - Locating wireless communication equipment for more than one provider on a single site.

COMMISSION The Town of Pittsboro Plan Commission.

COMMERCIAL ENTERTAINMENT FACILITIES - Any activity conducted for economic gain, which is generally related to the entertainment field, such as motion picture theater, carnivals, nightclubs and similar entertainment activities.

COMMERCIAL PASSENGER VEHICLE - Any vehicle designed for carrying more than 12 passengers or used for the transportation of goods, including all vehicles within Classes 3 through 8, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc. (See also Passenger Vehicle).

COMMERCIAL RECREATIONAL FACILITIES - Any activity conducted for economic gain which is generally related to the recreational uses, such as bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, marinas, boat storage and dock facilities, and similar recreational activities such as pinball, electronic games, pool tables, etc.

COMMON OPEN SPACE - Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as necessary and appropriate.

COMMUNICATION ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panels antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation or ham or citizen band radio antennas, which are considered accessory uses.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas.

COMMUNICATIONS TOWER - A structure other than a building, designed and used to support communications antennas such as a monopole, self-supporting or guyed tower.

COMMUNICATIONS TOWER, HEIGHT OF - The vertical distance measured from the average ground level of the area within the base of the tower, to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY SERVICE ORGANIZATIONS - A non-profit association of Pittsboro residents whose purpose is to provide service to other Pittsboro residents.

COMPREHENSIVE PLAN - The official policy document which establishes development goals and objectives to guide growth within and around Pittsboro in a coordinated manner, prepared by the Pittsboro Plan Commission and adopted in accordance I.C. 37-7-4 500 Series.

CONCEPT PLAN - An illustration of the layout of a proposed planned unit development, drawn to the specifications of Section 13, and required for PUD rezoning consideration.

CONDITIONAL USE – See Special Exception Use.

CONDOMINIUM - Real estate lawfully subjected to Indiana Code 32-25 by the recordation of condominium instruments, and in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

CONFORMING USE – See Use, Conforming.

CONGREGATE HOUSING (Semi Independent Living Facilities) – A residential facility of four or more elderly persons (age 60 or older) within which is provided living and sleeping facilities, meal preparation, laundry service, and cleaning. Such facility may also provide other services such as transportation and limited nursing services.

CONSERVATION AREA - Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas includes but are not limited to: fresh water marshes or wetlands, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other than natural beaches or dunes), sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT - An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in

their natural, scenic, open, wooded condition or agricultural uses; retaining those areas as suitable habitat for fish, plants, or wildlife; maintaining existing land uses.

CONSTRUCTION TRAILER - A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

CONVALESCENT CARE/NURSING HOME - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation as defined by I.C. 12-7-2-133.

CONVENIENCE STORE, NEIGHBORHOOD - A small-scale retail store that sells groceries and household items, but does not have restaurant seating or gasoline sales.

CONVENIENCE STORE, REGIONAL - A retail store that sells groceries and household items, and which may also provide other convenience services such as restaurant, laundromat or gasoline sales for class I or II commercial vehicles. Such uses are considered to be accessory uses and not a separate business. See also "Truck Stop."

CONVERSION - A change in the use or the intensity of use of land or structure.

COPY, SIGN - See Sign, Copy.

CORRECTIONAL FACILITY - Public or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

COUNCIL - The Town Council of the Town of Pittsboro, Indiana.

COUNTRY CLUB - An establishment operated for social or recreational purposes that is open only to members and not to the general public.

COUNTY - Hendricks County, Indiana.

COVENANT - A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

CULVERT - A drain pipe that channels water under a bridge, street, or driveway.

CUL-DE-SAC - A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

CUT - The material removed in excavation. The difference between a point on the original ground and a designated point of lower elevation on the Final grade.

## D

DAY CARE CENTER - Any institution operated for the purpose of providing care, maintenance or supervision and instruction to children who are less than six (6) years old and are separated from their parents, guardian, or custodian for more than four (4) hours but not less than twenty-four (24) hours a day for ten (10) or more consecutive work days. However, the term does not include public or private school programs for children age three (3) and older.

DAY CARE CENTER, ADULT - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

DAY CARE HOME – See Child Care, Home:

DEAD-END STREET - A street temporarily having only one (1) outlet for vehicular traffic and which is designed and intended to be extended or continued in the future.

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 transfer of private property to public ownership upon written acceptance.

DENSITY - The number of dwelling units permitted per gross acre of land.

DENSITY, GROSS - The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all private streets of the development, public rights-of-way, and dedicated open space.

DENSITY, NET - The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located. Net density calculations exclude public rights-of-way, private streets and dedicated open space.

DENTAL OR MEDICAL CLINIC - A facility for the examination and treatment of ill and afflicted human outpatients by their regular doctor(s), provided that patients are not kept overnight.

DETACHED BUILDING - A building that has no structural connection with another building.

DETENTION AREA - An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

DETENTION BASIN - See Wet Bottom Basin.

DEVELOPER - The owner of land or his representative proposing changes to a parcel or parcels of land, including development, lot improvement or subdivision of land. (See also definitions of Development and Subdivision).

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

1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer 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, 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 buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**DEVELOPMENT AMENITIES** - Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g., a swimming pool or tennis courts), security systems, views, landscaping and tree preservation, or attractive site design.

**DEVELOPMENT PLAN** - A specific plan for the development of real property that requires approval by the Plan Commission and which satisfies the requirements of Section 11 of this Ordinance.

**DEVELOPMENT STANDARDS** -- Regulations such as bulk, height, area, or space requirements set forth by this Ordinance.

**DEVELOPMENT STANDARDS VARIANCE** - A developmental standards variance is designed to adjust the regulations of the zoning ordinance to the land for which the variance is granted. Generally speaking, a developmental standards variance applies to developmental standards such as bulk, height, area, or space requirement of the zoning ordinance. The primary basis for granting a developmental standards variance is the showing by the applicant that a "practical difficulty" exists if the letter of the law is strictly applied. Once granted, a developmental standards variance shall run with the land, unless specifically stated otherwise in the conditions or commitments of the Board's final determination.

**DIRECTIONAL ANTENNA** - An antenna or array of antennas designed to concentrate a radio signal in a particular area.

**DISTRIBUTION CENTER** - A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DISTRICT** - Any section or sections of the Town of Pittsboro for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

**DISTURBED AREA** - An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

**DRAINAGE BASIN** - The area from which water is carried off by a drainage system; a watershed or catchment area.

**DRAINAGE POND** - A body of open water where drainage water is stored.

**DRAINAGE SYSTEM** - All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

**DRIVE IN ESTABLISHMENT, DRIVE-IN, or DRIVE-THROUGH** Any place or premises used for the sale, dispensing, or serving of goods or services to customers remaining in their automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

**DRIVE-UP WINDOW** – Any establishment providing service from a building directly to a customer in an automobile or other vehicle.

**DRIVES, PRIVATE** - Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way.

**DRY BOTTOM BASIN** – A basin designed to be completely drained after having provided its planned detention of runoff during a storm event.

**DUPLEX** – A building consisting of two (2) dwelling units which may be either attached side by side, or one above the other; and each unit having a separate or combined entrance or entrances from the outside of the building.

**DWELLING** - A building or portion thereof, used primarily as a place of residence for one or more human beings, but not including mobile homes, hotels or motels, lodging or boarding houses.

**DWELLING, ATTACHED SINGLE-FAMILY** - Single-family dwelling units attached by a common wall or walls, and legally platted so that each unit sits on an individual lot providing for fee simple ownership of each lot. This type of dwelling may or may not have additional common grounds owned by a homeowners association.

**DWELING, FARM** - A dwelling, located on a farm, for the purpose of housing an owner or employee of that farm or agricultural operation and his/her family.

**DWELLING, SINGLE FAMILY** A detached residential dwelling unit designed by and occupied by one (1) family only.

**DWELLING, TWO FAMILY** A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.



**DWELLING, MULTI FAMILY** A residential building designed for or occupied by three (3) or more families, provided that the number of families in residence do not exceed the number of dwelling units provided.

**DWELLING UNIT** A dwelling or part of a dwelling used by one family as a place of abode, physically separated from any other dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

## E

**EASEMENT** The right of a person, government agency, or public utility company to use, for a specific purpose, the public or private land owned by another.

**EDUCATIONAL FACILITY, PRIVATE** - Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major parts of its funding from any governmental agency.

**EDUCATIONAL FACILITY, PUBLIC** - Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which secures the major parts of its funding from governmental agencies.

**EDUCATIONAL INSTITUTION** A pre-primary, primary, grade, junior -high, high, or preparatory school or academy; or a junior college, college or university, whether public or founded or conducted by or under the sponsorship of a religious or charitable organization.

**EGRESS** – An exit.

**ELDERLY HOUSING** - For the purpose of this Ordinance, elderly housing shall be divided into three categories based on the amount of care provided. Each category may be subject to separate regulations.

1. Independent Living Facilities – Independent living facilities are living facilities that do not provide any type of health care.
2. Semi Independent Living Facilities – Semi Independent Living Facilities are similar to apartments but include special support services such as central dining, and may include limited medical care. See "congregate housing" and Health Services: Assisted Living Facilities.

3. **Dependent Living Facilities** – Dependent Living Facilities are those which provide twenty-four hour nursing care in addition to living arrangements. See “nursing home” and Health Services: Convalescent, Rest or Nursing Home.

**ELECTROLIER** - An electrolier is a chandelier for electric lamps.

**EMERGENCY/IMMEDIATE CARE MEDICAL FACILITY** - A facility for the examination and outpatient treatment of “walk-in” human patients, which may be open 24 hours per day.

**ENGINEER, PROFESSIONAL** - Any person who is licensed by the State of Indiana to practice professional engineering.

**EROSION** - The removal of surface materials by the action of natural elements.

**ESCROW** – The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

**EXCAVATION** - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - Means 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 floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - Means 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).

## **F**

**FAÇADE** - That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

**FAMILY - Defined as:**

1. One (1) or more persons related by blood, marriage, adoption or other duly-authorized custodial arrangement; or
2. Not more than four (4) unrelated persons living together in a dwelling sharing common sleeping, cooking, living, and eating facilities; or
3. Residents of a Group Home (see "Group Home") licensed by the State of Indiana.
4. A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

**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 and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits; and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; farm residences for the owner, operator or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name of the products of the particular farm. "Farms" shall not include industrial or commercial operations or structures which are not directly related to agricultural production. See also: Agriculture

**FAMILY CARE HOME** – Family Care Home is defined in the Indiana Code 36-12.

**FAST FOOD RESTAURANT** - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers.

**FENCE** - An enclosure or barrier used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

**FENCE, OPEN** – A fence which contains at least 50% open spaces as compared to a solid, opaque surface.

**FHBM** – Flood Hazard Boundary Map

**FILL** - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

**FILLING STATION** - Buildings and premises where gasoline and other petroleum are supplied and dispensed at retail, and where light automobile maintenance activities may be conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, 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. A service station shall not be construed as a repair garage or a body shop.

**FINANCIAL GUARANTEE** - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. The Town Council shall approve all financial guarantees whenever required by these regulations.

**FISCAL IMPACT ANALYSIS** – A report projecting the public costs and revenues that will result from a proposed program or development.

**FIXTURE** - The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**FLAG** – Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLAG LOT** - A lot with access provided to the bulk of the lot by means of a narrow corridor.

**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, REGULATORY** -- See Regulatory Flood.

**FLOOD HAZARD AREA** -- A flood plain, or portion thereof, which is not adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Department of Natural Resources.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** -- An official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

**FLOOD INSURANCE RATE MAP (FIRM)** -- The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the town.

**FLOODPLAIN** -- The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

**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.

**FLOODWAY FRINGE** -- Those portions of the floodplain lying outside the floodway.

**FLOOD PROTECTION GRADE (FPG)** -- The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

**FLOOR AREA, NET** The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

**FLOOR AREA, GROSS** - The total horizontal areas of the one or several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.

**FLOOR AREA RATIO (FAR)** - The combined floor area of all stories of all buildings within a lot, divided by the land area.

**FOOTCANDLE** -- A unit of illumination equal to the illumination at all points that are one (10 foot from a uniform point source of one (1) candle of power.

**FOOTPRINT** – The horizontal area of a building or structure as seen in plan, measured from outside of all exterior walls and supporting columns.

**FORESTRY** – The growing or harvesting of forest trees species used for commercial or related purposes.

**FOUNDATION** - The supporting member of a wall or structure.

**FOUNDATION SIDING or SKIRTING** – A type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

**FRONT LINE** – With respect to a building, the foundation line that is nearest the front lot line.

**FRONTAGE** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**FULL CUTOFF** - A light fixture which prevents distribution of light above a horizontal plane passing through the lowest point of the bulb or lens, diffuser, reflective enclosure, or other parts intended to distribute light.

**FULLY SHIELDED** - A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public rights-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

**FUNERAL HOME/MORTUARY** - An establishment engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funeral services before burial or cremation.

## G

**GARAGE, ATTACHED** - A portion of the principal building, used or designed to be used for the parking and storage of Class I and Class II vehicles associated with the primary use of the lot on which it is situated, including carports.

**GARAGE, DETACHED** - An accessory building, or part thereof, used or designed to be used for the parking and storage of Class I and Class II vehicles associated with the primary use of the lot on which it is situated, including carports.

**GARAGE, PUBLIC** - A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and, in which, no vehicle sales or service shall be provided for remuneration.

**GARAGE, REPAIR** - See definitions for "automotive service, major" and "automotive service, minor".

**GARAGE OR YARD SALE** - A private or public sale of six (6) or more items of personal property, the sale of which is conducted within a residence, garage, or other accessory building, or immediately outside of such building, and which is conducted by the owner or occupier of such structure.

**GAS STATION** – See Filling Station.

**GLAZING** – Transparent glass set or made to be in frames.

**GOLF COURSE** - A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a driving range, pitch and putt area, a clubhouse and shelters as accessory uses.

**GRADE** – The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the building.

**GREENBELT** - A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip or to mark the edge of a development.

**GREENHOUSE, COMMERCIAL** - A greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.

**GREENWAY** - A linear park, alternative transportation route, or open space conservation area approved by the Town.

**GROSS LAND AREA** – All areas (whether covered by land or water or rights-of-way) contained within the perimeter property boundaries of a proposed project.

**GROUND FLOOR AREA** - The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions,

exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

**GROUP HOME -**

1. **DEVELOPMENTALLY DISABLED.** A residential facility for the developmentally disabled, as defined under I.C. 12-7-2-166.
2. **MENTALLY DISABLED.** A residential facility for the mentally disabled as defined under I.C. 12-7-2-167.
3. For the purpose of this Ordinance, group homes shall also include **HALF WAY HOUSES.**

**GROUP HOME, OTHER -** A single, self-contained children's home established and operated by the Town of Pittsboro, or other governmental agency, licensed private child placement agency, or licensed incorporated group established for the purpose of receiving and caring for up to eight (8) children who are attended by parents.

**GUYED TOWER –** A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

## H

**HARDSHIP -** A perceived difficulty with regard to one's ability to improve land as a result of the application of the development standards of this Ordinance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Nor shall the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, be considered a hardship. Nor shall any improvement initiated in violation of the standards of this Ordinance be considered a hardship.

**HAZARDOUS WASTE -** Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or



2. Pose a substantial present or potential hazard to human health or the environment when improperly treated stored, transported, disposed of, or otherwise managed.

HEI Assisted Living Facility - Housing that is designed for and primarily occupied by elderly or handicapped residents, which offers a program of services to deal with the activities of daily living, and may offer meals in a congregate dining area. An assisted living facility does not provide continuing nursing care or institutional care.

HEIGHT OF BUILDING – see BUILDING, HEIGHT

HEIGHT, MAXIMUM - Maximum height is measured from grade level to the highest point of the structure.

HIGHWAY, LIMITED ACCESS - A freeway or expressway providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at points and in a manner as may be determined by the public authority having jurisdiction over the highway.

HISTORIC STRUCTURE - A structure that is 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.

HOME OCCUPATION Any activity performed for monetary gain in or directed from a dwelling unit by one or more residents of that dwelling unit which is located in a residential zone.

HOME SITE – That portion of a mobile/manufactured home park which is designated or used for occupancy of one, and only one, manufactured home, including its accessory structures and its outdoor living areas, but exclusive of common space and roadways.

HOSPITAL An institution licensed by the State Department of Health to provide health services for the sick or injured, and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility; provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

**HOTEL** A building offering transient lodging to the public for compensation, and which may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

**I**

**IMPERVIOUS SURFACE** - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**IMPROVEMENT** - Any alteration to the land or other physical constructions associated with subdivision and building site development.

**IMPROVEMENT LOCATION PERMIT** – see BUILDING PERMIT

**IMPROVEMENT, LOT** - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvement shall require financial guarantee as provided in the applicable regulations.

**IMPROVEMENT, PUBLIC** - Any drainage ditch, roadway, sidewalk, curb, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall require financial guarantee.

**IMPROVEMENT, SUBSTANTIAL** - Means any construction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "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 will not preclude the structure's continued designation as a "historic structure."

**IMPROVEMENT, TEMPORARY** - Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the performance guarantee.

**INDIVIDUAL SEWAGE DISPOSAL SYSTEM** - A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

**INDUSTRIAL PARK** - A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space

**INDUSTRIAL USE** - A use involving the manufacture, procession, assembly, or storage of equipment, raw materials, or manufactured products which require an industrial zoning classification of I-1, I-2, or I-3 as stipulated by Appendix A: Official Schedule of Uses.

**INFRASTRUCTURE** - The services and facilities necessary in a community, including but not limited to sewers, water systems, streets, utilities and drainage services.

**INGRESS** - Access or entry point.

**INOPERABLE MOTOR VEHICLE** - A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property, or; a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

**INSTITUTION** - Any facility maintained or conducted by a group of persons, a firm, association, non-profit entity, corporation, or government body (i.e. buildings and land designed to aid individuals in need of mental, therapeutic and rehabilitative counseling or buildings and land designed to aid individuals in educational, religious, charitable or other such pursuits).

**INTEGRATED CENTER** - A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

**INTENSE BURNING** - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**INTERESTED PERSON** - Someone having an interest in land affected by a given zoning decision as determined by the written rules of either the Commission or the Advisory Board of Zoning Appeals.

INTERIOR LOT - A lot other than a corner lot or a through lot.

## J

**JUNK YARD** Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted. Including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bogs, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

## K

**KENNEL, COMMERCIAL** - Any lot or premises which are kept for breeding, boarding, grooming, or training purposes, or for sale, five (5) or more dogs, cats, or other domestic animals more than six (6) months of age, not owned by the owner or occupant of the property.

**KENNEL, PRIVATE** - Any building or land designed or arranged for the care of four (4) or more dogs or cats over four (4) months of age belonging to the owner of the principal use, kept for purposes of show, hunting, or personal enjoyment as pets.

## L

**LAND ALTERATION** - Any change, addition or modification in construction.

**LAND SURVEYOR** - Any person who is licensed in the State of Indiana to practice land surveying.

**LANDFILL** - The burial of non-hazardous, non-radioactive and non-medical farm, residential, institutional, commercial, or industrial waste, usually after the waste has been compacted.

**LANDOWNER** - The legal or beneficial owner or owners of land. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this Ordinance.

**LANDSCAPE CONTRACTOR** - Any person, firm, association, syndicate, partnership, realtor or corporation engaged in the business of accepting orders or contracts, either as a general contractor or subcontractor for the planning, design and installation of landscaping for non-residential uses.

**LIVESTOCK** - Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.), not to include domestic animals.

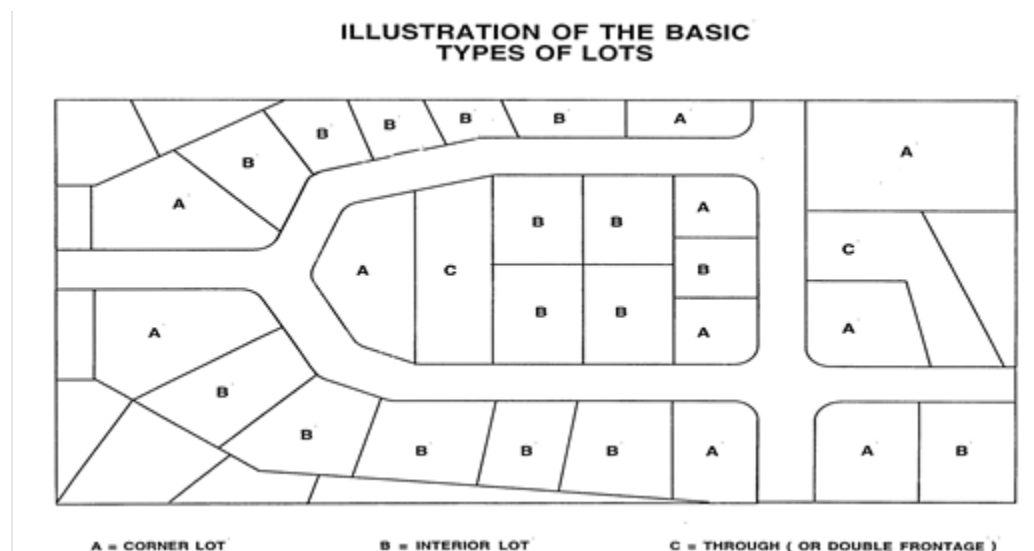
**LIVING AREA** - See Floor Area, Usable Living

**LOADING SPACES/BERTHS** - The off street area required for the receipt or distribution by vehicles of material or merchandise.

**LOCAL STREET** - A street designated primarily to provide access to other streets from individual properties.

**LODGING HOUSE** - A building where long term rental lodging is provided for compensation to three (3) or more, but not exceeding thirty (30) persons.

**LOT** - A single recorded tract or plot, which is the smallest unit of a residential, commercial or industrial subdivision or other parcel of land. A lot serves as a unit for the purpose, whether immediate or future, of transfer of ownership, or lease. See also definitions for "lot of record" and "parcel".



**LOT OF RECORD** A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Hendricks County, Indiana; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder of Hendricks County, Indiana, prior to the date of passage of this Section of the Ordinance.

**LOT AREA** – The area of the horizontal plane of a lot bounded by the vertical planes of the front, side and rear lot lines. Easements are considered to be part of the lot area. The lot area is exclusive of right-of-way and may not be covered by water.

**LOT, CORNER** – A lot situated at the intersection of two (2) streets, or which fronts a street on two (2) sides.

**LOT COVERAGE** The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

**LOT, DEPTH OF** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

**LOT FRONTAGE** The front of a lot shall be construed to be the portion nearest the street right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage, and yards shall be provided under "yards" in this Section.

**LOT GRADE LEVEL** –

1. For a building having walls abutting, that is, generally parallel to and not more than five (5) feet from one (1) street only, the elevation of the sidewalk at the center of the wall abutting the street.
2. For a building having walls abutting more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls that face streets.
3. For a building having no wall abutting a street, the average level of ground adjacent to the exterior walls of the building.

**LOT LINE, FRONT-** A line separating a lot from a street. Any lot line which abuts a street shall be considered a front lot line.

**LOT LINE, OPPOSITE** – The side property line on the opposite side of the dwelling from the zero lot line.

**LOT LINE, REAR** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE** Any lot boundary line not a front lot line or a rear lot line.

**LOT, MINIMUM AREA OF** - The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district, and which does not include any street right-of-way.

**LOT, NONCONFORMING** - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district.

**LOT, SALES** - Premises on which new or used passenger cars, recreational vehicles, boats, commercial vehicles, farm implements, trailers or other vehicles, or manufactured homes are displayed in the open for sale or trade. All vehicles must be in operable condition.

**LOT STORAGE** - An unenclosed space or place where passenger cars, recreational vehicles, boats, commercial vehicles, farm implements, trailers, mobile homes or other vehicles are parked or stored for more than twenty-four (24) consecutive hours. All vehicles must be in operable condition. A storage lot may be fenced or otherwise enclosed. A parking lot is not a storage lot.

**LOT, CORNER** - A lot located at the intersection of two or more streets.

**LOT, REVERSED FRONTAGE** - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**LOT, FLAG** - A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

**LOT, THROUGH** - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**LOT WIDTH** The dimension of a lot, measured between side lot lines on the building line.

**LOWEST FLOOR** – Means the lowest of the following:

1. The basement floor;
2. The garage floor, if the garage is the lowest level of the building;
3. The first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor;
  - b. Such enclosed space shall be usable for non-residential purposes and building access.

## **M**

**MAINTENANCE GUARANTEE** - Any security which may be required and accepted by the Pittsboro Town Council to assure that necessary improvements will function as required for a specific period of time.

**MANEUVERING AISLE** - A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

**MANEUVERING SPACE** - An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space; but is not used for the parking or storage of motor vehicles.

**MANUFACTURED HOME** – As defined in I.C. 9-13-2-96. A single-family dwelling unit designed and built in a factory and installed as a permanent residence, which bears a seal certifying that it was built in compliance with the National



Manufactured Home Construction and Safety Standards Act (1974 U.S.C. 5401 et seq.) and which also complies with the following specifications:

1. Shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space.
2. Is attached to a permanent foundation of masonry construction and has permanent perimeter enclosure constructed in accordance with the One- and Two- Family Dwelling code.
3. Has wheels, axles and towing chassis removed.
4. Has a pitched roof with a minimum rise of two-twelfths (2/12).
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty by forty-seven and one-half (20 x 47.5) feet in length or width enclosing occupied space.

**MANUFACTURING** – The process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

**MANUFACTURING, EXTRACTIVE** - Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any material natural resource, excluding gas and oil.

**MANUFACTURING, HEAVY** - A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

**MANUFACTURING, LIGHT** - Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

**MEDICAL OR DENTAL LABS** - A facility for scientific laboratory analysis of medical or dental resources. The scientific analysis is generally performed for an outside customer. This category includes medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic

laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

**MENTAL HEALTH FACILITY (OR PSYCHIATRIC HOSPITAL)** - A facility or institution for diagnosing, treating, caring for, or counseling people requiring mental health services in confinement.

**MINERAL EXTRACTION** - Mining or quarrying; and removal of earth materials.

**MINOR ARTERIAL** - A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices; and/or designed to carry traffic from urban collector streets to the system of principal arterials.

**MIXED USE** - A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MOBILE HOME** Any vehicle more than thirty two (32) feet in length designed by the manufacturer or maker with hitch and undercarriage to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a dwelling and not qualifying under the definition of manufactured home or recreational vehicle.

**MOBILE HOME PARK** An area of land upon which two or more Mobile Homes are harbored for the purpose of being occupied either free charge or in consideration of the payment of rental for the Mobile Home or the site upon which it rests; and within which area a Mobile Home may be supported either by its wheels or by a foundation of any sort.

**MODEL HOME** - A dwelling unit used temporarily for display purposes which typifies the type of units that will be constructed in the subdivision in which the dwelling unit is located, and may contain a temporary sales office for the subdivision in which the dwelling unit is located.

**MODULAR HOME** -- An off-site (factory) constructed, transportable structure designed for residential occupancy when permanently placed on a foundation.

**MONOPOLE TOWER** -- A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

**MONUMENT, SURVEY** - Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot or street lines.

**MOTEL** A building or a group of detached or connected buildings devoted to the provision of sleeping accommodations for automobile transients, and containing bedroom, bathroom, closet space, and convenient access to a parking space. Motels may include other accessory uses such as restaurants, swimming pools, meeting rooms, and the like. See also "Hotel."

**MOTOR HOME** -- See recreational vehicle.

**MOUNTING HEIGHT MEASUREMENT, LIGHTING** - The mounting height for all light fixtures shall be defined as the vertical distance between the adjacent grade of the surface being illuminated and the top of the lighting fixture (luminaire).

**MULTIPHASE DEVELOPMENT** – A development project that is constructed in stages, each stage being capable of existing independently of the others.

## N

**NEON** - Irregularly bent or shaped glass tubing containing gaseous neon which glows when an electrical current is applied.

**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 floodplain management regulations adopted by the Town of Pittsboro, Indiana.

**NEWSPAPER STAND** - A temporary structure, manned by a vendor that sells newspapers, magazines, other periodicals. Can also include a permanent stand where money is deposited into a machine to receive a paper.

**NON-CONFORMING BUILDING OR STRUCTURE (LEGALLY ESTABLISHED)** - Any continuous, lawfully established building or structure erected or structurally altered prior to the time of adoption, revision, or amendment of this Ordinance or granted a variance from this Ordinance, but which fails, by reason of such

adoption, revision, amendment, or variance, to conform to the present requirements of the zoning district in which it is located.

NON CONFORMING USE – See Use, Nonconforming.

NURSERY, PLANT MATERIALS – Land, building, structure, or any combination used for the storage, cultivation, transplanting of live trees, shrubs, offered for retail sale on the premises including products used for gardening or landscaping.

NURSING HOME – Any institution, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.



OCCUPANCY - The residing of an individual overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building and/or the use of land, building or structures. A change in occupancy is not intended to include a change of tenants or proprietors.

OCCUPANCY GROUP - The classification in which an administrator assigns a building, according to its use.

OCCUPANCY PERMIT - A required permit allowing occupancy of a building or structure after it has been determined that the building or structure meets all the requirements of applicable Ordinances.

OCCUPIED SPACE - The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

OCTAVE BAND A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bonds.

OCTAVE BAND ANALYZER An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bonds.

**OFFICE BUILDING** - A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OFFICE, PROFESSIONAL AND BUSINESS** - A room or group of rooms used for conducting of affairs. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, government, or like activity. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

**OFFICE RESEARCH PARK** - A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**OFFICIAL ZONING MAP** - The legally adopted map showing the legally established boundaries or the zoning districts within the Town as adopted by the Town Council.

**OFF-SITE (OFF-PREMISES)** - Outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted.

**OMNIDIRECTIONAL ANTENNA** - An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

**ON-SITE** - Located inside the property lines of the parcel in question.

**ONE AND TWO FAMILY DWELLING ORDINANCE, INDIANA** - The nationally recognized model building Ordinance adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and which includes those supplements and amendments promulgated by this agency.

**OPAQUE** – Not able to be seen through, not transparent.

**OPEN FENCE** – see FENCE, OPEN

**OPEN SPACE** The total horizontal area of a lot excluding the building area but including parking areas and recreational areas, provided, however, in Residential Districts, said open space may include the usable roof area within the project which has been improved for outdoor use of occupants, plus one half of

that space, such as balconies, which may be open on its sides but not open above to the sky.

ORCHARD - A total of twenty-five (25) or more fruit trees growing on a single lot, or a total of twenty-five (25) or more fruit trees within any single 10,000 square foot area for an economic gain.

OUTBUILDING - A separate accessory building or structure not physically connected to the principal building.

OUTDOOR LIGHT (FIXTURE) - A light fixture located outside or intended to be viewed from the outside.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OUTDOOR VENDING MACHINE - Any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Outdoor vending machines include, but are not limited to, soda machines, snack machines, and movie vending. Newspaper racks, phones, and ATMs are not considered or regulated as vending machines nor are ice storage coolers and propane storage cages.

OVERLAY ZONE - Provides for the superimposing of certain additional requirements upon a base use zoning district. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply.

OVERLAY ZONE, CORRIDOR - The application of an overlay zone on designated corridors within the Town of Pittsboro.

OWNER - A, person, firm, association, syndicate, partnership, corporation, or any other legal entity recorded as such on official records, and including a duly authorized agent or notary, a purchaser, a devisee, judiciary, and person having a vested or contingent interest in the property in question as long as written proof of such can be produced upon request.

## P

PARCEL – Any legally described piece of land that may or may not be subdivided. Also known as a tract. See also definitions for lot and lot of record.

**PARKING AREA (LOT)** An open area, other than a street or alley designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for public use or as an accommodation for clients or customers.

**PARKING SPACE** A space designated for the temporary parking of a motor vehicle.

**PARKING GARAGE** - A garage where parking, but not repairs, are available to the public.

**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.

**PASSENGER CAR** – Every vehicle, except motorcycles, designed for carrying 12 passengers or less and used for the transportation of persons, including all vehicles within Classes 1 and 2, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc. (See also Commercial Vehicle).

**PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERCEIVED DIFFICULTY** – A perceived difficulty with regard to one's ability to improve land due to the application of the development standards of this ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this ordinance; any result of land division requiring variance from the development standards of this ordinance in order to render that site buildable.

**PERFORMANCE GUARANTEE** – An amount of money or other negotiable security paid by the subdivider or his surety to the Town of Pittsboro, which guarantees that the subdivider will perform all actions required by the Town Council regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of any approved plat, the subdivider or his surety

will pay damages up to the limit of the financial guarantee bond, or the surety will itself complete the requirements of the approved plat.

PERFORMANCE STANDARDS – A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed.

PERIMETER RETAINING WALL – A perimeter non load-bearing structural system completely enclosing the space between the floor joists of a manufactured or mobile home and the ground.

PERMANENT FOUNDATION – A structural system for transposing 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 necessary opening, constructed in accordance with the International Residential Code for One- and Two-Family Dwelling as adopted or amended by the state.

PERSON - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

PERSONAL SERVICES – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shop, beauty parlors, tanning and nail salons, tattooing and body piercing and other such related activities.

PLAN – See Site Development Plan.

PLAN COMMISSION – The Pittsboro Advisory Plan Commission

PLAN, PRELIMINARY - An initial map of a subdivision of land or development plan that is presented to the proper review authority for preliminary approval

PLANNED UNIT DEVELOPMENT (PUD) - A large-scale unified development meeting the requirements for zoning approval under the provisions of Section 12 of this Ordinance.

PLAT A Map or Chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PLAT, FINAL – The final map of all or a portion of a subdivision or development plan that is presented to the proper review authority for final approval.



**PREMISES** A lot or plot of land, including any buildings thereon.

**PRINCIPAL ARTERIAL** - A street intended to move through-traffic to and from such major business attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the Town or County and/or as a route for traffic between communities; a major intra- or inter-town thoroughfare.

**PRINCIPAL BUILDING** – See Building, Principal.

**PRINCIPAL USE** – See Use, Principal.

**PRIVATE CAMP** – An area of land used or designed to be used to accommodate groups or organized camping parties, including cabins, tents, food service, and recreational facilities.

**PRIVATE DRIVEWAY** – A minor private way used by vehicles and pedestrians for common access to a single lot or dwelling units or related business establishments.

**PRIVATE GARAGE** – A garage whose principal use is to house Class I and/or Class II motor vehicles for the accommodation of related dwelling units or related business establishments.

**PRIVATE RECREATIONAL DEVELOPMENT** - A recreational establishment held in private ownership and either open only to members or open to the general public in exchange for an admission fee.

**PRIVATE SCHOOL** – Non-state supported or sponsored primary, grade, high or preparatory school or academy.

**PROFESSIONAL OFFICE** Office of a member or members of a recognized profession, including but not limited to: architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

**PUBLIC HEALTH CENTER** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

**PUBLIC IMPROVEMENT** - Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, 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 UTILITY** – Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, fiber optics, cable television, and water or sewage systems to the public under public regulation.

**PUBLIC UTILITY FACILITY** - Telephone, electric, and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUBLIC UTILITY INSTALLATIONS** The erection, construction, alteration, or maintenance by public utilities, municipal departments, 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 WAY** – An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**PULL OUT** – An expandable portion of a manufactured housing unit.

## R

**RECREATION, ACTIVE** - The improvement of the land that provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to: swimming pools, athletic fields, tennis courts, community centers and playgrounds.

**RECREATION, COMMERCIAL** - Commercial recreation is land or facilities, operated as a business and which is open to the general public for a fee, that shall include, but is not limited to: water parks, rollerblade rental, billiard parlors, video amusement arcades, ski areas, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.

RECREATION, NON-COMMERCIAL - Non-commercial recreation is any land or facility operated by a governmental agency or non-profit organization and which is open to the public or members of the non-profit organization, without a fee, that shall include but is not limited to: playgrounds, outdoor basketball courts, picnic areas, bike/hike trails, riding stables, athletic fields or swimming pools.

RECREATION, PASSIVE - The use of unimproved land, in its natural state, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing and rafting areas.

RECREATION CAMPGROUND - An area of land on which two (2) or more recreational vehicles, campers, tents, cabins, or other similar temporary recreational structures are regularly accommodated for short term occupancy with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATIONAL FACILITY, INDOOR - A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors. Such facility may be either public or private and open only to members or to the general public in exchange for an admission fee. Activities may include, but are not limited to swimming pool, tennis, racquetball, basketball, weight training, ice skating and roller skating, etc.

RECREATIONAL FACILITY, OUTDOOR - A place primarily designed and equipped for the conduct of sports and leisure-time activities outdoors. Such facility may be either public or private and open only to members or to the general public in exchange for an admission fee. Activities may include, but are not limited to, golf courses, game courts, swimming facilities, etc.

RECREATIONAL VEHICLE -- A portable or self-propelled vehicular structure designed as a temporary dwelling for travel and vacation uses only which conforms to either division (1) or (2) below:

1. Division 1
  - a. Is identified on the unit by the manufacturer as a recreational vehicle.

- b. Is not more than the statutory body width for highway purposes as determined by the Bureau of Motor Vehicles.
  - c. Is any weight provided its body length does not exceed thirty two (32) feet.
- 2. Division 2
  - a. Is a structure mounted on an automobile or truck.
  - b. Is designed to be used for sleeping or temporary habitation.

RECYCLABLE MATERIAL - Any material that can be converted into a raw material for use in a manufacturing process. Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.

RECYCLING FACILITY - A building or area where recyclable material only is collected, sorted, and processed, prior to shipment for remanufacture into new materials at a separate facility.

REGISTERED LAND SURVEYOR - A land surveyor properly licensed and registered or through reciprocity permitted to practice in Indiana.

REGULATORY FLOOD (or BASE FLOOD) – The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency.

REGULATORY FLOOD PROFILE - A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood. The intent of this definition is to be consistent with the definition derived by the Indiana Department of Natural Resources.

RELIGIOUS PLACE OF WORSHIP - An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held and any related accessory buildings.

RESEARCH ACTIVITY AND TESTING LABORATORY - Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line

A research and testing laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

RESERVE STRIP - A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street widening.

RESIDENTIAL DISTRICT - Those districts, R-1, R-2, R-3, R-4, R-5.

RESTAURANT - An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.

RESTAURANT, FAST-FOOD - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

RESTRICTIVE COVENANTS - Limitations of various kinds of the usage of lots within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and run with the land.

RE-SUBDIVISION - A change in a recorded subdivision plat if the change affects any street layout or area reserved thereon for public use of any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETENTION AREA - An area that is designed to capture and hold specific quantities of stormwater indefinitely.

RETENTION BASIN - See Dry Bottom Basin.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another use involving maintenance by a public agency or by a utility. The usage of the term RIGHT-OF-WAY for land platting purposes shall mean that every RIGHT-OF-WAY hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining the RIGHT-OF-WAY and not included within the dimensions or areas of the lots or parcels. RIGHTS-OF -WAY intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or

special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat the RIGHT-OF-WAY is established.

**RINGELMANN NUMBER** The number of the area on the Ringelmann Chart that most nearly matches the light obscuring capacity of smoke. The Ringelmann Chart is published by the U. S. Bureau of Mines, and it illustrates graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann "0".

**ROAD** – See Street.

**RUNOFF** - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

## S

**SALE or LEASE** - Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate, succession, or other written instrument.

**SAME OWNERSHIP** - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnership, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**SANATORIUM** - An institution providing health facilities for in-patient medical treatment and recuperation making use of natural therapeutic agents.

**SCHOOL, HOME** - As regulated by I.C. 20 and seq., the State of Indiana allows for children to be home educated. The law requires that children be in school from 7-17 years of age and that they attend school for 180 days each year

**SCRAP METAL YARD** -

1. A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles,

rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires the items incidental to its connection with the other general industrial use or by purchase, consignment or bailment, and which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares the items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses, including open hearth, electric furnaces and foundry operations. Shall not include junkyards, dumps, or automobile graveyards.

2. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of the establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junkyard.

**SECTION** - A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

**SEDIMENTATION** - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

**SENIOR HOUSING (Independent Living Facilities)** – A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing services.

**SERVICE STATION** – See Filling Station

**SETBACK** - A line parallel to and equidistant from the relevant lot line (front, back, side) measured from the property line, defining the limits of a yard in which no building, other than a permitted accessory building or structure, may be located above ground, except as may be provided by the Development Standards in this Ordinance. The setback is measured to the foundation of the building unless the structure has an overhead greater than sixteen (16) inches, in which case the setback is measured to the overhang.

**SEWER, CENTRAL OR GROUP** -- An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEWER, ON-SITE** -- A septic tank or similar installation on an individual lot which utilizes an anaerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

1. **Adult Arcade** -- Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. **Adult Book Store or Adult Video Store** -- A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, other digital or analog media, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
3. **Adult Cabaret**: A nightclub, bar restaurant, or similar commercial establishment which features:
  - a. Persons who appear in a state of nudity or semi-nudity; or
  - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - c. Digital media, motion pictures, videocassettes, slides, or other photographic or mechanical reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."



4. Adult Motel: A hotel, motel or similar commercial establishment which:
  - a. Offers, accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, digital or analog media, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas"; or has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - b. Specifically offers a sleeping room for rent for an hourly rate or for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub rent the room for an hourly rate or for a period of time that is less than ten (10) hours. For purposes of this subsection, the terms "rent" or "sub rent" mean the act of permitting a room to be occupied for any form of payment or consideration.
  - d. Evidence that a sleeping room in a hotel, motel, or a similar commercial enterprise has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this chapter.
5. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."
6. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities."
7. Baths, Public: A common body or pool of water that is used by two or more people at the same time for the intent of cleansing one's body.
8. Community Gateway: A prominent point of entry to the community. Specifically, points along the Interstate 74 Corridor, Jeff Gordon

Boulevard, and US Highway 136 that pass through and in close proximity to the Pittsboro Town Limits.

9. Employee: A person who performs any service on the premises of a sexually oriented business on a full time or part time basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.
10. Escort: A person who, for consideration agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
11. Escort Agency: A person who or business association which furnishes, offers to furnish, or advertises to furnish escort as one of its primary business purposes, for a fee, tip, or other consideration.
12. Establishment: Includes any of the following:
  - a. The opening or commencement of any sexually oriented business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. The additions of any sexually oriented business to any other existing sexually oriented business; or
  - d. The relocation of any sexually oriented business.
13. Permittee: A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
14. Massage: The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
15. Massage Establishment: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric, bathing or

magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. This term also includes massage parlor, massage salon and massage studio.

16. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
17. Nudity/State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
18. Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.
19. Premises: The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Subsection 15.10 of this ordinance.
20. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
21. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and

- b. Activities between male and female person or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- 22. Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- 23. Specified Anatomical Areas: The male genitals in a state of sexual arousal and the vulva or more intimate parts of the female genitals.
- 24. Specified Criminal Activity: Any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the criminal or penal code of this state, other states, or other countries.
  - a. For which:
    - i. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
    - ii. Less than ten (10) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
    - iii. Less than ten (10) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
  - b. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

25. Specified Sexual Activities: Includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- c. Masturbation, actual, or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

26. Substantial Enlargement: The enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent.

27. Transfer of Ownership or Control: The control of a sexually oriented business means and includes any of the following:

- a. The sale, lease, or sublease of the business; or
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**SHED ROOF** – A roof having only one sloping plan and no hips, ridges, or valleys.

**SHOPPING CENTER** - An architectural and functional grouping of retail stores and appropriate associated and accessory uses, generally oriented around a supermarket or department store, and designed to serve residential neighborhoods or communities. For the purpose of this Ordinance, any development consisting of two or more professional office uses, personal service uses, retail service uses, or any combination thereof, shall be considered a shopping center.

**SIDEWALK** - A paved surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

**SIGN** - Any device, fixture, placard, structure, display, or illustration that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the

purpose of or identify an object, product, place, activity, business, person, service or interest, or to communicate information of any kind to the public.

SIGN, ABANDONED – A sign that no longer correctly identifies or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises on which the structure or device is located.

SIGN AREA –

1. The surface area shall be that area which is enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign excluding the supporting structure which does not form part of the sign property or the display or;
2. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

SIGN, ANIMATED – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, AWNING – A sign utilizing an awning as the sign face. Awning signs shall be handled in the same manner as wall signs.

SIGN, BANNER - A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

SIGN, BANNER SEASONAL - Seasonal banners are temporary banners that are made of lightweight fabric or similar material that is temporarily mounted to a pole or building by a permanent frame at one or more edges, and display seasonal themes.

SIGN, BILLBOARD - A billboard shall be defined as a sign used to display information or products which are not located on the same premises as the billboard or communicates a message, regardless of whether or not there is a service fee or rental fee for such a sign. Billboards are permitted along (and facing) interstate highways only, other locations are prohibited.

SIGN BOARD - A specific type of portable sign, double sided, self-supporting, made of a light weight material, not permanently attached to a building, structure, or the ground, and intended for a limited period of display.

**SIGN, BUSINESS** - A sign which directs attention to a business, building, product, activity, or service manufactured, sold, or offered upon the premises as the primary uses where such sign is located.

**SIGN, CANOPY** – Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**SIGN, CHANGEABLE COPY** – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

**SIGN COPY (Permanent or Temporary)** – The wording or any graphic illustrations on a sign surface either in permanent or removable letter form.

**SIGN, DISPLAY** - A sign that is located on and is incidental to a display of merchandise.

**SIGN, ELECTRIC** - Any sign that is operated electrically.

**SIGN, EXEMPT** - Sign exempt from normal permit requirements

**SIGN FACING** - The surface of the sign upon, against or through which the message of the sign is exhibited.

**SIGN, FREE STANDING** - Any sign attached to a self-supporting sign structure that is placed or anchored in the ground, and which is essentially unattached to any other structure. Free-standing signs may be either pole-mounted or monument signs.

**SIGN, GROUND** - A sign which is supported by one or more uprights or bases in the ground with sign surface mounted above.

**SIGN, HIGH-RISE** - A sign erected at a minimum height of fifty (50) or more feet above grade level and upon premises of the business being advertised.

**SIGN, IDENTITY** - Any sign or sign structure not permanently affixed or installed and intended for short-term use.

**SIGN, ILLEGAL** - Those signs which do not have a valid permit or do not qualify as nonconforming under the Zoning Ordinance.

**SIGN, INCIDENTAL** - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**SIGN, MARQUEE** - A permanent roof-like shelter extending from part or all of the building face over a right-of-way (sidewalk) public or private, and constructed of some durable material such as metal, glass, plastic or wood.

**SIGN, MONUMENT** - A sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.

**SIGN, MULTI-FACED** - If a sign has two (2) display or advertising surfaces, the area of any face shall be no greater than one hundred percent (100%) of the maximum area permitted for a single faced sign in the particular district. Should a sign have more than two (2) faces, the area of any single face shall be no greater than fifty percent (50%) of the maximum area permitted for a single faced sign, with a total maximum area no greater than four hundred (400) square feet.

**SIGN, NON-CONFORMING** - Signs which were lawful prior to the time this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of Article 15 of the Pittsboro Zoning Ordinance shall be deemed Legal Non-Conforming.

**SIGN, OFF-PREMISES** - A sign identifying and/or providing directions to a business or organization which is located on premises separate from the location of the sign.

**SIGN, OUTDOOR ADVERTISING** - A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which the sign is located.

**SIGN, PENNANT** – Any light weight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**SIGN, POLE** - A sign which is supported by one or more poles or uprights in the ground with sign surface mounted at a maximum height of ten (10) feet from the building, or 35 feet total.



**SIGN, PORTABLE** - A sign which by its design and construction is readily mobile from one location to another. Such a sign may be mounted on wheels or on a small trailer frame; or may be mounted on a supportive frame, which is designed to set on top of the ground, or to be temporarily staked or tied to the ground.

**SIGN, PROJECTING** - Any sign suspended from or supported by a building, and extending outward therefrom more than twelve (12) inches.

**SIGN, PYLON** - A freestanding sign which has a vertical dimension greater than its horizontal dimension and which has a sign face within close proximity of the ground but separated from ground level by two or more supports such as poles or columns.

**SIGN, ROOF** - A sign mounted or painted upon the roof of a building or that is wholly dependent upon a building for support and that projects above the roof.

**SIGN STRUCTURE** - The supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

**SIGN SURFACE** - The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**SIGN, SUSPENDED** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**SIGN, TEMPORARY** - An on-premises advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**SIGN, UNIFIED CENTERS** - A common sign indicating the presence of multiple tenants on a property being constructed or managed as a single development. Such developments include, but are not limited to: shopping centers, office parks, and industrial parks.

**SIGN, WALL** - Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface, or erected and confined within the limits of an

outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**SIGN, WINDOW** – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SITE DEVELOPMENT PLAN** - A detailed plan, prepared in accordance with Chapter 11 of this Ordinance, and submitted to the Plan Commission for approval, which illustrates the proposed development or alteration of a site. Site development plans are required for all uses except single-family residences, two-family residences, and manufactured homes in an approved park.

**SLOPE** - The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SMOKE** A suspension of fine particles, excluding water droplets, in a gaseous plume, which more or less obscures the transmission of light.

**SMOKE UNIT** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

**SOIL STABILIZATION** - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

**SPECIAL EXCEPTION USE** - The authorization of a use that is so designated as being permitted in the district concerned if it meets special conditions, and upon application, is specifically authorized by the Board of Zoning Appeals.

**SPECIAL FLOOD HAZARD AREA (SFHA)** – Those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Town of Pittsboro prepared by the Federal Emergency Management Agency. The SFHAs of those parts of unincorporated Hendricks County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are

generally identified as such on the last version of the Flood Insurance Rate Map prepared for the Town of Pittsboro by the Federal Emergency Management Agency.

**SPECIAL SCHOOL** Any school which has as its primary purpose the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

**STABLE** - Any stable for the housing of horses, mules, donkeys or ponies, operated for remuneration, hire, sale, or stabling; or any stable, not related to the ordinary operation of a farm, with a capacity of more than four (4) horses, mules, donkeys or ponies, whether or not the stable is operated for remuneration, hire, sale or stabling.

**STATE AGENCY** - As used in this Ordinance, the term state agency shall mean and include all state agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

**STORAGE SHED or MINI-BARN** - An accessory structure used primarily for storage purposes, of a height no greater than seven (7) feet, and the total square footage of which does not exceed 200 square feet.

**STORAGE YARD** - A parcel of ground used in whole or part for the storage of materials or equipment not including junk occupying more than two hundred and fifty (250) square feet of area which is clean, quiet and free of any objectionable or hazardous element.

**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. For the purpose of this ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose. See

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

**STREET** – A right-of-way that is established for public or private use to provide the principal means of access by the motoring public to abutting property. Types of streets include the following:

1. **ALLEY.** A public or private street primarily designed to serve as a secondary access to the side or rear of those properties.

2. ARTERIAL. Either a boulevard, primary arterial or secondary arterial as defined in this section.
  - a. BOULEVARD - A divided arterial street or portion thereof which has a landscaped median strip dividing the lanes carrying traffic in opposite directions.
  - b. PRIMARY ARTERIAL - A street intended to move through traffic to and from such major attractors as central business districts, regional shopping center, colleges or universities, military installations, major industrial areas and similar traffic generators within the Town or county, and/or as a route for traffic between communities; a major infra- or inter-city thoroughfare as designated by and shown on the Thoroughfare plan.
  - c. SECONDARY ARTERIAL - A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic-generating areas such as community-commercial areas, primary and secondary educational facilities, hospitals, recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials as designated by and shown on the Thoroughfare Plan.
3. STREET, DEAD-END. A local street with only one (1) outlet and not having an appropriate terminus (turnaround) for the safe and convenient reversal of traffic including public safety vehicles.
4. STREET, FRONTAGE. A street intended to move traffic from either a residential neighborhood or a commercial or industrial area to an arterial street, with the purpose of controlling the location and spacing of access points to the arterial street and thereby protecting the integrity of the arterial street as a major mover of traffic. A frontage street usually runs parallel to the related arterial street and may have development only along one (1) side.
5. STREETS, NONRESIDENTIAL. May be either of the following:
  - a. COLLECTOR - A street intended to move traffic from local streets to secondary arterials in nonresidential areas as designated and shown on the Thoroughfare Plan.

- b. LOCAL SERVICE - A street intended to provide access to other streets from individual properties in nonresidential areas.
- 6. STREET, MAJOR. Any arterial or collector street.
- 7. STREET, PERIMETER. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
- 8. STREET, PLACE. A short residential local service street, cul-de-sac, or court with a maximum development potential of ten (10) residential units.
- 9. STREET, PRIVATE. A right-of-way or easement for the public use for vehicular and pedestrian traffic which is owned and maintained by a private person or entity and not by a governmental body. Use of a private street may be limited by its owner or owners. Private streets may serve residential or nonresidential properties.
- 10. STREET, PUBLIC. A right-of-way dedicated for the public use for vehicular and pedestrian traffic to be owned and maintained by the governmental body having jurisdiction. Other ancillary uses such as drainage and/or utility facilities may also be included within public rights-of-way.
- 11. STREETS, RESIDENTIAL. Any of the streets defined as follows:
  - a. COLLECTOR - A street intended to move traffic from local streets and cul-de-sacs in residential neighborhoods to primary or secondary arterials as designated and shown on the Thoroughfare Plan.
  - b. CUL-DE-SAC - A local street with only one (1) outlet and having an appropriate terminus (turnaround) for the safe and convenient reversal of traffic movement, including public safety vehicles, and intended to provide access to other streets from individual properties in residential neighborhoods.
  - c. LOCAL SERVICE - A street intended to provide access to other streets from individual properties in residential neighborhoods.
- 12. STREET, STUB – A dead end street intended to be extended or continued to serve future subdivision or development of the adjacent land.

**STRIP SHOPPING CENTER** - A commercial real estate development comprised of four or more retail or commercial stores situated side by side and generally facing a street or highway right-of-way. Any commercial real estate development comprised of less than four (4) retail or commercial stores situated side by side shall be considered as being a "free-standing building".

**STRUCTURE** Anything constructed or erected which requires location on or in the ground or attachment to something having a location on or in the ground.

**STRUCTURAL ALTERATION** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

**STRUCTURE, PARKING** - Any building, or portion thereof, incidental to the primary use of the property, which is non-residential, and which is designed and used for the storage of the Class I or Class II vehicles belonging to the customers, employees or visitors of the property, but not for the storage of commercial vehicles.

**STRUCTURE, PRIMARY** - A structure which is the main or principal structure on the lot on which said structure is situated. Also see "Building, Principal".

**SUBDIVIDER** - Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

**SUBDIVISION** The Division of land parcels as defined in The Pittsboro Subdivision Control Ordinance.

**SUPPORT SYSTEM (FOUNDATION)** - A combination of footings, piers, caps, plates, and shims, which, when properly installed, support the manufactured or mobile home; footings being the part of the support system which transmit loads to the soil at or below the surface and the frost line; piers and caps being the part of the support system between the footing and the home, exclusive of plates and shims; plates and shims being the cushion of wood or other approved material, which are used to fill the gap between the top of the pier caps and the frame of the home.

**SWALE** - A low lying stretch of land which gathers or carries surface water runoff.

**SWIMMING POOL, PRIVATE** A swimming pool used only by the owner of the pool and the owner's invited guests, and which is an accessory use at a private residence or private commercial operation.

**SWIMMING POOL, PUBLIC** - A swimming pool for the benefit of the general public, usually operated with a charge for admission; a principal use.

## T

**TALL STRUCTURE** – Tall structures shall include but not be limited to smoke stacks, water towers, buildings over 50 feet in height, antenna support structures or other communication towers, and roadway lighting poles.

**TAVERN** - An establishment where alcoholic beverages are sold to be drunk on the premises.

**TECHNICAL REVIEW COMMITTEE** - A panel established by the Town to provide technical knowledge and services to the Plan Commission in the administration of the zoning and subdivision control ordinances.

**TEMPORARY STRUCTURE** - A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**THOROUGHFARE** - Public vehicular infrastructure composed of avenues, streets, roads and drives.

**THOROUGHFARE PLAN** The part of the Comprehensive Plan, now or hereafter adopted, which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, highways, and other thoroughfares.

**THROUGH LOT** – See “Lot, Through”

**TOP SOIL** - Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon".

**TOWN** The Town of Pittsboro, Indiana.

**TOWN CENTER** - The central business district.

**TOWNHOUSE** - A single-family dwelling unit constructed in a row of attached units that are separated by property lines with open space on at least two (2) sides.

**TRADE OR BUSINESS SCHOOL** - A school conducted as a commercial enterprise for teaching business or secretarial skills, instrumental music, dancing, barbering or hair dressing, drafting, and the like; or for teaching industrial or technical arts.

**TRAFFIC CONTROL DEVICES** - All signs, signals, markings and devices placed or erected by authority of the Governing Body, complying with the State Statute Manual of Uniform Traffic Control Devices.

**TRAVEL TRAILER** - A vehicular, portable structure designed or used as a recreational dwelling, no more than thirty-five (35) feet in length built on a chassis, having a body width not exceeding eight feet and designed to move on the highway, not under its own power.

**TRUCK STOP** - A site at least 2 acres in size providing specialized facilities for retail fueling services for Class III or higher commercial vehicles; the site may include related facilities including but not limited to retail sales of groceries and household items, restaurants, showers and overnight parking. See also "Convenience Store, Regional".

**TRUCK WASH** - An activity conducted for the purposes of cleaning Class III or higher commercial vehicles, whether performed automatically, semi-automatically or manually. See also "Car Wash".

## U

**URBAN COLLECTOR** - A Street planned to move traffic from local streets to minor arterial streets.

**USE** - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**USE, CONFORMING** - A use or activity of a structure or land that is permitted or approved as a special exception use in the district where it is situated and which lawfully conforms to the regulations of that district in which it is located and all other regulations of this Ordinance.

**USE, EXISTING** - The use of a lot or structure at the time of the enactment of this Ordinance.

**USE, NON-CONFORMING** - A use or activity of structure or land which lawfully existed prior to the adoption, revision, or amendment of this Ordinance, but



which fails by reason of such adoption, revision or amendment to conform to the use district in which it is located.

USE, PRINCIPAL - The primary use to which a property is devoted and as the main purpose for which the property exists. A principal use may be authorized as either a permitted use or a special exception use.

USE, TEMPORARY - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

USE VARIANCE - The approval of a use other than that prescribed by this zoning ordinance.

USED CAR LOT - Any lot on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

UTILITIES - Infrastructure services, including those basic utilities, and the structures necessary to deliver those services. Those services may be provided by a public or private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

## V

VARIANCE A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VARIANCE, DEVELOPMENT STANDARDS - A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that this Ordinance otherwise prescribes.

VARIANCE, USE - A modification of the use allowed, with the specific requirements of this Ordinance, for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VEHICLE, CLASS I - Any non-commercial vehicle under 26,000 pounds primarily designed and used for private passenger use. These vehicles include passenger cars, light trucks, SUV, etc.

VEHICLE, CLASS II - Any other type of non-commercial vehicle under 26,000 pounds not covered by a Class I Vehicle. These vehicles could include trailers, boats, medium trucks, small box van, etc.

VEHICLE, COMMERCIAL - Any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting, or (b) as a temporary or permanent base, platform, or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet; (c) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity.

VETERINARY CLINIC/ANIMAL HOSPITAL - A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and recuperation.

VIBRATION Oscillatory motion transmitted through the ground.

VICINITY MAP - A drawing located on a plat which shows by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Town in order to better locate and orient the area in question.

VINEYARD – An area primarily used for the agriculture practice of growing grapes. Vineyards are not inclusive of a winery.

## W

WAIVER - A specific approval granted by the Plan Commission in the manner prescribed by this Ordinance, to deviate from the standards of the subdivision process.

**WALKWAY/BIKEWAY** - A dedicated public way, four (4) feet or more in width, for pedestrian or bike use, whether along the side of a road or not.

**WATERCOURSE** - A permanent stream, intermittent stream, river, brook, creek, channel or ditch for water, whether natural or man-made.

**WETLAND** - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted to life in saturated soil conditions, commonly known as hydrophytic vegetation.

**WET BOTTOM BASIN** - A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A wet bottom basin is typically a body of water with a fixed minimum and maximum water elevation between run-off events.

**WILDLIFE** - Animals existing in their natural habitats.

**WIRELESS COMMUNICATIONS EQUIPMENT BUILDING** - See Communications Equipment Building.

**WIRELESS COMMUNICATION FACILITIES** - A land use facility supporting antennas and microwave dishes that sends and/or receives telecommunication and radio frequencies signals. Wireless Communications Facilities include structures or towers, and accessory buildings.

**WIRELESS COMMUNICATIONS TOWER** - See Communications Tower.

**WIRELESS COMMUNICATIONS TOWER, HEIGHT OF** - The vertical distance measured from the average ground level of the area within the base of the tower, to the highest point on a communications tower, including antennas mounted on the tower.

## Y

**YARD** A space on the same lot with a principal building, open, unoccupied and un-obstructed by structures, except as otherwise provided in this Ordinance.

**YARD, FRONT** 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 line.

**YARD, REAR** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line.

**YARD, SIDE** A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the principal building, except in cases where irregular or pie shaped lots are located, then the width of the required side yard shall be an average of the width of the area between the side lot line and the principal building measured horizontally at 90° with the side lot line.

**YARD SALE** – See Garage or Yard Sale.

## Z

**ZERO LOT LINE** - The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**ZONE "A"** – Identified floodplains where the limits of the floodway and floodway fringe have not yet been determined; denoted on the FIRM maps as "Zone A"

**ZONE MAP** – The official zoning map of the Town of Pittsboro, and any amendments thereto.

**ZONING** - A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The zoning ordinance consists of two parts: a text and a map.

**ZONING ADMINISTRATOR** – See "Administrator"

**ZONING DISTRICT** A section of the territory within the Jurisdiction of the Pittsboro Town Plan Commission for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

**ZONING INSPECTOR** - The Administrator or the duly appointed administrative officer designated to administer this Ordinance.

**ZONING PERMIT** - A document issued by the Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the use.

**Town of Pittsboro Unified Development Ordinance**

# Appendix A: Schedule of Uses

A.1	Schedule of uses.....	A - 2
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## A.1 SCHEDULE OF USES

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
<b>AGRICULTURAL USES</b>																			
Agricultural Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Agricultural products, sales, distribution, and storage		P									S	P	P						
Agricultural Tourism Business		P																	
Farm Equipment Sales and Service		S							P	P	P	P							
Grain Elevators (commercial) and Related Uses		P	S								P	P							
Raising and Breeding of Farm Fowl or Animals (commercial)		P																	
Raising and Breeding of Non-Farm Fowl or Animals (commercial), except for kennel		S																	
Restricted Commercial Farm Enterprise, including confined feeding		S																	
Riding Stable		P	P											P					
Sales Barn for Livestock		S																	
Vineyard		P																	
Orchard		P																	
Forestry		P																	
<b>RESIDENTIAL USES</b>																			
Assisted Living Facility					S	S	P		P	P				P					P
Boarding House					S	S	P												
Child Care Homes, Class I and Class II			S	S	S	S	S							P					S
Dwelling, Residential conversion						S	P	P	P										
Dwelling, Single-family		P	P	P	P	P	P	P	P					P					P
Dwelling, Single-family attached						P	P	P	P					P	P				P
Dwelling, Manufactured Home		S												P	P				P
Dwelling, Multi-family						S	P	S	S					P					P
Dwelling, Two-family					S	P	P	S	S					P					P
Accessory Apartment			S	S	S	S	S							S					P
Elderly Housing					S	P	P		S					P					P
Fraternity, Sorority and Student Co-ops						S	S	S	S					P					

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Group Home					S	P	P												P
Mobile Home Park															P				
Nursing Home						S	P	P	P	P				P					P
Senior Housing or Congregate Care						P	P	S	P					P					P
<b>INSTITUTIONAL USES</b>																			
Charitable Institutions								S	P	P				P			P		P
Church, place of worship		S	S	S	S	S	S	P	P	P				P			P		P
Community Center			S	S	S	S	S	P	P	P				P			P		P
Educational Facility, Private		S	S	S	S	S	S	P	P	P				P	P		P		P
Educational Facility, Public		S	S	S	S	S	S	P	P	P				P	P		P		P
Hospital					S	S	S	S	P	P	P	P	P	P			P		P
Library and Museum	S							P	P					P			P		P
Municipal, County or other Government Building	S							P	P	P	P	P	P	P	P		P	P	P
Penal or Correctional Institution											S	S					P		
Police Station/Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P
Postal Station								P	P	P	P	P	P	P			P		P
Public Health Center/Clinic					S	S	S	S	P	P				P			P		P
Sanitarium/ Mental Health Facility									S	S	S	S					P		
Stadium, Coliseum, Athletic Field, when associated with an educational facility						S	S	S	P	P				P			P		P
University, College or Trade School									P	P	P	P					P		P
<b>PUBLIC UTILITY</b>																			
Major transmission lines for cable, fiber optic, gas, oil, electricity or other utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Water wells, water stations, filtration plant, reservoirs, and storage tanks		S	S	S	S	S	S	S	S	S	S	S	S	P			P	P	S
Sewage Treatment Facility (as a primary use)		S	S	S	S	S	S	S	S	S	S	S	S	P			P	P	S
Telephone exchange or public utility substation		P	S	S	S	S	S	S	P	P	P	P	P	P	P		P	P	S
Thermal, electrical and steam power plants												S	S				P	P	
Transmission tower(s) (radio, tv, etc.) and microwave towers		S	S				S		S	P	P	P	P	P		P	P		S
Utility company business office								P	P	P				P			P	P	P



Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Wireless Communications Facilities									S	P	P	P	P	P			P		P
<b>MOTOR VEHICLE USES</b>																			
Automobile Service, Major									S	P	P	P							
Automobile Service, Minor									S	P	P	P							P
Automotive Paint Shop/Detailing									S	P	P	P							
Automotive Sales and Rental									S	P	P								
Automotive Supply Sales								S	S	P	P								
Automotive Tire Repair and Sales								S	S	P	P	P							
Car Wash								S	P	P	P			P					
Filling station								S	P	P	P			P					
Public Garage								S	S	S	S	S		P					P
Public or employee parking area								S	P	P	P	P	P			P			P
Recreational Vehicle Sales											P	P							
Temporary storage for disabled vehicles													S						
<b>PROFESSIONAL SERVICES</b>																			
Advertising Sign or Billboard (as a principal use)										S									
Advertising Sign or Billboard (as an accessory use)										S			S						
ATM								P	P	P	P	P	P	P					P
Bank, financial institution								P	P	P				P					P
Community Service Organizations								S	P	P	P	P	P	P					P
Newspaper Publishing								P	P	P	P	P							
Office Research Park								P	P	P	P	P							P
Office, Medical or Dental								P	P	P				P					P
Office, Professional and Business								P	P	P	P			P					P
Research Establishment/Laboratory (commercial)										S	P	P							S
<b>PERSONAL SERVICES</b>																			
Bed and Breakfast and Lodging House			S	S	S	S	S	S						P					P
Cemetery		S	S	S	S	S	S												
Clinic, medical or dental						S	P	P	P	P				P					P
Crematory									P	P	P	P							

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Day Care Center or Child Development Center						S	S	P	P					P					P
Funeral Home or Mortuary					S	S	P	P	P	P									P
Health and Fitness Center	S							P	P	P				P					P
Hotel or Motel									P	P				P					P
Kennel, commercial		S							P	P	P								
Kennel, private		S							P	P	P								
Laboratory, medical or dental									P	P				P					P
Laundry or Dry Cleaning Facility									S	P	P								P
Laundry or Dry Cleaning, self service								S	P	P				P					P
Personal services including but not limited to: Barber Shop, Beauty Shop, salons, day spas, etc.		S						P	P	P				P					P
Studios, Artists, Dance and Music								P	P	P				P					P
Tailor and pressing shop, dressmaking, alterations, and shoe repair								P	P	P				P					P
Veterinary Clinic		S					S	S	P	P	P	P	P						P
Veterinary Hospital									P	P	P	P	P						P
<b>FOOD SERVICES</b>																			
Bakery or Delicatessen								P	P	P				P					P
Bar or Tavern								S	S	P				P					P
Microbrewery / Brew-Pub								S	S	P				P					P
Catering Services								P	P	P				P					P
Restaurant								P	P	P				P					P
Restaurant, Carry Out/Take Out								P	P	P				P					P
Restaurant, Drive-In or Drive Through								P	P	P				P					P
Restaurant, Fast Food								S	P	P				P					P
Specialty Food Store								S	P	P				P					P
Supermarket or Grocery Store									P	P				P					P
<b>RETAIL</b>																			
Agriculture Produce Business		S																	
Convenience Store, neighborhood						S	S	P	P					P					P
Convenience Store, regional									P	P									P
Convenience Mart Fueling Center										P				P					

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Department Store									P	P									P
Drug Store								P	P	P				P					P
Electronics and Appliances, including TV and radio, sales and service								P	P	P									P
Flea Markets									S	S	S	S							
Greenhouse, commercial		S	S						P	P									
Hardware or Paint Store								P	P	P				P					P
Newsdealer							P	P	P	P									P
Outdoor Commercial Enterprise									S	P	P	P							
Plant Nurseries, Truck Gardens		S					P	S	P	P									
Roadside Produce Stands (year round)		P					S	S	S	S				P					
Show Room and Sales Area for articles to be sold at retail							P	S	P	P	P	P							P
Retail, free standing (not within a shopping center)																			
Small Scale (less than 15,000 square feet gross floor area)								P	P	P									P
Medium Scale (between 15,000 and 35,000 square feet gross floor area)									P	P									P
Large Scale (greater than 35,000 square feet gross floor area)									P	P									P
Retail, Commercial Shopping Center									P	P									P
Specialty retail stores with less than 20,000 square feet of gross floor area, (includes: Antique Shop, Apparel Shop, Flower or Garden Shop, Gift Shop, Jewelry Store, Music Store, Pet Store, Shoe Store, Toy Store, Variety Store, Stationer)							S	P	P	P				P					P
<b>RECREATION/ENTERTAINMENT</b>																			
Bait Sales		S	P					S	P										
Campground	S	S	P	S	S	S	S									P			
Commercial Entertainment Facility									P	S									
Golf Course/Country Club	P	P	P	S	S	S	S							P					
Golf Driving Range	S								P	P				P		P			
Indoor Recreational Facility	S	P	P	S	S	S	S		P	S	S	S		P					P
Indoor Theater								S	P	P				P					P

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Outdoor Recreational Facility	P	P	P	S	S	S	S		P	S	S	S		P		S			S
Outdoor Theater									S	S									
Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private Club or Lodge	S	S	S	S	S	S	S							P					
Race Track											S	S	S						
Seasonal Hunting and Fishing Lodge	S	S																	
Sexually Oriented Business													S						
Shooting Range, Indoor												S	S						
Stadium, Coliseum, Athletic Field (not associated with an educational institution)									S	S									S
<b>TRANSPORTATION SERVICES</b>																			
Airport											S	S							
Heliport											S	S							
Motor Bus or Railroad Passenger Station							S	S	S	P	P	P							
Private Landing Strip or Heliport		S							S	S	S	S							
<b>INDUSTRIAL</b>																			
Auction Arena or Sales Yard (excluding livestock)										S	S	S							
Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages												P	P						
Bottled gas storage and distribution yard												S	S						
Building Material, Sales and Supply Yard											S	S	P						
Bulk fuel storage or petroleum tank farm, and other bulk storage of solids or liquids													S						
Commercial Sanitary Fill, Garbage Disposal Plant												S	S						
Recycling Facility												S	S					P	
Contractor's storage yard											S	S	P						
Distribution Facilities										S	P	P	P						
Equipment, Sales and Leasing											S	S	P						
Industrial Park										P	P	P	P						
Manufacturing, Heavy												P	P						
Manufacturing, Light										S	P	P	P						

Use Category	OS	A	R1	R2	R3	R4	R5	OTBD	GB	HB	I1	I2	I3	PUD	MHP	FH	INST	PPW	MU
Manufacturing, Extractive/Mineral Extraction (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	S	S									S	S	S						
Mini-warehouses or self service storage facility									S	S	P	P	P						
Monument works and stone cutting											S	P							
Printing, lithographing, publishing, or photography establishments										P	P	P							
Scrap Metal Yard												S	P						
Slaughter House												S	S						
Warehouse											P	P	P						
Welding Shop											S	P	P						
Wholesale Establishment											P	P	P						
Wholesale Produce Terminal or Truck Freight Terminal											S	P	P						
All other wholesale, warehousing, and industrial uses not specified herein.											S	S	S						

## Legend:

P--Permitted use

S--Special use

Blank--Prohibited use

Note: Uses not listed in this table may be permitted in a zoning classification allowing similar uses upon approval of the Board of Zoning Appeals, subject to other provisions and regulations of this ordinance.