

## TOWN COUNCIL

### ORDINANCE NO. 03-2023

#### **AN ORDINANCE TO AMEND THE PLAINFIELD ZONING ORDINANCE OF THE TOWN OF PLAINFIELD, INDIANA, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT (Accessory Uses and Structures)**

**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 petition TA-22-058 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 in the following manner: Appeal Article 4.1: Accessory Uses and Enact Article 4.1: Accessory Uses and Structures, by deleting the ~~strikeout~~ text and inserting the double-underlined text as set forth in the attached **Exhibit A** attached hereto and incorporated herein.

##### **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 23rd day of January, 2023.

TOWN COUNCIL, TOWN OF PLAINFIELD  
HENDRICKS COUNTY, INDIANA

DocuSigned by:

*Robin G. Brandgard*

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Robin G. Brandgard, President

DocuSigned by:

*Bill Kirchoff*

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Bill Kirchoff, Vice President

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*Kent McPhail*

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Kent McPhail

DocuSigned by:

*Dan Bridget*

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Dan Bridget

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*Lance Angle*

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Lance Angle

ATTESTED BY:

DocuSigned by:

*Mark J. Todisco*

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Mark Todisco, Clerk-Treasurer  
Town of Plainfield, Indiana

EXHIBIT A

**ARTICLE 4.1. ACCESSORY USES (Repeal entire article 4.1)**

**ARTICLE 4.1. ACCESSORY USES AND STRUCTURES**

A. **Definition of Districts.** For the purpose of this Article, the following categorizations shall apply:

	<u>Single Family Residential</u>	<u>Multi-Family Residential</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Subject to Master Plan</u>
<u>Districts</u>	<u>RR, R1, R2, R3, R4, R5, AG</u>	<u>R6, RU,</u>	<u>MU, TC, NR, OD, GC, AC, HB</u>	<u>CI, I1, I2, I3, I4,</u>	<u>P, S, REL, G, MUN</u>

B. **Permitted Accessory Uses.**

- Accessory Uses shall be permitted in all zoning Districts as listed in Table 4.1A, 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.

C. **General Development Standards for Accessory Uses.** In addition to specific use or structure regulations listed elsewhere in this Article, the following shall apply for certain district types. In the case of conflict, the stricter standard shall apply.

- Accessory Uses shall comply with all Development Standards of the applicable zoning District as listed in Table 4.1A unless an exception is specifically provided for in this Article 4.1. 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.
- 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 (or their designee) in whose favor the easement is granted.
- Accessory Use Buildings or Structures shall not have a lesser Front Setback than the Primary Use Building or Structure excepting a permitted Accessory Use such as a Freestanding Sign or other Accessory Use allowed to encroach into the front setback within the applicable zoning district.
- Additional Development Standards for Accessory Buildings in Single Family Residential Districts.
  - Maximum Number and Size of Accessory Buildings

	<u>R-2, R-3, R-4, R-5</u>	<u>RR, R-1</u>	
<u>Lot Size (acres)</u>	<u>Any</u>	<u>&lt; 1.5 acres</u>	<u>&gt;= 1.5 acres</u>
<u>Total of Accessory Buildings Maximum Size (% of Primary Building in square feet) (Maximum)</u>	<u>100%</u>	<u>200%</u>	
<u>Number of Accessory Buildings (Maximum)</u>	<u>2</u>	<u>2</u>	<u>3</u>

- b. Grade Level Improvements. Unless not allowed in the specific zoning district, Grade level Improvements which do not include a foundation shall be permitted as follows:
  - 1) In a required Front Yard - stoops, sidewalks, Driveways and Interior Access Drives.
  - 2) 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 (8) feet in width nor greater than twelve (12) feet in width. Patios and Decks, which include foundations or are located above Grade level are regulated by Article 4.11: Patios, Patio Covers, and Pergolas.
- 5. Accessory Uses, Buildings or Structures for Multifamily Dwellings. Accessory uses, buildings, and/or structures shall not be placed between the residential Multifamily Dwelling building(s) and a front lot line, excepting sidewalks, trails, sidepaths, trails, paths, signs, and fences.
- 6. 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:
  - a. Compliance with other Articles of the Ordinance.
    - 1) Parking Areas - shall comply with the Off-Street Parking Regulations of Article IV of this Ordinance.
    - 2) Loading Areas - shall comply with the Off-Street Loading Regulations of Article IV of this Ordinance.
    - 3) Signs - shall comply with the Sign Regulations of Article VII of this Ordinance.
  - b. Guard Houses. Guard Houses must be architecturally compatible to the primary building and shall be provided with adequate on-site maneuverability to avoid any interference with through traffic on any public Right-of-Way.

**D. Drive Through Facilities.**

- 1. General Site Design
  - a. Drive-through lanes must provide adequate on-site or off-site maneuverability to avoid any interference with any through traffic on any public Rights-of-Way.
  - b. On site circulation must:
    - 1) Separate drive through traffic from site circulation. In addition, for the purposes of Article 4.10D(3) of this ordinance, a drive-through lane shall not be considered an interior access drive.
    - 2) Not impede, impair, or interfere with:
      - a) Access into or out of parking spaces; and
      - b) Required loading and trash storage/collection operational areas.
    - 3) Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation
  - c. The siting of new drive-through facilities including stacking lanes and menu boards must be located behind and screened by the principal building unless otherwise specified in this section (See Example 4.1.D.3, below).
    - 1) In the event of multiple frontages, the drive through must be screened by the building from at least one of the streets. Any drive through not screened by the building must have a Level 5 Plant Unit Value screening between the drive through and the applicable right-of-way. This screening shall not be eligible to be moved through the utilization of an Alternative Landscape Plan.
    - 2) The drive through must not wrap around the primary building.

- 3) A service window may be located on the side of a building on an interior lot if approved by the Plan Commission through a Development Plan. The drive-through shall not egress directly onto a collector or arterial street.
- 4) An Interior Access Drive shall not be located between the front lot line and the building line.
- d. Design speed for the drive through must not exceed ten (10) miles per hour;
- e. A drive-through lane shall have a minimum width of ten feet measured from the furthest point of projection of a drive-through facility from the building;
- f. Layout Examples.

**Example 4.1.D.3 Drive-through layouts. Note: Illustrative Examples below are meant to show general concepts and may not show required elements, such as bail out lanes.**

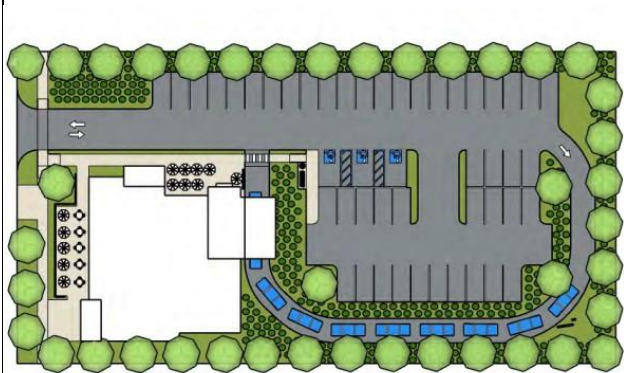
Multiple Frontages

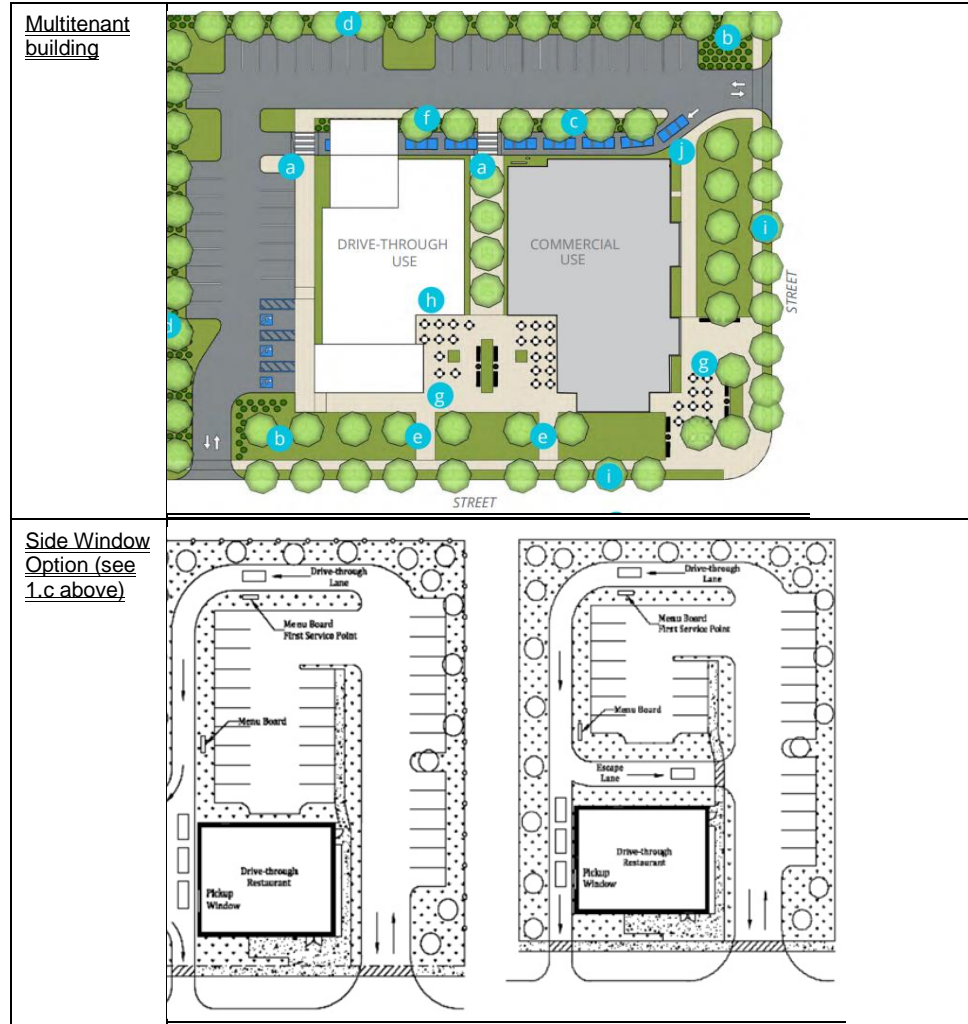


Multiple Frontages.



Single Frontage





- d. Design speed for the drive through must not exceed ten (10) miles per hour.
- e. Vehicle Stacking. The applicant shall provide evidence that the number and design of waiting spaces are sufficient to prevent circulation congestion on and off site.
  - a. The Approval Authority shall determine whether the waiting spaces provide:
    - 1) Sufficient waiting space(s) prior to the first occurrence of any ordering, pick-up or service facility; and.
    - 2) Sufficient room for waiting space(s) after exiting the last pick-up or service facility.
  - b. Should the Approval Authority find that the number or design of waiting spaces are insufficient, they may compel the applicant to modify their design.

**E. Fences.**

- 1. Shall comply with all Article 4.14: Vision Clearance Area requirements of this Ordinance if located on a Corner Lot.
- 2. Shall not use barbed wire, razor wire, concertina wire or similar materials.
- 3. Residential Fences include chain link, solid, architectural screen, lattice-work, masonry or Hedges.
- 4. Fence Height. The following maximum height for fences shall apply as stated in Table 4.1.E.4., below

Type of District	Type of Required Yard		
	Front	Side	Rear
Residential	48	72	72
Commercial <sup>(3)</sup>	Not allowed	72 <sup>(3)</sup>	72 <sup>(3)</sup>
Industrial <sup>(3)</sup>	72 <sup>(3)</sup>	96 <sup>(3)</sup>	96 <sup>(3)</sup>
Subdivision Perimeter <sup>(2)</sup>	Not Allowed	72	72

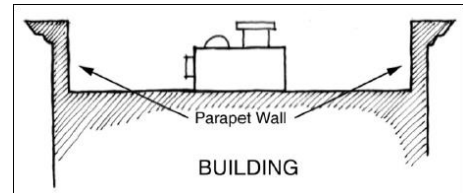
- (1) Shall not exceed the adjacent Required Yard Height if located elsewhere on a Lot.
- (2) Residential Subdivision Perimeter: A common fence may be located along a perimeter Street of a recorded, platted residential Subdivision where individual Lots or Dwelling Units do not have direct Access to said perimeter Street.
- (3) Except when to screen ground mounted mechanical units

**F. Game Courts.** Game Courts shall not be located in any required Front Yard or between the established Front Building Line and the Front Lot Line provided, however, a basketball goal may be located in or adjacent to a Driveway on any Lot containing a Single Family Dwelling or Two Family Dwelling.

**G. Mechanical Equipment Screening (Commercial, Industrial, and Multi-Family).**

1. Roof Mounted Mechanicals.

a. Commercial and Multi-Family. No roof mounted mechanical equipment shall be visible from any direction based upon an elevation view. This shall be accomplished using architectural or integral building components only. Metal cabinets used to protect and enclose mechanical equipment does not substitute as screening.



*Commercial and Multi-Family Roof Mounted Mechanical Screening (cutaway view)*

b. Industrial. All roof mounted mechanical equipment shall be screened based upon a line-of-site view of the Building from a point six (6) feet above Grade located at:

- 1) the centerline of the Street immediately in front of the Building; or,
- 2) any Side Lot Line or Rear Lot Line of a Bufferyard.

2. Ground Mounted Mechanicals. Ground mounted mechanical units must be screened on all sides by one or more of the following elements:

- a. The building or primary structure; and/or
- b. Wing or screen walls constructed of a material identical to or complimentary to the primary structure; and/or
- c. Landscaping of an evergreen or densely twigged hedge plant variety of a height at time of planting which is not less than the height of the equipment to be screened.

3. Maintenance of Screening. All screening must be maintained. Such maintenance must not reduce the height or composition of the landscaping to the point at which the mechanical unit becomes visible.

**H. Non-Motorized Transportation and Access (Commercial, Industrial, and Multi-Family Districts).**

1. Intent. The intent of non-motorized transportation pathways is to provide safe, convenient, and standardized connections between businesses, multi-family residences, and civic uses and existing or proposed off-site sidewalks, trails, pathways, or sidepaths.



2. Non-Motorized Transportation includes pedestrians, bicycles, as well as electric micomobility devices such as e-bicycles, electric scooters, and personal mobility devices with a top speed under 18 miles per hour.
3. Disclaimer. This Article does not supersede more stringent federal, state, or local regulations regarding accessibility for those with various physical or cognitive needs or differing abilities.
4. General Design.
  1. Connectivity. Non-Motorized Transportation Pathways shall functionally connect front doors or primary building entries with:
    - 1) All planned, proposed or existing off-site:
      - a) sidewalks, trails, pathways, sidepaths as defined in the current Sidewalk and Trail Master Plan;
      - b) Amenities or Outlots;
      - c) Public and/or private transit stops and stations; and,
      - d) Pedestrian plazas and public spaces; and,
    - 2) All on-site, off-street parking area and off-site sidewalks, trails, pathways, sidepaths as defined in the current Sidewalk and Trail Master Plan.
  2. Pedestrian Protection. Non-Motorized Transportation Pathways must be protected from abutting parking and vehicular circulation areas using one or more of the following means:
    - 1) Raised paving;
    - 2) Raised curbing;
    - 3) Landscaping; and/or
    - 4) Other means deemed sufficient by the Plan Commission.
  3. Standards.
    - 1) Maximum Distance from Parking Spaces to Non-Motorized Transportation Pathways. No parking space shall be more than 100' from an on-site Non-Motorized Transportation Pathways;
    - 2) Crossing of Interior Access Drives or Interior Access Driveways. Non-Motorized Transportation Pathways are to be identified by pedestrian crossing treatments wherever said pathway crosses an Interior Access Drive or Interior Access Driveway;
    - 3) Width. Non-Motorized Transportation Pathways must be a minimum of five feet in width;
    - 4) Construction. Shall meet Americans With Disabilities Act (ADA) standards for construction;
    - 5) Delineation. Shall be delineated by a paving material that differs from that of the vehicular areas; and,
    - 6) Landscaping. In addition to utilizing landscaping to protect pedestrians, landscape shall be deployed to provide shade to the Non-Motorized Transportation Pathways. (See example 4.1H.4)
  5. Maintenance. The owner of the real estate shall be responsible for the perpetual maintenance of any private Non-Motorized Transportation Pathways.



Example 4.1H.4: Examples of potential Non-Motorized Transportation Pathway connectivity and landscaping.



**I. Porches, Patio Covers, and Pergolas (Single Family Residential).**

1. An unenclosed porch (open on three sides) may encroach into a required front yard up to eight (8) feet but shall not be nearer than five (5) feet to a front lot line.
2. Roofed structures which are attached to or adjoin a primary building shall be permitted in a required rear yard provided that:
  - a. The structure shall not be enclosed with walls, screens, windows, or other type of barrier.
  - b. The structure complies with all other development standards of the applicable zoning district for accessory buildings.

**J. Refuse/Reuse Container Enclosures. Includes enclosures for trash bins, dumpsters, recycling bins, donation bins, trash compactors, and similar appurtenances.**

1. Location
  - a. Shall not be located between the front facade of the *primary building* and the front lot line except when the lot has multiple *front lot lines* or there is another development constraint which prevents trash containers and enclosures from being located to the side or rear of the *primary building*;
  - b. Shall not be located in any *minimum front yard, minimum side yard, minimum rear yard, or required bufferyard*;
  - c. Gates shall face a side or rear lot line.

2. Construction and other Specifications

- a. The materials of the three (3) solid-walled sides of the enclosure must be of masonic construction consistent and compatible with the materials of the *Primary Building*. Trash compactors may have a “man-door” in one of the solid-walled sides.
- b. Shall not be less than six (6) feet in height, nor more than ten (10) feet in height.
- c. Gates must be located on the non-solid-walled side of the Refuse/Reuse Container Enclosures, and must be covered with cedar, simulated cedar, solid metal, or a similar material painted a compatible color with the *Primary Building*;
- d. If the top of the enclosure is visible from a primary building or adjacent roadway, a roof, cover, or similar approved appurtenance must be provided.
- e. Multi-family enclosures must have a vehicular pull-off area for residents to park while depositing items into the trash collection area.



*Vehicular pull-off at Refuse/Reuse Container Enclosures*

3. Landscaping. When detailed in Table 4.1J.3, below the Refuse/Reuse Container Enclosure must be provided with foundation landscaping of evergreen hedge plants with a minimum height at planting, and maintained at a minimum height, of thirty-six (36) inches. These plants must be spaced not less than three (3) feet on-center.



*Solid walled enclosure for trash compactor with foundation landscaping*

<b>Table 4.1J.3: Foundation Landscaping for Refuse/Reuse Container Enclosures</b>				
	Residential		Non-Residential	
	Single Family	Multi-family	Commercial	Industrial
Required	Not Applicable	Yes	When enclosure abuts or adjoins a yard or bufferyard	

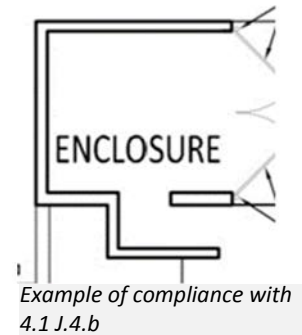
4. Operation

a. Gates must:

- 1) remain closed when not in use;
- 2) must be consistently maintained; and
- 3) must not face a public or private street.

b. Users must be able to deposit refuse/reuse material into the container without opening the hauler access gates; and.

c. Trash dumpsters, bins, donation bins, and trash compactors must remain inside Refuse/Reuse Container Enclosures at all times except when being emptied or exchanged



**K. Satellite Dishes.**

1. Commercial and Industrial. Subject to Mechanical Equipment Screening Standards in Article 4.1G

2. Single Family and Multi-Family Residential—

a. The regulations of this Article shall apply to *Satellite Dish Antennas* in all Residential *Districts* which are greater than one meter (39.37”) in diameter. These regulations are intended to allow *Satellite Dish Antennas* to be located in a manner that:

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”) 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 non-residential 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 of Plainfield.

c. 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. In any Residential *District*, *Satellite Dish Antennas* greater than one meter (39.37”) in diameter shall be permitted provided that:

1. If ground mounted, *Satellite Dish Antennas* shall:
  - a) not be located in any required *Front, Side or Rear Yard*, or between the established *Front Building Line* and the *Front Lot Line*; and,
  - b) not exceed the *Maximum Building Height* allowed for an *Accessory Structure*.
2. If roof-mounted, *Satellite Dish Antennas* shall:

- a) not exceed the *Maximum Building Height* limit allowed for a *Primary Building*;
- b) not extend beyond the horizontal limits of the roof area; and,
- c) be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in the *Indiana Building Code*.

**L. Swimming Pools or Hot Tubs.**

- 1. A swimming pool or hot tub shall not be located between any *Front Lot Line* and the established *Front Building Line*.
- 2. All swimming pools or hot tubs must comply with the *Indiana Pool Code*, the *National Safety Code* and the *National Electrical Code*, current editions.
- 3. Abandoned or unused swimming pools or hot tubs, situated on a premises which are not occupied must be maintained safely in a manner compliant with the *Indiana Pool Code*.

**M. Underground Facilities. Underground facilities shall not be located in or under any required *Front, Side or Rear Yard*.**