

**PLAINFIELD TOWN COUNCIL**

**ORDINANCE NO. 03-2021**

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

**(Administration-Board of Zoning Appeals, Accessory Uses, and Definitions)**

**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 petition TA-21-009 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 Plainfield 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 day February 8, 2021.

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

DocuSigned by:  
*Robin G. Brandgard*  
Robin G. Brandgard, President

DocuSigned by:  
*Bill Kirchoff*  
Bill Kirchoff, Vice President

DocuSigned by:  
*Kent McPhail*  
Kent McPhail

DocuSigned by:  
*Dan Bridget*  
Dan Bridget

DocuSigned by:  
*Lance Angle*  
Lance Angle

ATTESTED BY:

DocuSigned by:  
*Mark J. Todisco*  
Mark Todisco, Clerk-Treasurer of  
the Town of Plainfield, Indiana

Exhibit A

## ARTICLE 10.3. ADMINISTRATION: BOARD OF ZONING APPEALS

### C. Duties and Powers

#### (1) Duties and Powers Generally

- e) Hear, and approve or deny, all variances from development standards of this ordinance. A variance from development standards may be approved only upon written determination that:
  - 1. The approval will not be injurious to the public health, safety, morals and general welfare of the community;
  - 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3. The strict application of the terms of this ordinance ~~would~~ will result in ~~an unnecessary hardship~~ practical difficulties in the use of the property.

## ARTICLE 13. DEFINITIONS

### 13.2 Definitions

**LOT COVERAGE.** The total ground area within the lot or project covered by the primary structure ~~plus any~~ and accessory structures buildings, (including ~~decks, patios, above ground pools, in-ground pools, garages, carports and storage sheds~~), excluding open porches, balconies, canopies, and patio covers. ~~driveways, sidewalks, fences and walls not attached in any way to a roof.~~

**PATIO COVER.** A one-story structure open on two or more sides covered overhead by a solid or permeable (i.e. lattice/trellis style) roof. Patio covers are not designed or intended to be used as room additions.

Exhibit A

## **ARTICLE 4.1. ACCESSORY USES**

### **4.1A PERMITTED ACCESSORY USES.**

1. 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.
2. Accessory uses shall not be permitted on a lot prior to the erection of the primary building.
3. 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.

### **4.1B DEVELOPMENT STANDARDS FOR ACCESSORY USES.**

1. 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.
2. 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.
3. 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 or a guard or pump house as needed in industrial districts.
4. Accessory Uses and Structures shall comply with all development standards required for Accessory Buildings unless otherwise specified. If no Accessory Building development standard is specified, the standard shall be that which is closest to the most comparable zoning district in terms of development standards and density based upon the determination of the Director of Planning and Zoning.

### **4.1C 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.

1. *Accessory uses, buildings or structures for single-family dwellings and two-family dwellings.* Accessory uses, buildings or structures for single-family dwellings and two-family dwellings shall comply with the following:

Exhibit A

- 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; and
  - b. *Number of detached accessory buildings.* The total number of detached accessory buildings on a lot shall not exceed two accessory buildings except on any lot one and one-half acres or larger where the limit would be three structures over 200 square feet.
2. *Accessory uses, buildings or structures for multi-family dwellings.* Accessory uses, buildings or structures for multi-family 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 50% of the total finished floor area of all primary buildings; and
  - b. *Number of detached accessory buildings.* The total number of detached accessory buildings on a lot shall not exceed two accessory buildings except on any lot one and one-half acres or larger where the limit would be three structures over 200 square feet.
3. *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 required for an accessory use or a side or rear bufferyard;~~
  - c. -
    1. ~~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 I.A.C. 20-4-27(c); and~~
    2. ~~If a fence is utilized, such fence shall:~~
      - a) ~~If erected at grade, be not less than four feet in height; or~~
      - b) ~~If erected on the deck of an above ground pool or hot tub, not be less than 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~~ All swimming pools or hot tubs must comply with the Indiana Residential Code and the Indiana Electrical Code, current adopted editions;

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- e. Abandoned or unused swimming pools or hot tubs, situated on a premises which are not occupied for periods of 30 days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm; and
  - f. ~~All swimming pools or hot tubs, including associated decking and aprons, shall be included in the calculation of maximum lot coverage.~~
4. ~~Patios, porches, gazebos, patio covers, and decks pergolas.~~ Patios, porches, gazebos and decks shall comply with all maximum lot coverage, minimum yards and building setback, and maximum building height regulations of the applicable zoning district for primary buildings.
- a. Roofed structures which are attached to or adjoin a primary building shall be permitted in a required rear yard provided that:
    - 1. The structure shall not be enclosed with walls, screens, windows, or other type of barrier.
    - 2. The structure complies with all development standards of the applicable zoning district for accessory buildings.
5. -
- a. *Fences (including chain link, solid, architectural screen, lattice-work or masonry) or hedges.*
    - 1. Shall not exceed 48 inches in height above grade in a required front yard;
    - 2. Shall not exceed six feet in height above grade in a required side or rear yard;
    - 3. Shall comply with all vision clearance area requirements of this ordinance if located on a corner lot; and
    - 4. Shall not exceed the maximum building height allowed for an accessory building if located elsewhere on a lot.
  - b. *Fences; exception - residential subdivision perimeter.* A common fence, not exceeding six feet in height above grade, may be located along a perimeter street of a recorded, platted residential subdivision where individual lots or dwelling units do not have direct access to said perimeter street.
6. *Satellite dish antennas in residential districts.*
- a. The regulations of this Article shall apply to satellite dish antennas in all residential districts which are greater than one meter (39.37 inches) in diameter. These regulations are intended to allow satellite dish antennas to be located in a manner that:

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1. Does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
  2. Does not unreasonably increase the cost of installation, maintenance or use of the antenna; or
  3. Preclude reception of an acceptable quality signal.
- b. The regulations of this Article are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:
1. To promote the public health and safety by providing criteria for the placement of satellite dish antennas greater than one meter (39.37 inches) in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and
  2. To ensure the aesthetic harmony of residential areas by providing for a harmonious streetscape, consistent with the Comprehensive Plan, uncluttered by nonresidential structures, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the town.
- c. -
1. The following regulations are intended to meet the above objectives without unnecessarily burdening the federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers.
  2. In any residential district, satellite dish antennas greater than one meter (39.37 inches) in diameter shall be permitted provided that:
    - a) If ground mounted, satellite dish antennas shall:
      - (i) Not be located in any required front, side or rear yard, or between the established front building line and the front lot line; and
      - (ii) Not exceed the maximum building height allowed for an accessory structure.
    - b) If roof-mounted, satellite dish antennas shall:
      - (i) Not exceed the maximum building height limit allowed for a primary building;
      - (ii) Not extend beyond the horizontal limits of the roof area; and

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- (iii) Be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in ~~§§ 623.0 and 624.0 of the BOCA Basic~~ the Indiana Building Code. ~~Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.~~

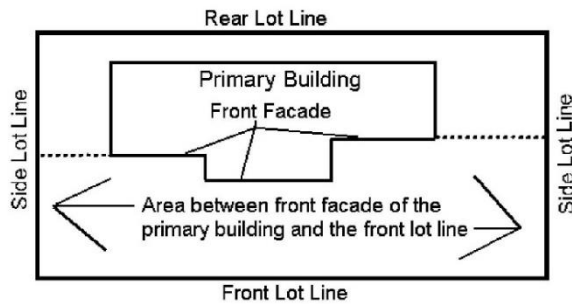
- 7. *Grade level improvements.* Grade level improvements which do not include a foundation shall be permitted as follows:
  - a. *In a required front yard.* Stoops, sidewalks, driveways and interior access drives; and
  - b. *In a required side or rear yard.* Stoops, ~~patios, decks,~~ sidewalks and interior access drives, provided, however that an interior access drive located in a required side yard shall not be less than eight feet in width nor greater than 12 feet in width. Patios and decks, which include foundations or are located above grade level are regulated by Article 4.1C(4) - Patios, Porches, Gazebos and Decks.
- 8. *Trash containers.* Any trash container exceeding 36 cubic feet in capacity shall:



- a. Be screened on at least three sides by a building wall or a solid-walled enclosure, not less than six feet in height nor more than ten feet in height above grade, equipped with an opaque screen gate, and any solid-walled portion of the enclosure shall be provided with Level 1 foundation landscaping;
- b. Not be located between the front facade of the primary building and the front lot line except when the lot has multiple front lot line(s) or there is another development constraint which prevents trash containers and enclosures from being located to the side or rear of the primary building; and
- c. Not be located in any minimum front yard, minimum side yard or minimum rear yard.



## Exhibit A



#### 4.1D ADDITIONAL DEVELOPMENT STANDARDS FOR ACCESSORY USES IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS.

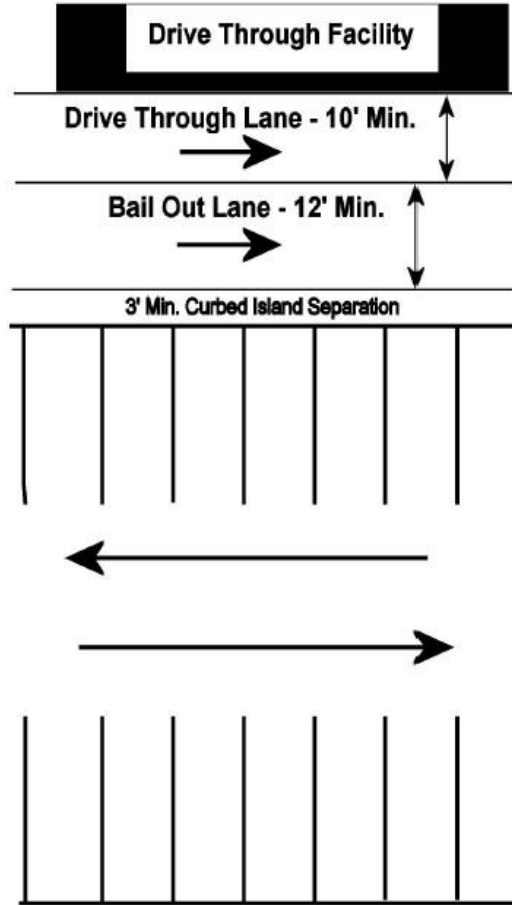
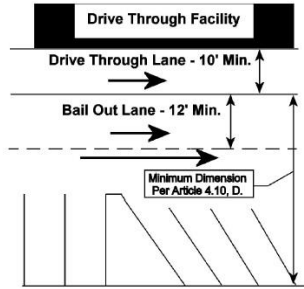
No accessory use or structure shall be permitted in any required front, side or rear yard unless specifically authorized by the applicable zoning district regulations. In addition, the following accessory uses shall also comply with the following requirements:

1. *Trash containers.* Trash containers exceeding 36 cubic feet shall:
  - a. Be screened on at least three sides by a building wall or a solid-walled or fenced enclosure, not less than six feet in height nor more than ten feet in height above grade;
  - b. Not be located between the front line of the primary building and the front lot line except when the lot has multiple front lot line(s) or there is another development constraint which prevents trash containers and enclosures from being located to the side or rear of the primary building; and
  - c. Not be located in any required yard or required bufferyard.
2. *Parking areas.* Shall comply with the off-street parking regulations of Article IV of this ordinance.
3. *Loading areas.* Shall comply with the off-street loading regulations of Article IV of this ordinance.
4. *Signs.* Shall comply with the sign regulations of Article VII of this ordinance.
5. *Drive-through facilities.*
  - a. Shall be so designed that:
    1. Drive-through lanes do not conflict with the safe and efficient flow of traffic into and out of required parking spaces or loading spaces;

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2. Drive-through lanes have a “bail out” capability for all vehicles which have entered the drive-through lane;
3. The minimum drive-through facility standards include:
  - a) A drive-through lane with a minimum width of ten feet measured from the furthest point of projection of a drive- through facility from the building; and
  - b) A “bail out” lane with a minimum width of 12 feet measured from and running parallel to the full length of the drive-through lane.
4. If a “bail out” lane also serves as an interior access drive providing access to parking spaces, the “bail out” lane/interior access drive shall be limited to a one-way traffic pattern following the direction of the drive-through lane;

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Combined Drive-Through Bail Out and Parking

Drive-Through/Bail Out with Parking Area Beyond

5. If a parking area is developed beyond the "bail out" lane, the parking area shall be separated from the "bail out" lane by a curbed island having a minimum width of three feet;
6. Provide at least five waiting spaces prior to the first occurrence of any ordering, pick-up or service facility; and
7. Provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.

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- b. For the purposes of Article 4.10D(3) of this ordinance, a drive-through lane shall not be considered an interior access drive.
6. *Gasoline dispensers.* Shall not be located within any required front, side or rear yard and shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public right-of-way.

**4.1E UNDERGROUND FACILITIES.**

Underground facilities shall not be located in or under any required front, side or rear yard.

**4.1F GAME COURTS.**

Game courts shall not be located in any required front, ~~side or rear~~ yard, or between the established front building line and the front lot line provided, however, a basketball goal may be located in a driveway or interior access drive on any lot containing a single-family dwelling or two-family dwelling.

**4.1G DEVELOPMENT STANDARDS FOR RECYCLING CONTAINERS IN ALL RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Any recycling container exceeding 36 cubic feet in capacity shall:

1. Be oriented toward the back of the lot;
2. Not be located between the front facade of the primary building and the front lot line;
3. Not be located in any minimum front, side or rear yard or bufferyard;
4. Shall not be located in a required parking space;
5. Be located on an impervious surface such as asphalt or concrete; and
6. Have the rear and sides of the container provided with Level 1.5 foundation landscaping.

(Ord. 21-97, passed --1997; Ord. 3-2000, passed --2000; Ord. 6-2001, passed 6-25-2001; Ord. 11-2004, passed 6-14-2004; Ord. 51-2005, passed 10-10-2005; Ord. 27-2007, passed - -2007; Ord. 24-2009, passed 1-26-2009; Ord. 06-2011, passed 6-13-2011; Ord. 12-2011, passed - -2011; Ord. 07-2012, passed - -2012)