

PLAINFIELD TOWN COUNCIL

ORDINANCE NO. 06-2011

**AN ORDINANCE TO AMEND
THE PLAINFIELD ZONING ORDINANCE
OF THE TOWN OF PLAINFIELD, INDIANA,
AND FIXING A TIME WHEN
THE SAME SHALL TAKE EFFECT**

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Plainfield Plan Commission to hold public hearings and make recommendations to the Town Council of the Town of Plainfield concerning ordinances for the zoning or districting of all lands within the incorporated areas of the Town of Plainfield; and,

WHEREAS, the Town of Plainfield Plan Commission has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Plainfield Zoning Ordinance of the Town of Plainfield, Indiana, and has certified such proposal to the Town Council of the Town of Plainfield with a favorable recommendation:

**NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Section 1. Amendment Of Zoning Ordinance

That the Plainfield Zoning Ordinance, Ordinance No. 21-97, as amended, be further amended by deleting the ~~strikeout~~ text and inserting the double-underlined text as set forth in the attached **Exhibit A** attached hereto and incorporated herein by this reference.

Section 2. Severability

If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date

This Ordinance shall be effective within the incorporated areas of the Town of Plainfield, Hendricks County, Indiana upon its adoption by the Town Council of the Town of Plainfield, as provided in I.C. 36-7-4.

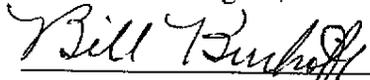
Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this ^{13th} day of May, 2011. _{13th}

June 13th

**TOWN COUNCIL, THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA**



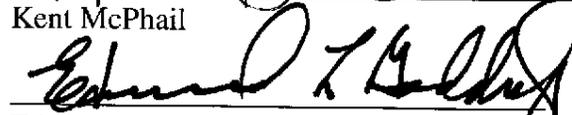
Robin G. Brandgard, President



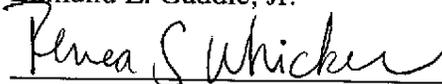
Bill Kirchoff, Vice President



Kent McPhail



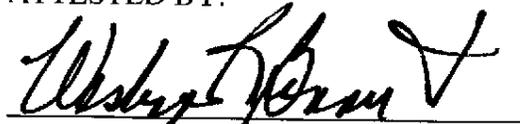
Edmund L. Gaddie, Jr.



Renea S. Whicker

Constituting a majority of all the members of the Town Council

ATTESTED BY:



Wesley R. Bennett, Clerk-Treasurer of
the Town of Plainfield, Indiana

4.1 Accessory Uses.

1. Permitted Accessory Uses.

Accessory Uses shall be permitted in all zoning *Districts*, provided, however, that the *Primary Use* which is supported by the *Accessory Use* is a *Permitted Use* within the *District* to which a *Lot* is zoned.

Accessory Uses shall not be permitted on a *Lot* prior to the erection of the *Primary Building*.

By way of example only, some typical *Accessory Uses* are: Garages; Carports; Porches; Decks; awnings; canopies; mini-barns; storage sheds; *Patios*; outdoor fireplaces; bathhouses; cabanas; children's playhouses; swings; *Game Courts*, including tennis or basketball courts; *Parking Areas*; *Signs*; swimming pools; hot tubs; radio sending and receiving antennas; *Satellite Dish Antennas*; and, storage *Buildings*.

2. Development Standards for Accessory Uses.

Accessory Uses shall comply with all *Development Standards* of the applicable zoning *District* unless an exception is specifically provided for in this Article 4.1.

Accessory Uses shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.

Accessory Use Buildings or *Structures* shall not have a lesser *Minimum Front Setback* than the *Primary Use Building* or *Structure* unless it is a permitted *Accessory Use* such as a *Freestanding Sign* or *Parking Area*.

3. Additional Development Standards for Accessory Uses, Buildings or Structures in any "R" District.

Accessory Uses, Buildings or *Structures* permitted in any RR, R-1, R-2, R-3, R-4, R-5, R-6 and R-U *District* shall also comply with the following additional *Development Standards*:

- a. *Accessory Uses, Buildings* or *Structures* for *Single Family Dwellings* and *Two Family Dwellings* shall comply with the following:
 - a. *Area*: The total square foot area of all detached *Accessory Buildings* on a *Lot* and all attached *Accessory Use* portions of a *Primary Building* containing a *Dwelling Unit*, shall not exceed the total *Finished Floor Area* of the *Primary Building*.
 - b. *Number of Detached Accessory Buildings*: The total number of detached *Accessory Buildings* on a *Lot* shall not exceed two (2) *Accessory Buildings*

except on any lot one and a half (1.5) acres or larger where the limit would be three (3) Structures over two hundred (200) square feet.

- b. *Accessory Uses, Buildings or Structures for Multifamily Dwellings* shall comply with the following:
- a. *Area*: The total combined square foot area of all detached *Accessory Buildings* on a *Lot* and all attached *Accessory Use* portions of a *Primary Building* containing a *Dwelling Unit*, shall not exceed fifty (50) percent of the total *Finished Floor Area* of all *Primary Buildings*.
 - b. *Number of Detached Accessory Buildings*: The total number of detached *Accessory Buildings* shall not exceed the number of *Primary Buildings*.
- c. *Swimming Pools or Hot Tubs*:
- a. A swimming pool or hot tub shall not be located between any *Front Lot Line* and the established *Front Building Line*.
 - b. A swimming pool or hot tub shall not be located in any required *Side* or *Rear Yard*.
 - c. The swimming pool or hot tub shall be enclosed by either: a fence, which shall be adequate to prevent persons, children or animals from harm, and shall be equipped with a self-closing, self-latching gate; or a safety pool cover complying with the provisions of IAC 20-4-27(c).

If a fence is utilized, such fence shall:

 - (1) if erected at *Grade*, be not less than five (5) feet in height; or,
 - (2) if erected on the deck of an above ground pool or hot tub, not be less than thirty-six (36) inches in height measured from the surface of the deck.
 - d. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.

e. Any development permitted within a required *Front Yard* or required front *Bufferyard* shall be those specified in the "Use of Minimum Yards and Bufferyards" sections of the applicable *District*.

d. *Double Frontage Lots*.

a. *Limited Access Street Rights-of-Way*.

That portion of a *Double Frontage Lot* located in a Residential *District* which abuts any *Limited Access Street Right-Of-Way* shall be subject to *Setback* and other requirements of this Ordinance applicable to *Minimum Rear Yards*.

b. *All Other Streets*.

That portion of a *Double Frontage Lot* which abuts any perimeter *Street* in which a "non-access easement" is provided for by a properly approved and recorded plat shall be subject to *Setback* and other requirements of this Ordinance applicable to *Minimum Rear Yards*.

4. **Side and Rear Yard Exceptions**

The minimum *Side* and *Rear Yard Setback* requirements for a *Lot* containing a *Single Family* or *Two Family Dwelling* in a Residential *District* shall be subject to the following exceptions:

a. A *Legally Established Nonconforming*, detached, *Accessory Garage* may be reconstructed on an existing foundation even though such reconstruction would not comply with required *Side* or *Rear Yards*, provided such reconstruction does not interfere with a Vision Clearance Area or encroach into any *Right-of-Way*.

b. A *Legally Established Nonconforming Single Family* or *Two Family Dwelling* may be enlarged or extended one time (except where the provisions in Article 9.1 M. would apply) along a *Legally Established Nonconforming Side Yard* provided that the lineal footage of such enlargement or extension does not exceed fifty percent (50%) of the lineal footage of the original dimension of the *Single Family* or *Two Family Dwelling* along that side *Setback*, also provided such enlargement or extension does not interfere with a Vision Clearance area or encroach into any *Right-of-Way*.

5. **Setback Exception - Laterally-Supported Extensions.**

Laterally-supported extensions, such as canopies, eaves, cornices, bay windows, or roof overhangs, may extend a maximum of twenty-four (24) inches into any required *Front, Side* or *Rear Yard* or required front, side or rear *Bufferyard*.

6. Exceptions for Setbacks along Alleys.

All setbacks from alleys shall be equivalent to the side setback for the appropriate District.

- a. Limitation on *Director's* Authority – Notwithstanding anything in Table 5.5-A or Table 5.5-B to the contrary, any development which requires a *Waiver* of any *Development Requirement* of this Article shall be required to file a *Development Plan* for review and determination by the *Plan Commission*.

TABLE 5.5-A: GATEWAY CORRIDOR DEVELOPMENT PLANS		
<u>Development Activity</u>		<u>Approval Authority</u>
new	New Construction *	Plan Commission
a.	New Construction of a <i>Primary Use Building</i> on Lot with Existing Development *	Plan Commission
b.	Major <i>Building Additions</i> (greater than 10,000 sq. ft. or in excess of 20% of <i>Gross Floor Area</i> of existing <i>Building(s)</i>) *	Plan Commission
c.	New Outdoor Display Area, Outdoor Operations (i.e.: <i>Outdoor Seating/Dining</i> areas; processing; servicing; etc.), <i>Outside Storage Area</i> , <i>Off-Street Parking Area</i> or <i>Off-Street Loading Area</i>	Director
d.	Minor <i>Building Additions</i> (less than 10,000 sq. ft. and less than 20% of <i>Gross Floor Area</i> of existing <i>Building(s)</i>)	Director
e.	Exterior <i>Building Renovations</i> (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in façade fenestration in excess of 10%)	Director
f.	<i>Accessory Buildings / Structures</i> (New or Additions) – including by way of example: Trash Enclosures; Storage Sheds; Drive-Through Facilities; ATM's, etc.	Director
g.	Expanded or Relocated Outdoor Display Area, Outdoor Operations (i.e.: <i>Outdoor Seating/Dining</i> areas; processing; servicing; etc.), <i>Outside Storage Area</i> , <i>Off-Street Parking Areas</i> , or <i>Off-Street Loading Area</i> (unless subject to Article 5.4, B., 4.)	Director
h.	All <i>Signs</i> , including: <i>Freestanding Identification Signs</i> (<i>Ground, Pole</i> or <i>Pylon Signs</i>); <i>Building Identification Signs</i> (<i>Wall, Projecting, Awning, Canopy</i> or <i>Marquee Signs</i>); <i>Incidental Signs</i> (<i>Ground, Projecting</i> or <i>Wall Signs</i>); <i>Suspended Signs</i> ; or <i>Outdoor Display Area Signs</i> .	Director
i.	Landscaping	Director
j.	Lighting	Director
k.	Fences	Director
* - Includes complete review of site, landscape, lighting, sign and building elevation plans.		
Plan Commission = Determination by <i>Plan Commission</i> as set forth in Article 5.8, A., 1.		
Director = Administrative Determination by <i>Director</i> as set forth in Article 5.8, A., 2., or Article 5.8, E.,		

3. and subject to compliance with the *Development Requirements* of this Article 5.5.

**TABLE 5.5-B: COMMERCIAL / INDUSTRIAL DEVELOPMENT PLANS
WITHIN 600 FEET OF A RESIDENTIAL DISTRICT**

<u>Development Activity</u>		<u>Approval Authority</u>
#	New Construction [‡]	Plan Commission
a.	New Construction of a <i>Primary Use Building</i> on Lot with Existing Development *	Plan Commission
b.	Major <i>Building</i> Additions (greater than 10,000 sq. ft. or in excess of 20% of <i>Gross Floor Area</i> of existing <i>Building(s)</i>) *	Plan Commission
c.	New Outdoor Display Area, Outdoor Operations (i.e.: <i>Outdoor Seating/Dining</i> areas; processing; servicing; etc.), <i>Outside Storage Area</i> , <i>Off-Street Parking Area</i> or <i>Off-Street Loading Area</i>	Director
d.	Minor <i>Building</i> Additions (less than 10,000 sq. ft. and less than 20% of <i>Gross Floor Area</i> of existing <i>Building(s)</i>)	Director
e.	Exterior <i>Building</i> Renovations (i.e., change in exterior building materials, substantial change in exterior color, increase or decrease in façade fenestration in excess of 10%)	Director
f.	<i>Accessory Buildings / Structures</i> (New or Additions) – including by way of example: Trash Enclosures; Storage Sheds; Drive-Through Facilities; ATM's, etc.	Director
g.	Expanded or Relocated Outdoor Display Area, Outdoor Operations (i.e.: <i>Outdoor Seating/Dining</i> areas; processing; servicing; etc.), <i>Outside Storage Area</i> , <i>Off-Street Parking Areas</i> , or <i>Off-Street Loading Area</i> (unless subject to Article 5.4, B., 4.)	Director
h.	All Signs, including: <i>Freestanding Identification Signs</i> (<i>Ground</i> , <i>Pole</i> or <i>Pylon Signs</i>); <i>Building Identification Signs</i> (<i>Wall</i> , <i>Projecting</i> , <i>Awning</i> , <i>Canopy</i> or <i>Marquee Signs</i>); <i>Incidental Signs</i> (<i>Ground</i> , <i>Projecting</i> or <i>Wall Signs</i>); <i>Suspended Signs</i> ; or Outdoor Display Area Signs.	Director
i.	Landscaping	Director
j.	Lighting	Director
k.	Fences	Director

* - Includes complete review of site, landscape, lighting, sign and building elevation plans.

Plan Commission = Determination by *Plan Commission* as set forth in Article 5.8, A., 1.

Director = Administrative Determination by *Director* as set forth in Article 5.8, A., 2., or Article 5.8, E., 3. and subject to compliance with the *Development Requirements* of this Article 5.5.

- b. *Director* shall have a period of not more than fifteen (15) days in which to review the proposed *Development Plan* and either make a decision concerning the *Development Plan* or request, in writing, additional information from the applicant.
- c. *Director* may seek the advice and comment of members of the *Technical Advisory Committee* or the *Design Review Committee* prior to making a decision.
- d. Any *Development Plan* approval which has been delegated to the *Director* may occur without public notice and without a public hearing and shall be submitted as an *Improvement Location Permit (ILP)*.
- e. Any decision of the *Director* under this Article, may be appealed by any interested party to the *Plan Commission* within thirty (30) days of such decision by filing a letter with the *Plan Commission* requesting a hearing by the *Plan Commission*. Said appeal shall be heard by the *Plan Commission* at the *Plan Commission's* next regularly scheduled public hearing for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

7. Fees.

In order to defray administrative costs, the fees as set forth in the Fee Schedule as approved by the *Plan Commission* and the Town Council for *Development Plan* Approval by *Director* and for *Development Plan* Approval by the *Plan Commission* are to be paid by the applicant at the time of filing an application for *Development Plan* Approval.

8. Notice.

All notices for public hearings regarding a *Development Plan* Approval before the *Plan Commission* shall be provided in accordance with the requirements set forth in the Rules of Procedure of the *Plan Commission*.

Notice shall not be required for *Development Plan* Approvals delegated to *Director*.

9. Hearings.

All public hearings regarding a *Development Plan* Approval before the *Plan Commission* shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the *Plan Commission*.

10. **Works of Art - Three (3) dimensional works of art (statuary, sculptures), and two (2) dimensional works of art (i.e. murals) that clearly are artistic in nature and which do not promote on-site activities or commercial interests, provided, however:**
- a. two (2) dimensional works of art which exceed five (5) percent of the side or rear facade of a *Building* on which they are placed shall require *Development Plan Approval* as a *Wall Sign*; and,
 - b. two (2) dimensional works of art, regardless of size, shall not be permitted on the front facade of any *Building*.

11. **Window Signs, provided that such Signs:**

- a. Shall not exceed the lesser of:
 - a. fifty (50) percent of the surface area of the window on which such *Signs* are placed or through which such *Signs* are viewed, provided, in the case of multi-pane windows the surface area of the window shall be the combined surface area of the individual panes, or in the case of a glass curtain wall the surface area of the window shall be the combined surface area of the individual glass panels; or,
 - b. ten (10) percent of the total area of the front facade of the *Structure* or tenant space; and,
- b. If such *Window Sign* complies with this regulation, the *Sign Surface Area* of the *Window Sign* shall not be included in the calculation of the total *Sign Surface Area* of *Building Identification Signs* permitted.

Vinyl window applications that are installed but have no wording or logos advertising the identity or purpose of the *Business* shall not be subject to these restrictions.

12. **Other Signs - Either one (1) *Temporary Sign* or one (1) *Noncommercial Opinion Sign* shall be permitted per *Street Frontage* on a *Lot*, subject to the following:**

- a. Temporary Signs:
 - a. *Temporary Freestanding Sign* for any individual *Lot* in any RR, R-1, R-2, R-3, R-4, R-5, R-U or AG *District*:
 - (1) shall not exceed six (6) square feet in *Sign Surface Area*;
 - (2) shall not exceed four (4) feet in height above *Grade*; and,
 - (3) shall not be located in any public *Right-of-Way*.

13. Building Identification Signs.

- a. Type of *Signs*.

Building Identification Signs shall be limited to *Wall Signs*.

- b. Number of *Building Identification Signs*.

There shall be no limit to the number of *Wall Building Identification Signs* per facade, provided that the total *Sign Surface Area* of all *Wall Signs* located on each *Building* facade shall not exceed the maximum *Sign Surface Area* for the *Building* facade upon which such *Signs* are located.

- c. Maximum *Sign Surface Area* of *Building Identification Signs*.

The total *Sign Surface Area* of all *Building Identification Signs*, except those located on a Building's architectural features (including, but not limited to, gables, towers, etc.) oriented to an individual facade shall not exceed:

- a. Ten (10) percent of the total area of an individual *Façade Plane* of the *Structure* or tenant space on which the *Sign* is located; and,
- b. The linear measurement of a *Business Identification Wall Sign*, or grouping thereof, shall not exceed eighty (80) percent of the linear width of the *Façade Plane* of the *Structure* or tenant space on which the *Sign* is located.

Signs located on an architectural feature shall not exceed fifty (50) percent of the total area of the *Façade Plane* or tenant *Façade Plane* area where the *Sign* is located, and the linear width shall not exceed ninety-five (95) percent of the linear width of the *Façade Plane* or tenant width where the *Sign* is located.

14. Incidental Signs.

- a. Type of *Signs*.

Incidental Signs shall be *Ground*, *Projecting* or *Wall Signs*.

- b. Number of *Signs*.

- a. If a *Lot* or *Integrated Center* has one (1) *Driveway*, two (2) *Incidental Directional Signs* shall be permitted at the *Driveway* entrance or exit;

- b. If a *Lot* or *Integrated Center* has more than one (1) *Driveway*, one (1) *Incidental Directional Sign* shall be permitted for each *Driveway*;
- c. One (1) *Incidental Directional Sign* or one (1) *Incidental Parking and Loading Sign* shall be permitted at each critical turning point when required to safely direct pedestrian or vehicular traffic (e.g., to direct pedestrian or vehicular traffic to: a drive through facility; a customer or employee *Parking Area*; or, a delivery or *Loading Area*); and,
- d. If a *Lot* is occupied by a use which includes a drive through facility, two (2) menu boards shall be permitted adjacent to the drive through facility as *Incidental Directional Signs* to announce the selection of services or products available at the drive through facility and the prices thereof.
- e. If a *Lot* is occupied by a use which includes a drive through facility, up to two (2) *Projecting Signs* shall be permitted along the drive through facility as *Incidental Directional Signs* to indicate payment windows and other drive through stops as necessary.

- c. Maximum *Sign Surface Area* of *Incidental Signs* in the NR, OD and GC *Districts*.

Incidental Signs shall not exceed six (6) square feet in *Sign Surface Area* per *Sign*.

A menu board permitted as an *Incidental Directional Sign* adjacent to the drive through facility shall not exceed forty-eight (48) square feet in *Sign Surface Area*.

Any drive through *Projecting Signs* may be up to two and one-half (2.5) square feet in *Sign Surface Area* per *Sign*.

- d. Maximum *Sign Surface Area* of *Incidental Signs* in the I-1, I-2, I-3 and I-4 *Districts*.
 - a. *Incidental Directional Signs* shall not exceed six (6) square feet in *Sign Surface Area* per *Sign*.
 - b. *Incidental Parking and Loading Signs* shall not exceed forty-eight (48) square feet in *Sign Surface Area* per *Sign*.
- e. Minimum *Front, Side* and *Rear Yard Setback* for Freestanding, *Incidental Signs*.

- a. *Front Yard Setback or Front Bufferyard Setback - three (3) feet from Proposed Right-of-Way.*