



TOWN OF YORKTOWN

ZONING ORDINANCE



Town of Yorktown

Zoning Ordinance



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Article 1

Basic Provisions



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Article 1

Basic Provisions

1.1 Title

This Zoning Ordinance shall be formally known as the "Yorktown Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or as the "Zoning Code."

1.2 Defined Words

Words used in a special sense in the Zoning Ordinance are defined in *Article 11: Definitions*.

1.3 Authority

This Zoning Ordinance is adopted by the Town pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4 et seq.* Whenever codes cited in the Zoning Ordinance refer to Indiana Code which has been amended or superseded, the Zoning Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

This Zoning Ordinance is intended to guide the growth and development of the Town in accordance with the goals, objectives, and strategies stated within the Yorktown Comprehensive Plan and for the following purposes:

- A. **Protect:** To secure adequate light, air, access, and safety from fire, flood, and other dangers.
- B. **Promote:** To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. **Implement:** To implement Yorktown's Comprehensive Plan, including:
 - 1. That the community grows only with adequate public ways, utility, health, educational, and recreational facilities;
 - 2. That the institutional, industrial, and business needs of institutions, industries, and businesses are recognized in future growth;
 - 3. That residential areas provide healthful surroundings for family life;
 - 4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - 5. That the community strives for high aesthetic value and quality planning and design.

1.5 Applicability

- A. **Application:** This Zoning Ordinance applies to:
 - 1. Any structure being located, erected, constructed, reconstructed, demolished, moved, altered, or enlarged;
 - 2. Any piece of land or structure being used; and
 - 3. An existing use being changed or expanded.
- B. **Compliance:** Only after being in full compliance with all provisions of the Zoning Ordinance and the permits required by the Zoning Ordinance having lawfully been issued, may a development proceed.

1.6 Severability

If any provision or the application of any provision of the Zoning Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of the Zoning Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards to achieve the purpose of the Zoning Ordinance as stated in *Section 1.4: Purpose*. If two (2) or more provisions within the Zoning Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Zoning Ordinance Jurisdiction

This Zoning Ordinance applies to all land within the corporate limit of the Town of Yorktown, Indiana.

1.9 Conflicting Regulatory Documents

When the Zoning Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the most restrictive provision shall control.

1.10 Actions Pending

This Zoning Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, the Zoning Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

1.11 Repealer

The Comprehensive Zoning Ordinance of the Town of Yorktown, Indiana and its associated Official Zoning Map are hereby repealed. This Yorktown Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinances.

1.12 Transition Rules

- A. **Permits:** Any application for a permit that has been filed with the Plan Commission or its designees and is full and complete prior to the effective date of the Zoning Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those set forth by the Zoning Ordinance.
- B. **Zoning Map Amendments:** Any application for a zoning map amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of the Zoning Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district, or the proposed zoning district no longer exists in the new Zoning Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. **Board of Zoning Appeals Applications:** Any application before the Board of Zoning Appeals (i.e. Special Exception Use, Use Variance, Development Standards Variance, and Administrative Appeal) that has been filed with the Board of Zoning Appeals or its designees, and is full and complete prior to the effective date of the Zoning Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
 - 1. The application is still required by the terms of the Zoning Ordinance; or
 - 2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of the Zoning Ordinance that were not required under the previous Ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. **New Building Sites:** All new building sites shall meet the requirements of the Zoning Ordinance unless:
 - 1. A Building Permit was properly issued and is still valid; or
 - 2. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals prior to the effective date of the Zoning Ordinance.

1.13 Administrative Officer

The Zoning Administrator will have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Zoning Ordinance within the Plan Commission's planning jurisdiction.

1.14 Effect on Annexation or Vacation of Right-of-way

- A. **Annexed Properties:** After the effective date of the Zoning Ordinance, areas annexed by the Town of Yorktown shall be specified at the time annexation is initiated, and as part of the annexation process, assigned the most similar zoning district to its previous county zoning district.
- B. **Vacations:** Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of said vacated area shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator.

1.15 Summary of Powers and Duties of the Town Council

The powers and duties of the Yorktown Town Council as they relate to planning and zoning are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Yorktown Town Council Duties:

- 1. Adopt, reject, or amend the Comprehensive Plan, Strategic Plan, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
- 2. Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plan, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
- 3. Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
- 4. Adopt, reject, or amend Planned Developments that have been certified and submitted by the Plan Commission.
- 5. Adopt, reject, or amend a fee schedule for each permit required in the Zoning Ordinance.
- 6. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent allowed by local resolutions, ordinances, and Indiana Code.
- 7. Appoint seven (7) voting members to the Plan Commission, consisting of:
 - 8. Three (3) members appointed by the Yorktown Town Council. These members shall be elected or appointed Town officials or employees of the Town.
 - 9. Four (4) members appointed by the Yorktown Town Council President. No more than two (2) of these members may be of the same political party.
- 10. Appoint five (5) voting members to the Board of Zoning Appeals, consisting of:
 - 11. Three (3) citizen members appointed by the Yorktown Town Council President. One (1) shall be a Plan Commission member and the other two (2) shall not be from the Plan Commission.
 - 12. One (1) citizen member appointed by the Yorktown Town Council.
 - 13. One (1) member appointed by the Plan Commission. This member shall be a Plan Commission member.

B. Yorktown Town Council Powers:

- 1. Initiate amendments to the text of the Comprehensive Plan, Strategic Plan, Zoning Ordinance, or Subdivision Control Ordinance by making said proposal to the Plan Commission.
- 2. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
- 3. Hire, remove, and determine job descriptions for support staff as necessary.
- 4. Other powers as permitted by Indiana Code.

1.16 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Plan Commission Duties:

1. Adopt and maintain a Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance approved by the Yorktown Town Council as authorized under Indiana Code.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
3. Maintain complete records of all meetings, hearings, correspondence, and affairs of the Plan Commission.
4. Record and file bonds and contracts for development and land use functions.
5. Make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
6. Adopt and maintain a permitting process and seal used to certify official or approved documents.
7. Certify and submit recommendations to the Yorktown Town Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance, and Official Zoning Map.
8. Certify and submit recommendations to the Yorktown Town Council for adopting a Planned Development district.
9. Maintain monetary and fiscal records of the Plan Commission.
10. Prepare and submit an annual budget to the Yorktown Town Council.
11. Approve or deny plats or replats of subdivisions.
12. Approve or deny development plans and amendments to development plans.
13. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
14. Establish and maintain a fee schedule approved by the Yorktown Town Council that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
15. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent allowed by local resolutions, ordinances, and Indiana Code.
16. Appoint one (1) citizen member to the Board of Zoning Appeals who shall be a Plan Commission member.
17. Other duties as permitted required by Indiana Code.

B. Plan Commission Powers:

1. Delegate to a committee or person the role of Zoning Administrator.
2. Establish advisory committees as necessary, made up of town officials and the general public.
3. Establish an executive committee.
4. Seek funding assistance through grant programs as necessary.
5. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the general public and development community.
6. If necessary, work with the Yorktown Town Council to determine the compensation for support staff and members as provided within the annual budget of the Plan Commission.
7. Other powers as permitted by Indiana Code.

1.17 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Board of Zoning Appeals Duties:

1. Review and hear appeals of decisions made under the Zoning Ordinance by the Zoning Administrator, building commissioner, committees, administrative boards, or other body except Plan Commission.
2. Review, hear, and approve or deny all petitions for Special Exception Uses based on the provisions of the Zoning Ordinance and Indiana Code.
3. Review, hear, and approve or deny all petitions for Development Standards Variances (e.g. height, bulk, or area) of the Zoning Ordinance.
4. Review, hear, and approve or deny all petitions for Use Variances in the Zoning Ordinance.
5. Other duties as permitted by Indiana Code.

B. Board of Zoning Appeals Powers:

1. If necessary, work with the Yorktown Town Council to determine the compensation for support staff and Board of Zoning Appeals members as provided within the annual budget of the Board of Zoning Appeals.
2. Other powers as permitted or required by Indiana Code.

1.18 Summary of Powers and Duties of the Zoning Administrator

The powers and duties of the Zoning Administrator are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Zoning Administrator Duties:

1. Review applications for processes as outlined and warranted by the Zoning Ordinance.
2. Answer questions and provide guidance to the public as necessary about the contents and processes related to the Zoning Ordinance and Subdivision Control Ordinance.
3. Provide information and preliminary reviews of development proposals.
4. Provide the initial interpretations of the Zoning Ordinance and Subdivision Control Ordinance for petitioners.
5. Reactively investigate reports of violations and enforce the Zoning Ordinance as necessary to remedy the situation. Also, proactively enforce the regulations within the Zoning Ordinance to the degree possible using limited resources.
6. Make decisions as permitted and delegated within the Zoning Ordinance and Subdivision Control Ordinance that are necessary for their administration.
7. Provide information to the Yorktown Town Council, Plan Commission, and Board of Zoning Appeals prior to their meetings in regards to community planning, zoning or subdivision control. This may also include specific recommendations to the Yorktown Town Council or the Plan Commission, but not the Board of Zoning Appeals.

B. Zoning Administrator Powers:

1. Initiate amendments to the text of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance by making said proposal to the Plan Commission.
2. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
3. Other powers as permitted by Indiana Code.
4. Other powers as required by Indiana Code.

1.19 Plan Commission Certification

This Zoning Ordinance was certified for adoption on May 13, 2009 by the Yorktown Plan Commission after holding a legally announced public hearing. This Zoning Ordinance was certified by a 3 to 1 vote. This certification is validated by the following Plan Commission members.

Alan Neff, President

Jerry Highley, Vice President

Jerry Stout

Steve Kinch

Jerry Hoffman

Bob Flanagan

Richard Glaub

1.20 Effective Date

This Zoning Ordinance, Ordinance # _____ shall become effective on August 10, 2009.

This Zoning Ordinance was approved by the Town Council of Yorktown, Indiana on the 27th day of July, 2009.

Steve Lowry, Town Council President

Richard Glaub, Town Council Vice President

Mike Beeman, Town Council Member

Robert, Flanagan, Town Council Member

Larry Crouch, Town Council Member

ATTEST:

Beth Neff, Clerk-Treasurer

Article 2

General Zoning Districts



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Article 2

General Zoning Districts

2.1 Establishment of Districts

All of the zoning districts in the Zoning Ordinance stand alone and are not a part of a hierarchical system of zoning. For example, what is permitted in the C1 district is not necessarily permitted in the C2 district or any other zoning district.

Only those land uses and development standards which are expressly permitted and noted for each district apply. For the purpose of the Zoning Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated:

- A. **PR—Parks and Recreation:** This district is established for parks, open space, trails, recreational, and conservation areas, both public and private.
- B. **R1—Low Density Single-family Residential:** This district is established for single-family, detached, medium to large sized homes on medium to large sized lots.
- C. **R2—Medium Density Single-family Residential:** This district is established for single-family, detached, medium sized homes on medium sized lots.
- D. **R3—High Density Single-family Residential:** This district is established for single-family, detached, small to medium sized homes on small to medium sized lots.
- E. **R4—Heritage Residential:** This district is established for existing older, single-family, detached neighborhoods in the Town of Yorktown.
- F. **M1—Low Density Multiple-family Residential:** This district is established for small-scale, low density, multiple-family developments, duplexes, triplexes, and quad-plexes.
- G. **M2—Medium Density Multiple-family Residential:** This district is established for medium to large scale, medium density, multiple-family developments.
- H. **MP—Manufactured Home Park:** This district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes.
- I. **IS—Institutional Uses:** This district is established for institutional and municipal owned lands, both public or quasi-public, where the use is for public purpose and is anticipated to remain permanent.
- J. **OC—Office Commercial:** This district is established for small to moderate scale office uses with provisions for some complementary uses.
- K. **HM—Heritage Mixed Use:** This district is established for special issues and land use goals for the downtown area in the Town of Yorktown.
- L. **C1—Small to Medium Scale General Commercial:** This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale, and low to medium intensity.
- M. **C2—Medium to Large Scale General Commercial:** This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are medium to large in scale, and medium to high intensity.
- N. **LI—Limited Industrial:** This district is established for small business parks, light manufacturing facilities, distribution operations, light manufacturing parks, very high intensity retail, and utility usage.
- O. **IN—Industrial:** This district is established for medium to large sized business parks, moderate intensity manufacturing facilities, large distribution operations, manufacturing parks, and utility usage.

2.2 Establishment of Overlay Districts

For the purpose of the Zoning Ordinance two (2) Overlay Districts have been established as stated below.

- A. **VS-OL—Vehicular Safety Overlay:** This district is established to promote community character and aesthetic goals and objectives along key corridors.
- B. **WQ-OL—Water Quality Overlay:** This district is established to protect the integrity and drinkability of the community's public water supply and water quality of water bodies within or within proximity to the Town.

2.3 Planned Development Districts

The provisions of the Zoning Ordinance allow the R1, R2, R3, M1, M2, OC, C1, C2, and LI districts to be rezoned for a Planned Development. No other districts can be rezoned into a Planned Development district.

On the Official Zoning Map a Planned Development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate and corresponding labels for Planned Development districts: PD-R1, PD-R2, PD-R3, PD-M1, PD-M2, PD-OC, PD-C1, PD-C2, and PD-LI.

The provisions that regulate Planned Developments can be found in *Article 7: Planned Developments*.

2.4 Standard Zoning District Land Uses

Land uses are either permitted, non-permitted, or permitted by Special Exception Use and are labeled as such in each two-page layout for each zoning district. More specifically, Yorktown's Permitted Uses and Special Exception Uses for each district are listed in the columns labeled "Permitted Uses" and "Special Exception Uses" found in *Article 3: Zoning Districts*. This article represents the following categories of zoning districts:

- Park and Recreation District: PR;
- Residential Districts: R1, R2, R3, R4, M1, M2, and MP;
- Institutional District: IS;
- Commercial Districts: OC, C1 and C2;
- Mixed Use District: HM; and
- Industrial Districts: L1 and IN.

2.5 Overlay Zoning District Land Uses

An overlay district will supersede any standard zoning district regulations, Permitted Uses, or Special Exception Uses as noted in the overlay district text. For that reason any changes to the Permitted or Special Exception Uses in an overlay district will be noted in the columns labeled "Permitted Uses" and "Special Exception Uses" and will be applicable to only that particular overlay district. The following overlay districts may be found:

- Vehicular Safety Overlay District: VS-OL, and
- Water Quality Overlay District: WQ-OL.

2.6 Unlisted Land Uses

Any land use not specifically listed as a Permitted Use or Special Exception Use in *Article 3: Zoning Districts* in the columns labeled "Permitted Uses" or "Special Exception Uses" is considered prohibited.

2.7 Questionable Land Uses

Any land use not specifically listed as a Permitted Use or Special Exception Use, but that is similar to a use which is a Permitted Use or a Special Exception Use may be considered a questionable land use. Through a "Questionable Land Use Appeal Process" (See *Article 9: Processes, Permits, and Fees*) the desired use may be determined to be a Permitted Use, Special Exception Use, or remain a non-permitted use.



Article 3

Zoning Districts



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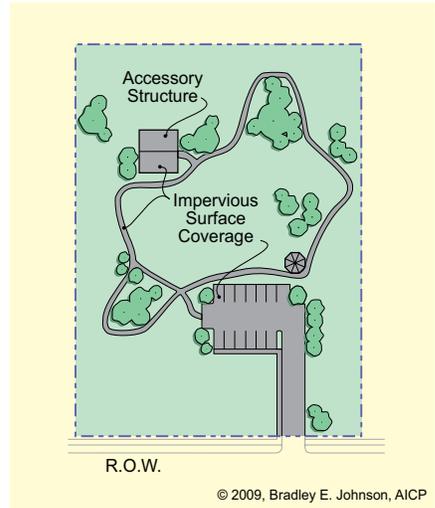
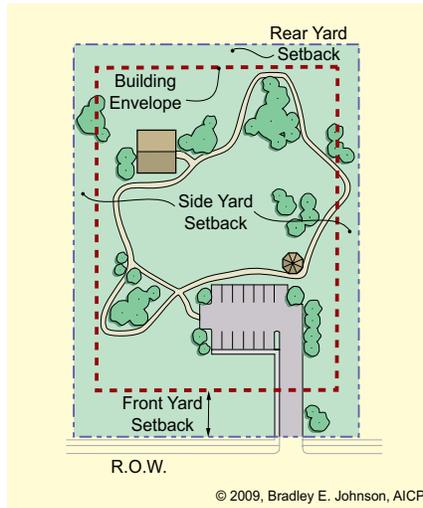
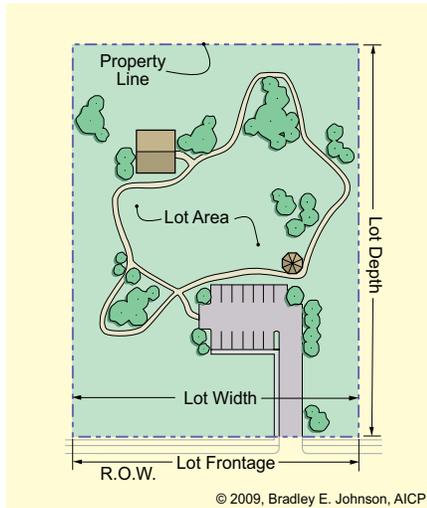
Parks and Recreation (PR) District

3.1 PR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The PR (Parks and Recreation) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • public parks, open space, playgrounds, and recreational areas <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • bufferyard district <p>Development Standards</p> <ul style="list-style-type: none"> • promote high quality natural areas for public access and recreation <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • all districts 	<p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • community center • docks • nature center • nature preserve • park • public parking lot • recreation center • swimming pool <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • golf course 	<p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • cemetery • government office • government operations (non-office)

Parks and Recreation (PR) District

3.2 PR District Development Standards



Minimum Lot Area:

- 3,000 square feet
- 1 square foot without improvements

Minimum Lot Width:

- 50 feet with improvements
- 1 foot without improvements

Minimum Lot Frontage:

- 30 feet on a public street with access from said public street
- 0 feet without improvements

Maximum Primary Structures:

- No limit

Minimum Front Yard Setback:

- 35 feet when adjacent to an arterial
- 25 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

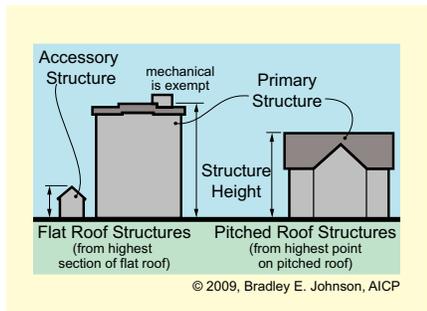
- 15 feet for primary and accessory structures

Minimum Rear Yard Setback:

- 15 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 35% of the lot area



Maximum Structure Height:

- 35 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-01 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-03 Page 6-15 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-05 Page 6-22 • LA-06 Page 6-23 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-03 Page 6-30 • SI-06 Page 6-33 	<p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-06 Page 6-39 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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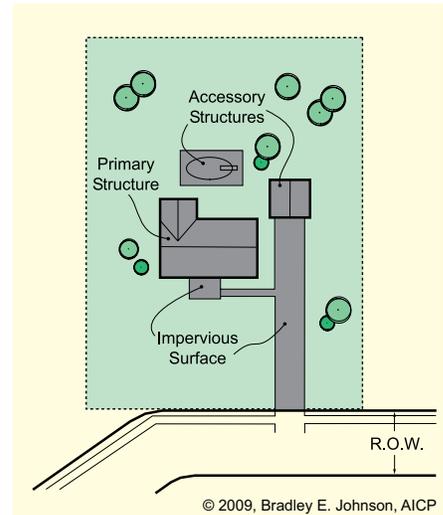
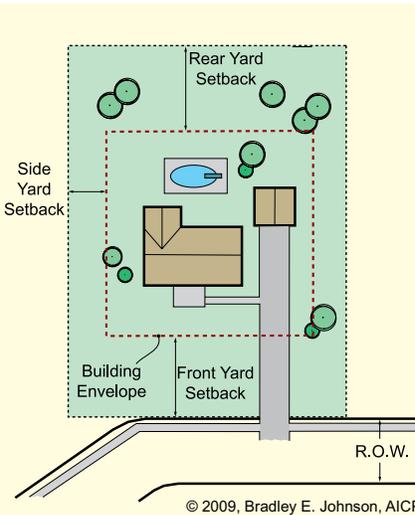
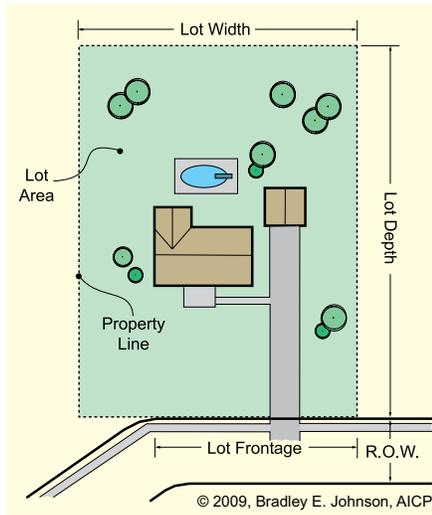
Low Density Single-family Residential (R1) District

3.3 R1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The R1 (Low Density Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • medium to large-sized homes • medium to large-sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, and IS <p>Plan Commission</p> <ul style="list-style-type: none"> • should only use this district for up to 5% of all residential areas within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, single-family • fair housing facility (small) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • fair housing facility (large) <p>Miscellaneous</p> <ul style="list-style-type: none"> • artificial lake or pond • home occupation (Type 2)

Low Density Single-family Residential (R1) District

3.4 R1 District Development Standards



Minimum Lot Area:

- 15,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

- 2.5 times the lot width

Minimum Lot Frontage:

- 60 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 30 feet when adjacent to an arterial
- 25 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 10 feet for primary and accessory structures

Minimum Rear Yard Setback:

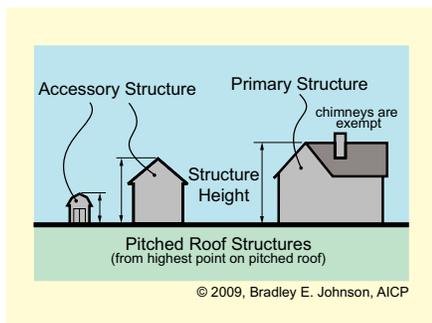
- 20 feet for primary structure
- 5 feet for accessory structure

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 35% of the lot area

Minimum Main Floor Area:

- 1,600 square feet for single story primary structures; or
- 1,200 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,600 square feet or more



Maximum Structure Height:

- 35 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

Lot Standards	Temporary Uses/Structures	Parking Standards
• LO-01 Page 6-3	• TU-01 Page 6-14	• PK-01 Page 6-38
Setback Standards	• TU-02 Page 6-14	• PK-02 Page 6-38
• SB-01 Page 6-4	Home Occupations	Entrances and Drives
Sewer and Water	• HO-01 Page 6-16	• ED-01 Page 6-43
• SW-01 Page 6-5	• HO-02 Page 6-17	Vision Clearance
Density and Intensity	Landscaping	• VC-01 Page 6-45
• DI-01 Page 6-6	• LA-01 Page 6-19	Special Exception Uses
Structure Quantity	• LA-02 Page 6-21	• SE-01 Page 6-52
• SQ-01 Page 6-7	Environmental Standards	Miscellaneous Standards
Floor Area Standards	• EN-01 Page 6-26	• MC-01 Page 6-53
• FA-01 Page 6-8	Floodplain Standards	• MC-02 Page 6-53
Height Standards	• FP-01 Page 6-27	• MC-03 Page 6-53
• HT-01 Page 6-9	Lighting Standards	• MC-04 Page 6-53
Accessory Structures	• LT-01 Page 6-28	• MC-05 Page 6-54
• AS-01 Page 6-10	Sign Standards	• MC-08 Page 6-54
• AS-02 Page 6-10	• SI-01 Page 6-29	
Fence and Wall Standards	• SI-02 Page 6-30	
• FW-01 Page 6-13		

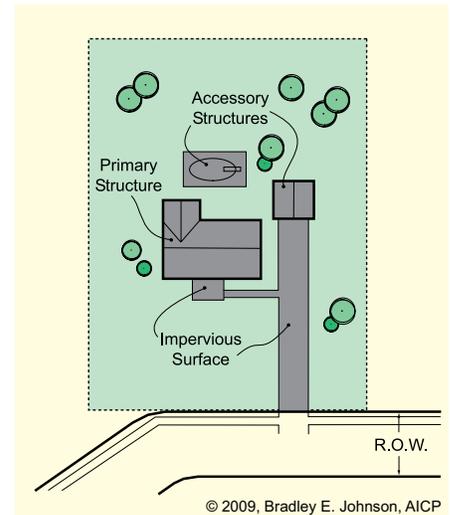
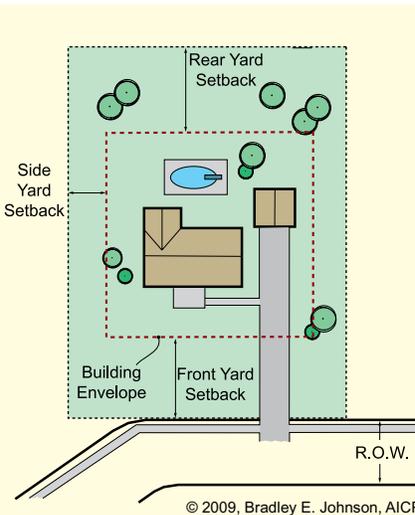
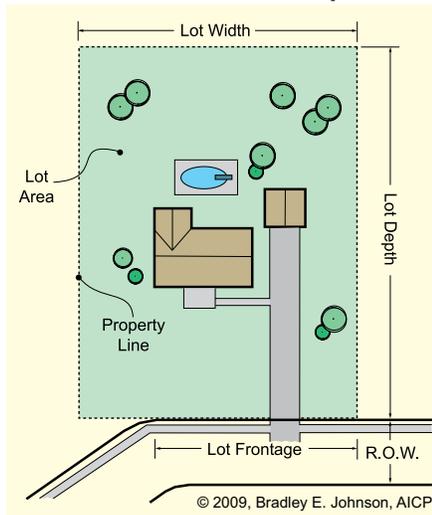
Medium Density Single-family Residential (R2) District

3.5 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The R2 (Medium Density Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • medium-sized homes • medium-sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small to large area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, M2, IS, OC, and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should only use this district for the majority of new residential development within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, single-family • fair housing facility (small) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • fair housing facility (large) <p>Miscellaneous</p> <ul style="list-style-type: none"> • artificial lake or pond • home occupation (Type 2)

Medium Density Single-family Residential (R2) District

3.6 R2 District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 80 feet

Minimum Lot Frontage:

- 45 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 25 feet when adjacent to an arterial
- 20 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 10 feet per side for primary structure
- 5 feet per side for accessory structure

Minimum Rear Yard Setback:

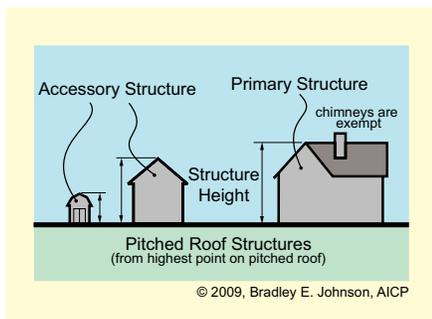
- 20 feet for primary structure
- 3 feet for accessory structure

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 40% of the lot area

Minimum Main Floor Area:

- 1,400 square feet for single story primary structures; or
- 1,000 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,400 square feet or more



Maximum Structure Height:

- 35 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-02 Page 6-10 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-01 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-02 Page 6-14 <p>Home Occupations</p> <ul style="list-style-type: none"> • HO-01 Page 6-16 • HO-02 Page 6-17 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-02 Page 6-21 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-02 Page 6-30 <p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-02 Page 6-38 	<p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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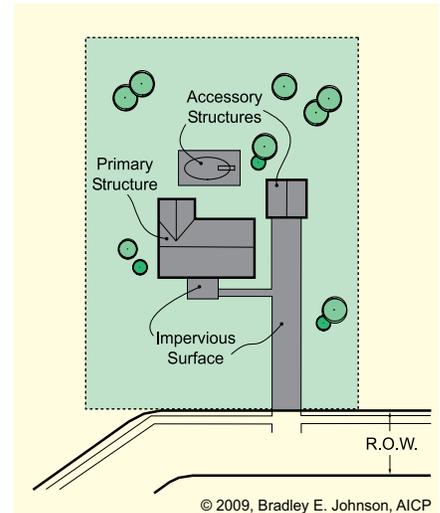
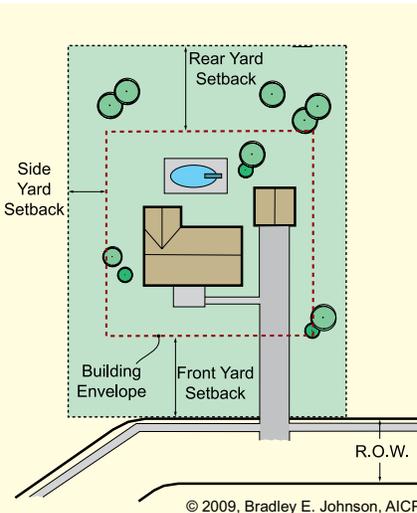
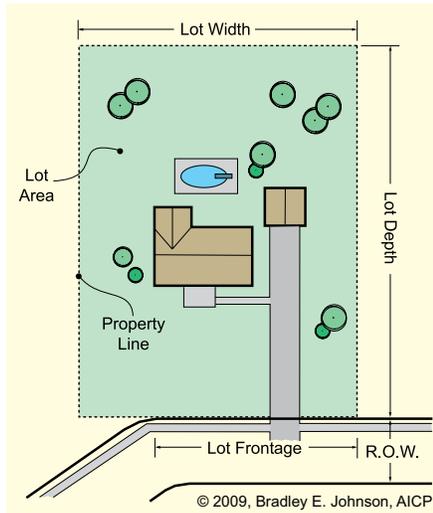
High Density Single-family Residential (R3) District

3.7 R3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The R3 (High Density Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • limited mixes of residential uses • small to medium-sized homes • small to medium-sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, M2, MP, IS, OC, HM, and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown • recognize that the smaller the lots, the higher the quality of design shall be <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, single-family • fair housing facility (small) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding house (owner-occupied) • dwelling, two-family • fair housing facility (large) <p>Miscellaneous</p> <ul style="list-style-type: none"> • artificial lake or pond • home occupation (Type 2)

High Density Single-family Residential (R3) District

3.8 R3 District Development Standards



Minimum Lot Area:

- 7,500 square feet/dwelling unit

Minimum Lot Width:

- 60 feet

Minimum Lot Frontage:

- 35 feet on a public street with vehicular access from said public street or rear alley

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 25 feet when adjacent to an arterial
- 20 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 7 feet per side for primary structure
- 3 feet per side for accessory structure

Minimum Rear Yard Setback:

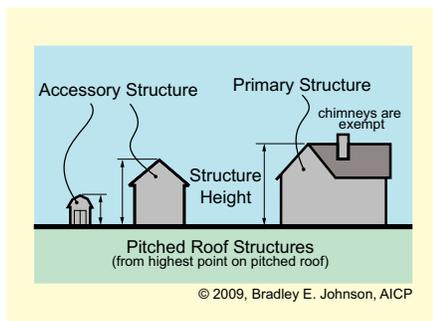
- 15 feet for primary structure
- 3 feet for accessory structure

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 45% of the lot area

Minimum Main Floor Area:

- 1,100 square feet for single story primary structures; or
- 850 square feet for the first floor of the primary structure, provided that the total finished floor area is 1,100 square feet or more



Maximum Structure Height:

- 35 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-02 Page 6-10 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-01 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-02 Page 6-14 <p>Home Occupations</p> <ul style="list-style-type: none"> • HO-01 Page 6-16 • HO-02 Page 6-17 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-02 Page 6-21 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-02 Page 6-30 	<p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-02 Page 6-38 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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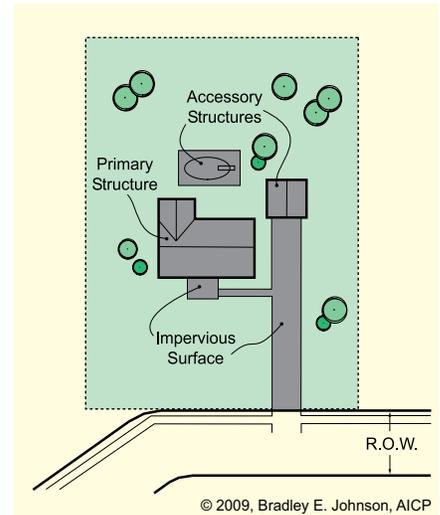
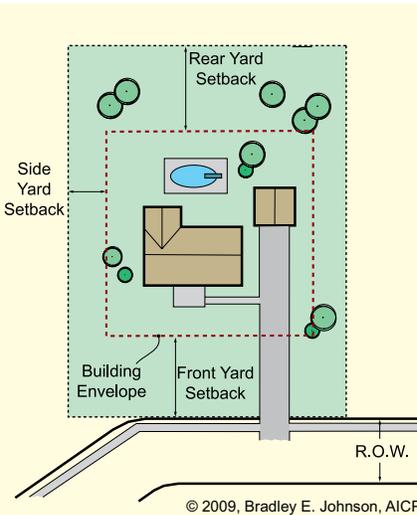
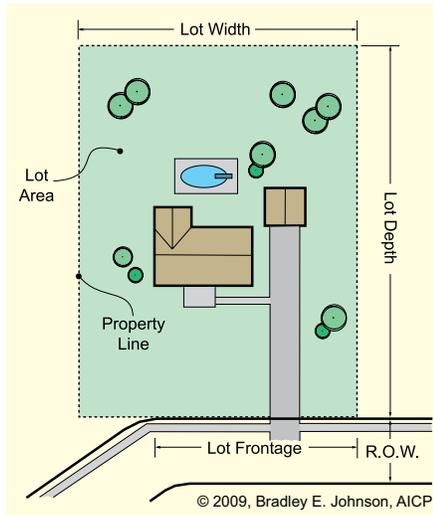
Heritage Residential (R4) District

3.9 R4 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The R4 (Heritage Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • limited mixes of residential uses • small to medium-sized homes • small to small-sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing development only • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • protect, maintain, and promote the "old town residential character" in Yorktown • promote limited-impact development in concert with an urban environment <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, M2, MP, IS, OC, HM, and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown • recognize that the smaller the lots the higher the quality of design shall be <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, single-family • fair housing facility (small) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding house • dwelling, two-family • fair housing facility (large) <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation (Type 2)

Heritage Residential (R4) District

3.10 R4 District Development Standards



Minimum Lot Area:

- 4,000 square feet/dwelling unit

Minimum Lot Width:

- 40 feet

Minimum Lot Frontage:

- 25 feet on a public street with vehicular access from said public street or rear alley

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- Average setback of the nearest 5 properties fronting the same street (± 3 feet of the average)

Minimum Side Yard Setback:

- 5 feet per side for primary structure
- 3 feet per side for accessory structure

Minimum Rear Yard Setback:

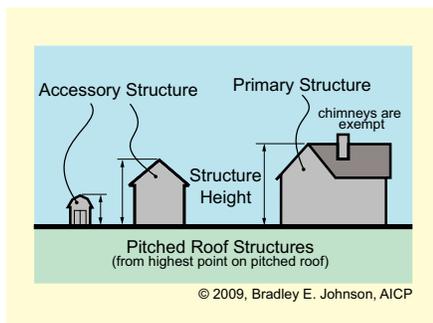
- 15 feet for primary structure
- 0 feet for accessory structure
- 3 feet for accessory structure along alleys

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 70% of the lot area

Minimum Main Floor Area:

- 960 square feet for single story primary structures; or
- 700 square feet for the first floor of the primary structure, provided that the total finished floor area is 960 square feet or more



Maximum Structure Height:

- 35 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-02 Page 6-10 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-01 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-02 Page 6-14 <p>Home Occupations</p> <ul style="list-style-type: none"> • HO-01 Page 6-16 • HO-02 Page 6-17 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-02 Page 6-21 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-02 Page 6-30 <p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-03 Page 6-38 	<p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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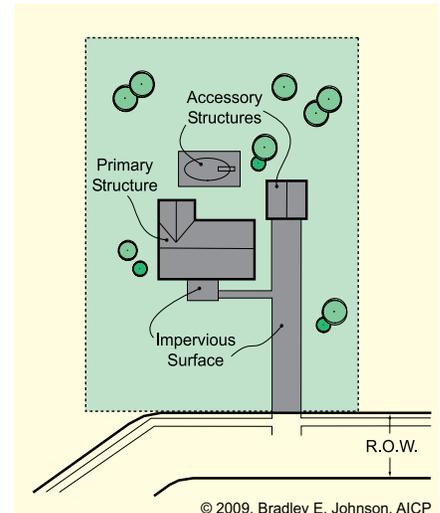
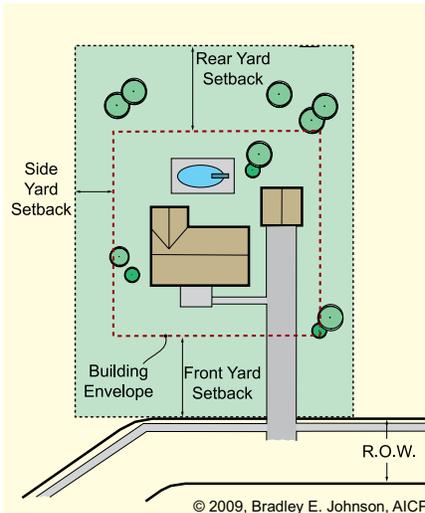
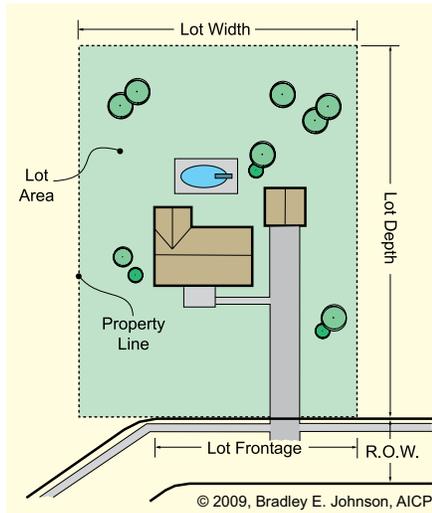
Low Density Multiple-family Residential (M1) District

3.11 M1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The M1 (Low Density Multiple-family Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low-density, multiple-family residential (duplex, triplex, and quad-plex) • limited mixes of residential uses • 1 primary structure per lot • low intensity <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize that multiple-family development requires more stringent development standards to protect the quality of life for tenants <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, M2, MP, IS, OC, HM, C1, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, multiple-family (4 units or less) • fair housing facility (small) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding house • child care institution • dwelling, multiple-family (5 to 8 units) • dwelling, single-family • fair housing facility (large) • nursing home • retirement community <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation (Type 2)

Low Density Multiple-family Residential (M1) District

3.12 M1 District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 80 feet

Maximum Lot Depth:

- 2.5 times the lot width

Minimum Lot Frontage:

- 50 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 25 feet when adjacent to an arterial
- 20 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 10 feet per side for primary structure
- 5 feet per side for accessory structure

Minimum Rear Yard Setback:

- 20 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 65% of the lot area

Maximum Density:

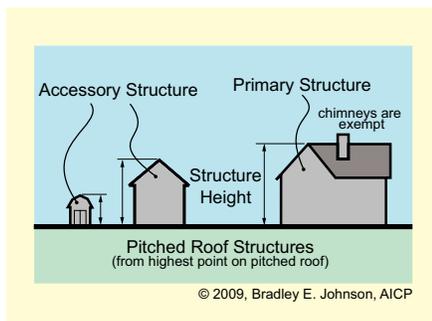
- 8 dwelling units per acre

Minimum Main Floor Area:

- 1,100 square feet per primary structure for single-family or multiple-family uses

Minimum Floor Area Per Unit:

- 800 square feet average per dwelling unit in a multiple-unit primary structure



Maximum Structure Height:

- 40 feet for primary structure
- 15 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-03 Page 6-10 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-01 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-02 Page 6-14 <p>Home Occupations</p> <ul style="list-style-type: none"> • HO-01 Page 6-16 • HO-02 Page 6-17 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-03 Page 6-21 • LA-08 Page 6-24 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-02 Page 6-30 • SI-04 Page 6-31 	<p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-04 Page 6-38 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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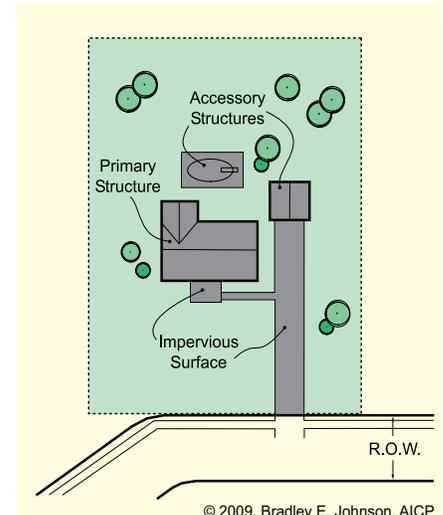
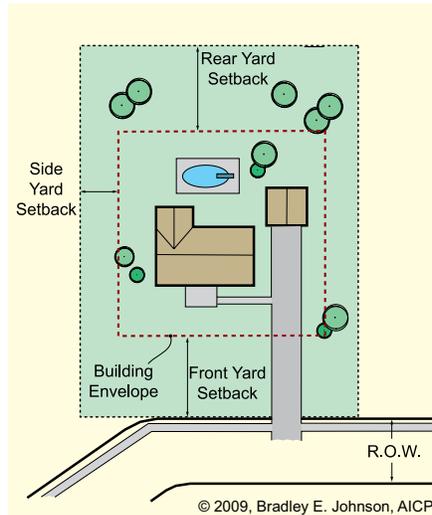
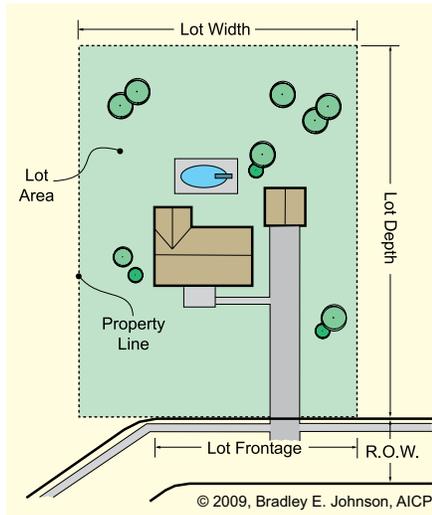
Medium Density Multiple-family Residential (M2) District

3.13 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The M2 (Multiple-family Residential) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low to medium-density multiple-family residential (i.e. apartment complexes) • limited mixes of residential uses • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize that multiple-family development requires more stringent development standards to protect the quality of life of tenants <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R2, R3, R4, M1, M2, MP, IS, OC, HM, C1, C2, and LI <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, multiple-family (5-16 units) • fair housing facility (small) • nursing home • retirement community <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church, temple, or mosque • community center • park • recreational center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding house • child care institution • dwelling, single-family • dwelling, multiple-family (4 units or less) • dwelling, multiple-family (17 units or more) • fair housing facility (large)

Medium Density Multiple-family Residential (M2) District

3.14 M2 District Development Standards



Minimum Lot Area:

- 1 acre (43,560 square feet)

Minimum Lot Width:

- 120 feet

Minimum Lot Frontage:

- 60 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Minimum Front Yard Setback:

- 40 feet when adjacent to an arterial
- 35 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 25 feet per side for primary and accessory structures

Minimum Rear Yard Setback:

- 25 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 55% of the lot area

Maximum Density:

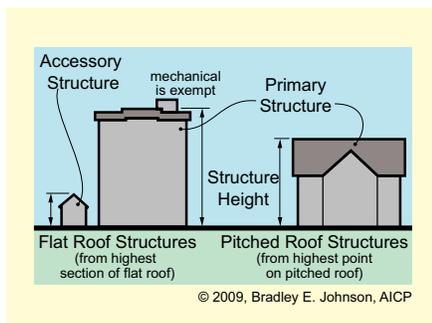
- 12 dwelling units per acre

Minimum Main Floor Area:

- 1,300 square feet per primary structure for single-family or multiple-family uses

Minimum Floor Area Per Unit:

- 800 square feet average per dwelling unit in a multiple-unit primary structure



Maximum Structure Height:

- 50 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply

Lot Standards	Temporary Uses/Structures	Parking Standards
• LO-01 Page 6-3	• TU-01 Page 6-14	• PK-01 Page 6-38
Setback Standards	• TU-02 Page 6-14	• PK-04 Page 6-38
• SB-01 Page 6-4	Home Occupations	Entrances and Drives
Sewer and Water	• HO-01 Page 6-16	• ED-01 Page 6-43
• SW-01 Page 6-5	Landscaping	Vision Clearance
Density and Intensity	• LA-01 Page 6-19	• VC-01 Page 6-45
• DI-01 Page 6-6	• LA-03 Page 6-21	Special Exception Uses
Structure Quantity	• LA-08 Page 6-24	• SE-01 Page 6-52
• SQ-01 Page 6-7	Environmental Standards	Miscellaneous Standards
Floor Area Standards	• EN-01 Page 6-26	• MC-01 Page 6-53
• FA-01 Page 6-8	Floodplain Standards	• MC-02 Page 6-53
Height Standards	• FP-01 Page 6-27	• MC-03 Page 6-53
• HT-01 Page 6-9	Lighting Standards	• MC-04 Page 6-53
Accessory Structures	• LT-01 Page 6-28	• MC-05 Page 6-54
• AS-01 Page 6-10	Sign Standards	• MC-08 Page 6-54
• AS-03 Page 6-10	• SI-01 Page 6-29	
Fence and Wall Standards	• SI-02 Page 6-30	
• FW-01 Page 6-13	• SI-04 Page 6-31	

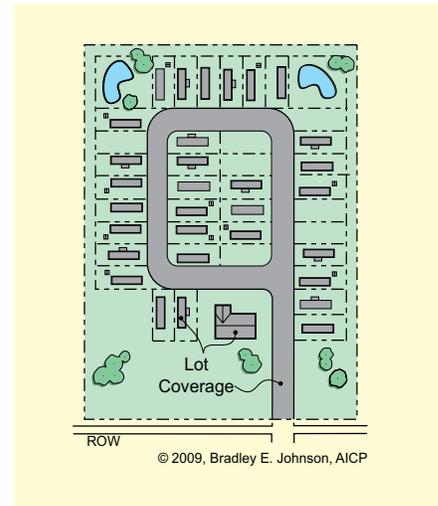
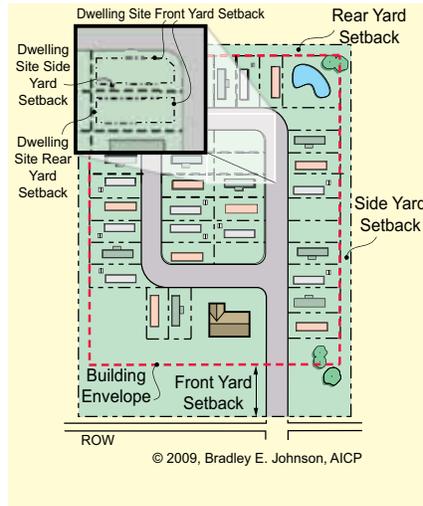
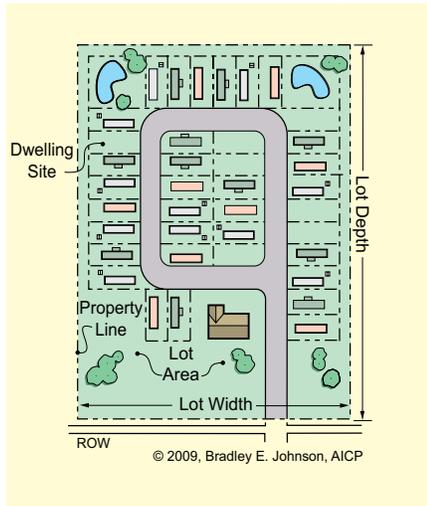
Manufactured Home Park (MP) District

3.15 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The MP (Manufactured Home Park) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • leased lot housing (typically mobile homes) • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize that leased lot development requires more stringent development standards to protect the quality of life for tenants • shall be in accordance with <i>IC 16-11-27-1 et. seq., Rule 410, IAC 6-6</i> and their subsequent amendments <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R3, R4, M1, M2, MP, IS, C1, C2, and LI <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the Town of Yorktown <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the residential component of the development 	<p>Residential</p> <ul style="list-style-type: none"> • child day care home • dwelling, mobile home • dwelling, single-family • fair housing facility (small) • manufactured home park <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church, temple, or mosque • community center • park • recreational center

Manufactured Home Park (MP) District

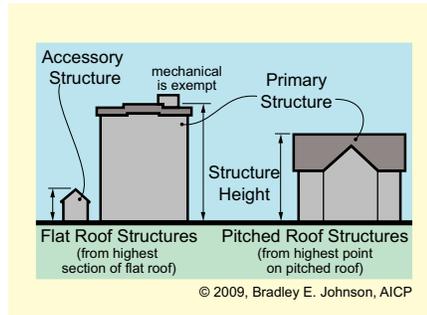
3.16 MP District Development Standards



- Minimum Lot Area:**
 - 3 acres
- Minimum Lot Width:**
 - 250 feet
- Maximum Lot Depth:**
 - 3 times the lot width
- Minimum Dwelling Site Size:**
 - 3,000 square feet
- Minimum Dwelling Site Width:**
 - 30 feet
- Minimum Lot Frontage:**
 - 70 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires municipal water and sewer hookup
- Maximum Primary Structures:**
 - Number of dwelling sites approved

- Minimum Front Yard Setback:**
 - 40 feet from any street
- Minimum Side Yard Setback:**
 - 20 feet for primary and accessory structures
- Minimum Rear Yard Setback:**
 - 20 feet for primary and accessory structures
- Minimum Dwelling Site Front Yard Setback:**
 - 10 feet from edge of pavement of interior roads
- Minimum Dwelling Site Side Yard Setback:**
 - 5 feet for primary structure
 - 2 feet for accessory structure

- Minimum Dwelling Site Rear Yard Setback:**
 - 5 feet for primary structure
 - 2 feet for accessory structure
- Minimum Rear Yard Setback:**
 - 7 feet for primary and accessory structures
- Maximum Lot Coverage:**
 - Total square footage of all primary and accessory structures, and impervious surfaces shall not exceed 65% of the lot area
- Minimum Main Floor Area per Unit:**
 - 750 square feet per primary structure on a dwelling site



- Maximum Structure Height:**
 - 35 feet for primary structure
 - 18 feet for accessory structure

Additional Development Standards that Apply		
Lot Standards	Temporary Uses/Structures	Parking Standards
• LO-01 Page 6-3	• TU-01 Page 6-14	• PK-01 Page 6-38
Setback Standards	• TU-02 Page 6-14	• PK-05 Page 6-39
• SB-01 Page 6-4	Home Occupations	Entrances and Drives
Sewer and Water	• HO-01 Page 6-16	• ED-01 Page 6-43
• SW-01 Page 6-5	Landscaping	• ED-02 Page 6-44
Density and Intensity	• LA-01 Page 6-19	Vision Clearance
• DI-01 Page 6-6	• LA-04 Page 6-22	• VC-01 Page 6-45
Structure Quantity	• LA-08 Page 6-24	Special Exception Uses
• SQ-01 Page 6-7	Environmental Standards	• SE-01 Page 6-52
Floor Area Standards	• EN-01 Page 6-26	Miscellaneous Standards
• FA-01 Page 6-8	Floodplain Standards	• MC-01 Page 6-53
Height Standards	• FP-01 Page 6-27	• MC-02 Page 6-53
• HT-01 Page 6-9	Lighting Standards	• MC-03 Page 6-53
Accessory Structures	• LT-01 Page 6-28	• MC-04 Page 6-53
• AS-01 Page 6-10	Sign Standards	• MC-05 Page 6-54
• AS-04 Page 6-11	• SI-01 Page 6-29	• MC-07 Page 6-54
Fence and Wall Standards	• SI-02 Page 6-30	• MC-08 Page 6-54
• FW-01 Page 6-13	• SI-04 Page 6-31	

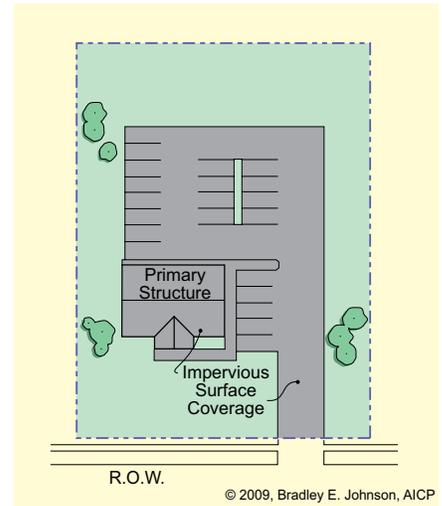
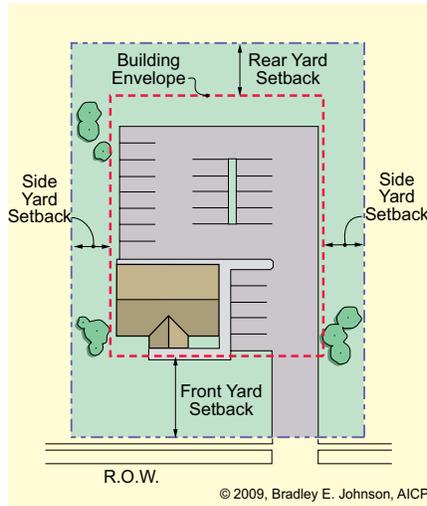
Institutional Uses (IS) District

3.17 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IS (Institutional Uses) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • institutionally owned lands, including state, county, and town facilities. • limited quasi-public uses • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • bufferyard district or transitional district • small-area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to improve public accessibility and use of the property while minimizing impacts on surrounding properties <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R1, R2, R3, R4, M1, M2, MP, IS, OC, HM, C1, C2, and LI <p>Plan Commission</p> <ul style="list-style-type: none"> • rezone property for IS only after commitments have been made to develop an institutional use, and after determining that the proposed use is appropriate for the area <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas 	<p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church, temple or mosque • community center • government office • government operations (non-office) • library • museum • police, fire, or rescue station • post office • public parking lot • public recreation center • school (P-12) 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility • wireless telecommunication facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • bus station • cemetery • crematorium • drug/alcohol rehabilitation clinic • funeral home or mortuary • hospital • light rail station • municipal airport • municipal helipad or heliport • railroad station • recycling collection point • trade or business school • university or college <p>Residential</p> <ul style="list-style-type: none"> • child care institution • facility for developmentally disabled • facility for mentally ill • fair housing facility (large) • nursing home

Institutional Uses (IS) District

3.18 IS District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 80 feet

Minimum Lot Frontage:

- 50 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Maximum Primary Structures:

- 5

Minimum Front Yard Setback:

- 35 feet when adjacent to an arterial
- 25 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 15 feet for primary and accessory structures

Minimum Rear Yard Setback:

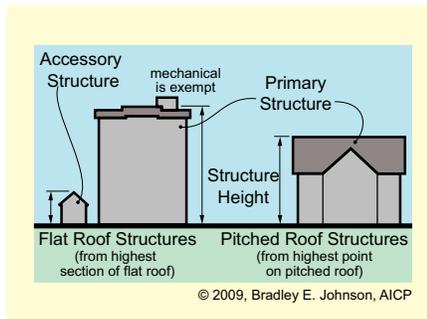
- 20 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surface shall not exceed 65% of the lot area

Minimum Main Floor Area:

- 900 square feet for primary structure



Maximum Structure Height:

- 35 feet for primary structure
- 25 feet for accessory structure

Additional Development Standards that Apply		
Lot Standards	Temporary Uses/Structures	Loading Docks
• LO-01 Page 6-3	• TU-01 Page 6-14	• LD-01 Page 6-42
Setback Standards	• TU-03 Page 6-15	Entrances and Drives
• SB-01 Page 6-4	Landscaping	• ED-01 Page 6-43
Sewer and Water	• LA-01 Page 6-19	Vision Clearance
• SW-01 Page 6-5	• LA-05 Page 6-22	• VC-01 Page 6-45
Density and Intensity	• LA-06 Page 6-23	Telecommunication Facilities
• DI-01 Page 6-6	• LA-08 Page 6-24	• TC-01 Page 6-46
Structure Quantity	Environmental Standards	• TC-02 Page 6-49
• SQ-01 Page 6-7	• EN-01 Page 6-26	Special Exception Uses
Floor Area Standards	Floodplain Standards	• SE-01 Page 6-52
• FA-01 Page 6-8	• FP-01 Page 6-27	Miscellaneous Standards
Height Standards	Lighting Standards	• MC-01 Page 6-53
• HT-01 Page 6-9	• LT-01 Page 6-28	• MC-02 Page 6-53
Accessory Structures	Sign Standards	• MC-03 Page 6-53
• AS-01 Page 6-10	• SI-01 Page 6-29	• MC-04 Page 6-53
• AS-06 Page 6-12	• SI-03 Page 6-30	• MC-05 Page 6-54
Fence and Wall Standards	• SI-07 Page 6-33	• MC-08 Page 6-54
• FW-02 Page 6-13	Parking Standards	
	• PK-01 Page 6-38	
	• PK-06 Page 6-39	

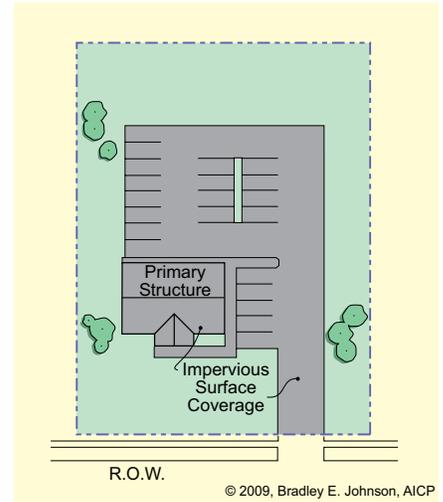
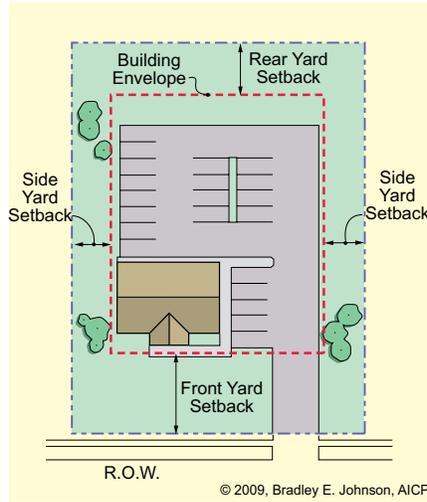
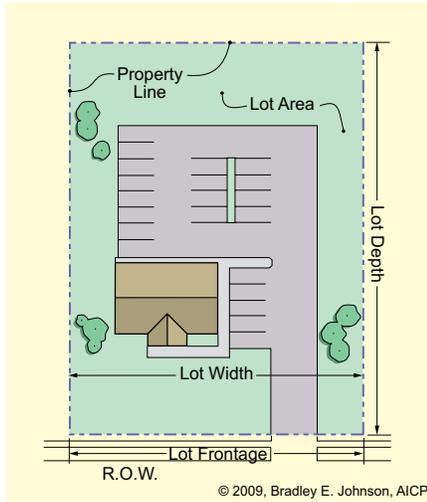
Office Commercial (OC) District

3.19 OC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The OC (Office Commercial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low-impact office uses • limited complementary business uses • small clusters of office buildings • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development • bufferyard district or transitional district <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on surrounding properties and to assure residential scale and character <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R2, R3, R4, M1, M2, IS, OC, HM, C1, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • rezone property for OC only after determining that the proposed use is appropriate for the surrounding area <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas 	<p>Business: General Business</p> <ul style="list-style-type: none"> • copy center <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • business/financial services office • design/planning office • general services office • medical office <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses 	<p>Business: General Business</p> <ul style="list-style-type: none"> • barber/beauty shop • child day care center • fitness center/gym • health spa • restaurant <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • contractor office <p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility • wireless telecommunication facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • church, temple or mosque • community center • drug/alcohol rehabilitation clinic • library • police, fire, or rescue station • post office <p>Residential</p> <ul style="list-style-type: none"> • dwelling, multiple-family (upper floors, 10 units or less) • dwelling, single-family (upper floors)

Office Commercial (OC) District

3.20 OC District Development Standards



Minimum Lot Area:

- 7,000 square feet

Minimum Lot Width:

- 70 feet

Maximum Lot Depth:

- 3 times the lot width

Minimum Lot Frontage:

- 50 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Maximum Primary Structures:

- 5

Minimum Front Yard Setback:

- 25 feet when adjacent to an arterial
- 20 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 12 feet for primary and accessory structures

Minimum Rear Yard Setback:

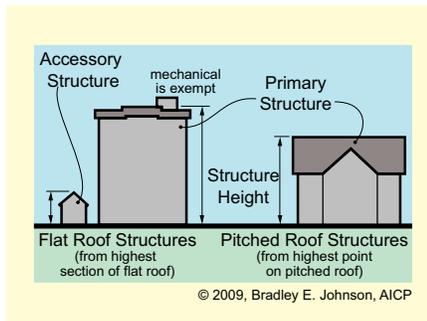
- 12 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square footage of all primary and accessory structures, and impervious surface shall not exceed 65% of the lot area

Minimum Main Floor Area:

- 1,000 square feet for primary structure



Maximum Structure Height:

- 35 feet for primary structure
- 15 feet for accessory structure

Additional Development Standards that Apply		
Lot Standards	Temporary Uses/Structures	Loading Docks
• LO-01 Page 6-3	• TU-01 Page 6-14	• LD-01 Page 6-42
Setback Standards	• TU-03 Page 6-15	Entrances and Drives
• SB-01 Page 6-4	Landscaping	• ED-01 Page 6-43
Sewer and Water	• LA-01 Page 6-19	Vision Clearance
• SW-01 Page 6-5	• LA-05 Page 6-22	• VC-01 Page 6-45
Density and Intensity	• LA-06 Page 6-23	Telecommunication Facilities
• DI-01 Page 6-6	• LA-08 Page 6-24	• TC-01 Page 6-46
Structure Quantity	Environmental Standards	• TC-02 Page 6-49
• SQ-01 Page 6-7	• EN-01 Page 6-26	Special Exception Uses
Floor Area Standards	Floodplain Standards	• SE-01 Page 6-52
• FA-01 Page 6-8	• FP-01 Page 6-27	Miscellaneous Standards
Height Standards	Lighting Standards	• MC-01 Page 6-53
• HT-01 Page 6-9	• LT-01 Page 6-28	• MC-02 Page 6-53
Accessory Structures	Sign Standards	• MC-03 Page 6-53
• AS-01 Page 6-10	• SI-01 Page 6-29	• MC-04 Page 6-53
• AS-06 Page 6-12	• SI-03 Page 6-30	• MC-05 Page 6-54
Fence and Wall Standards	• SI-07 Page 6-33	• MC-08 Page 6-54
• FW-02 Page 6-13	Parking Standards	
	• PK-01 Page 6-38	
	• PK-06 Page 6-39	

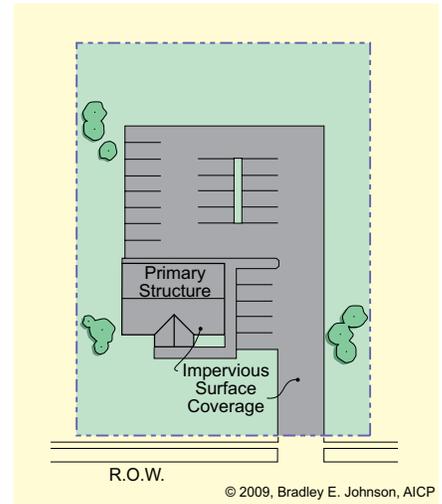
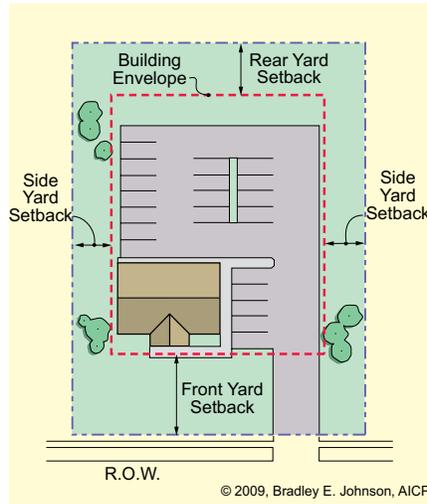
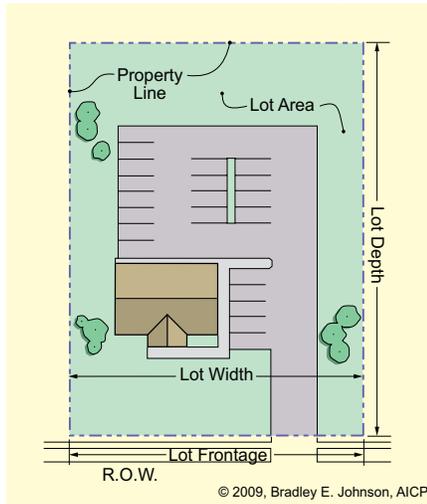
Heritage Mixed Use (HM) District

3.21 HM District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The HM (Heritage Mixed Use) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • mixed uses that promote a strong pedestrian oriented downtown • limited institutional and service-oriented businesses • disallow residential on first floors <p>Application of District</p> <ul style="list-style-type: none"> • existing downtown area only <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to assure that future development will reflect the existing downtown character • reduce parking requirements due to limited lot sizes <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R3, R4, M1, M2, IS, OC, HM, C1, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • maintain Zoning Ordinance language that promotes a healthy downtown and encourages two-story downtown structures built to the front property line <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the downtown area • allow uses that generate traffic 	<p>Business: General Business</p> <ul style="list-style-type: none"> • bank machine/ATM • copy center • dance/aerobics/gymnastics studio • delicatessen • dry cleaning service • farmers market • fitness center/gym • funeral home or mortuary • health spa • ice cream shop • karate studio • outdoor service facility • restaurant • shoe repair • sign shop • tailor/pressing shop • tanning salon • video/dvd store <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • business/financial services office • general services office • medical office <p>Business: Retail</p> <ul style="list-style-type: none"> • low intensity retail • medium intensity retail <p>Residential</p> <ul style="list-style-type: none"> • dwelling, multiple-family (upper floors, 10 units or less) • dwelling, single-family (upper floors) <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses • home occupation (Type 1) 	<p>Business: General Business</p> <ul style="list-style-type: none"> • auto-oriented facility • bar/night club • billiard/arcade room • hotel/motel • lodge or private club • movie theater <p>Business: Retail</p> <ul style="list-style-type: none"> • medium intensity retail <p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • community center • government office • park • police, fire, or rescue station • post office • public parking lot • recreation center <p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation (Type 2)

Heritage Mixed Use (HM) District

3.22 HM District Development Standards



Minimum Lot Area:

- 3,000 square feet

Minimum Lot Width:

- 25 feet

Minimum Lot Frontage:

- 25 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water or sewer hookup

Minimum Front Yard Setback:

- 0 feet for primary structure
- 40 feet for accessory structure

Minimum Side Yard Setback:

- 0 feet for primary structure
- 5 feet for accessory structure

Maximum Side Yard Setback:

- 0 feet for primary structure
- 5 feet for accessory structure

Minimum Rear Yard Setback:

- 0 feet for primary structure
- 5 feet for accessory structure

Minimum Lot Coverage:

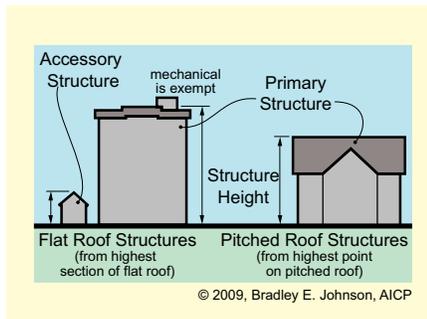
- Total square feet of all primary and accessory structures, and impervious surfaces combined shall not be less than 75% of the lot area

Minimum Main Floor Area:

- 1,000 square feet for primary structure

Minimum Floor Area Per Unit:

- 850 square feet average per residential dwelling unit in a primary structure



Maximum Structure Height:

- 40 feet for primary structure
- 15 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-05 Page 6-11 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-02 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-03 Page 6-15 <p>Home Occupations</p> <ul style="list-style-type: none"> • HO-01 Page 6-16 • HO-02 Page 6-17 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-05 Page 6-22 • LA-07 Page 6-23 • LA-08 Page 6-24 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-05 Page 6-32 • SI-10 Page 6-36 	<p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 <p>Loading Docks</p> <ul style="list-style-type: none"> • LD-01 Page 6-42 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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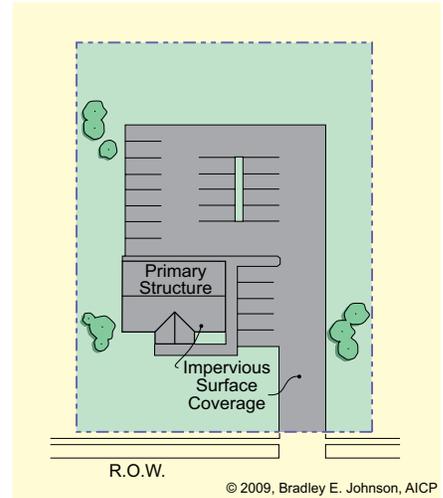
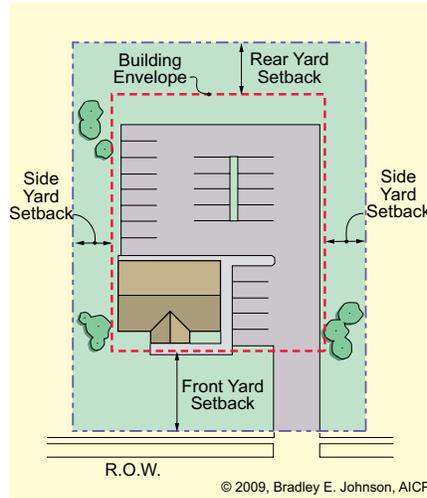
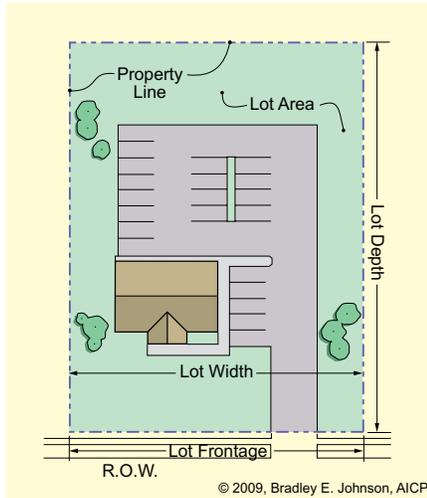
Small to Medium Scale General Commercial (C1) District

3.23 C1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The C1 (Small to Medium Scale General Commercial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low to moderate-impact uses • wide variety of retail, commercial, service, eating, and entertainment establishments • free-standing buildings and small strip centers <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, R2, R3, R4, M1, M2, MP, IS, OC, HM, C1, C2, and LI <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for C1 only after determining that the site is appropriate for any of the possible uses allowed in this district • Require written acknowledgment of the maximum main floor area requirement <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas • be sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Business: General Business</p> <ul style="list-style-type: none"> • adult day care • auto-oriented business • bank machine/ATM • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • child day care center • coin laundry • copy center • country club • dance/aerobics/gymnastics studio • dance/night club • delicatessen • dry cleaning service • farmers market • fitness center/gym • funeral home or mortuary • health spa • ice cream shop • karate studio • lodge or private club • nail salon • photographic studio • play center • restaurant • shoe repair • sign shop • sport fields • swimming pool • tailor/pressing shop • tanning salon • video/dvd store <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • business/financial services office • design/planning office • general services office • medical office <p>Business: Retail</p> <ul style="list-style-type: none"> • low intensity retail • medium intensity retail <p>Miscellaneous</p> <ul style="list-style-type: none"> • accessory uses 	<p>Business: General Business</p> <ul style="list-style-type: none"> • banquet hall • driving range • hotel/motel • kennel • miniature golf • movie theater • outdoor service facility • print shop • publishing company • sexually oriented business • skating rink • storage facility <p>Communication/Utility</p> <ul style="list-style-type: none"> • above-ground utility facility • wireless telecommunication facility

Small to Medium Scale General Commercial (C1) District

3.24 C1 District Development Standards



Minimum Lot Area:

- 15,000 square feet

Minimum Lot Width:

- 65 feet

Maximum Lot Depth:

- 3 times the lot width

Minimum Lot Frontage:

- 40 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water or sewer hookup

Maximum Primary Structures:

- 2

Minimum Front Yard Setback:

- 35 feet when adjacent to an arterial
- 25 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 20 feet for primary and accessory structures

Minimum Rear Yard Setback:

- 20 feet for primary and accessory structures

Maximum Lot Coverage:

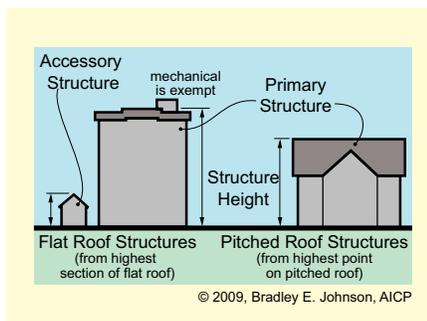
- Total square feet of all primary and accessory structures, and impervious surface shall not exceed 65% of the lot area

Minimum Main Floor Area:

- 300 square feet for primary structure

Maximum Main Floor Area:

- 25,000 square feet for primary and accessory structures associated with retail uses



Maximum Structure Height:

- 40 feet for primary structure
- 18 feet for accessory structure

Additional Development Standards that Apply		
Lot Standards	Temporary Uses/Structures	Loading Docks
• LO-01 Page 6-3	• TU-01 Page 6-14	• LD-01 Page 6-42
Setback Standards	• TU-03 Page 6-15	Entrances and Drives
• SB-01 Page 6-4	Landscaping	• ED-01 Page 6-43
Sewer and Water	• LA-01 Page 6-19	Vision Clearance
• SW-01 Page 6-5	• LA-05 Page 6-22	• VC-01 Page 6-45
Density and Intensity	• LA-06 Page 6-23	Telecommunication Facilities
• DI-01 Page 6-6	• LA-08 Page 6-24	• TC-01 Page 6-46
Structure Quantity	Environmental Standards	• TC-02 Page 6-49
• SQ-01 Page 6-7	• EN-01 Page 6-26	Sexually Oriented Businesses
Floor Area Standards	Floodplain Standards	• SX-01 Page 6-50
• FA-01 Page 6-8	• FP-01 Page 6-27	Special Exception Uses
Height Standards	Lighting Standards	• SE-01 Page 6-52
• HT-01 Page 6-9	• LT-01 Page 6-28	Miscellaneous Standards
Accessory Structures	Sign Standards	• MC-01 Page 6-53
• AS-01 Page 6-10	• SI-01 Page 6-29	• MC-02 Page 6-53
• AS-06 Page 6-12	• SI-03 Page 6-30	• MC-03 Page 6-53
Fence and Wall Standards	• SI-08 Page 6-34	• MC-04 Page 6-53
• FW-02 Page 6-13	Parking Standards	• MC-05 Page 6-54
	• PK-01 Page 6-38	• MC-08 Page 6-54
	• PK-06 Page 6-39	

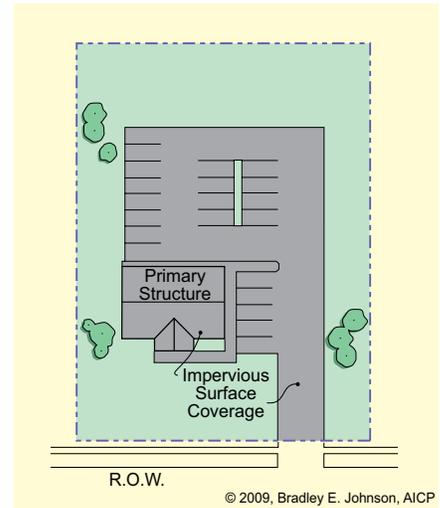
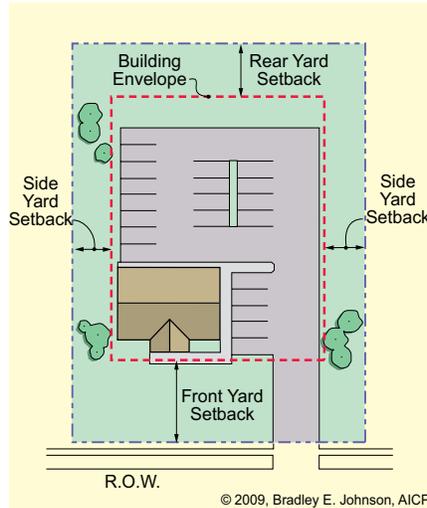
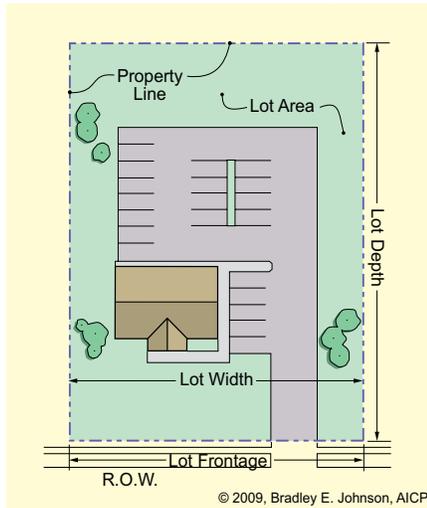
Medium to Large Scale General Commercial (C2) District

3.25 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The C2 (Medium to Large Scale General Commercial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • moderate to high impact uses • wide variety of retail, commercial, service, eating, and entertainment establishments • stand alone buildings and strip centers <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • assure that there are no negative affects on the natural environment <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, M1, M2, MP, IS, OC, HM, C1, C2, LI, and IN <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for C2 only after determining that the site is appropriate for any of the possible uses allowed in this district • be sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas • be sensitive to the potential for light pollution, excessive parking lots, oversized signs, aesthetics, and pedestrian and vehicular safety 	<p>Business: General Business</p> <ul style="list-style-type: none"> • adult day care • auto-oriented business • bank machine/ATM • banquet hall • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • child day care center • coin laundry • commercial training facility or school • copy center • country club • dance/aerobics/gymnastics studio • dance/night club • delicatessen • driving range • dry cleaning service • farmers market • fitness center/gym • funeral home or mortuary • health spa • hotel/motel • ice cream shop • karate studio • kennel • lodge or private club • miniature golf • movie theater • nail salon • outdoor service facility • play center • print shop • publishing company • restaurant • shoe repair • sign shop • skating rink • sport fields • swimming pool • tailor/pressing shop • tanning salon • video/dvd store <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • business/financial services office • general services office <p>Business: Retail</p> <ul style="list-style-type: none"> • high intensity retail • low intensity retail • medium intensity retail 	<p>Business: General Business</p> <ul style="list-style-type: none"> • sexually oriented business • sport fields <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • medical office <p>Communication/Utilities</p> <ul style="list-style-type: none"> • above-ground utility facility • radio/TV station • wireless telecommunication facility <p>Industrial:</p> <ul style="list-style-type: none"> • mini warehouse storage facility

Medium to Large Scale General Commercial (C2) District

3.26 C2 District Development Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

- 3 times the lot width

Minimum Lot Frontage:

- 80 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water or sewer hookup

Maximum Primary Structures:

- No limit

Minimum Front Yard Setback:

- 40 feet when adjacent to an arterial
- 30 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

- 25 feet for primary and accessory structures

Minimum Rear Yard Setback:

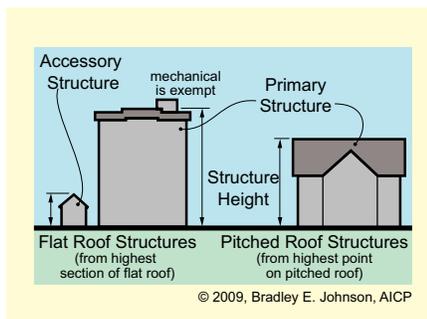
- 30 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square feet of all primary and accessory structures, and impervious surfaces shall not exceed 70% of the lot area

Minimum Main Floor Area:

- 500 square feet for primary structure



Maximum Structure Height:

- 50 feet for primary structure
- 20 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-06 Page 6-12 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-02 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-03 Page 6-15 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-05 Page 6-22 • LA-06 Page 6-23 • LA-08 Page 6-24 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-03 Page 6-30 • SI-08 Page 6-34 <p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-06 Page 6-39 	<p>Loading Docks</p> <ul style="list-style-type: none"> • LD-01 Page 6-42 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Telecommunication Facilities</p> <ul style="list-style-type: none"> • TC-01 Page 6-46 • TC-02 Page 6-49 <p>Sexually Oriented Businesses</p> <ul style="list-style-type: none"> • SX-01 Page 6-50 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-08 Page 6-54
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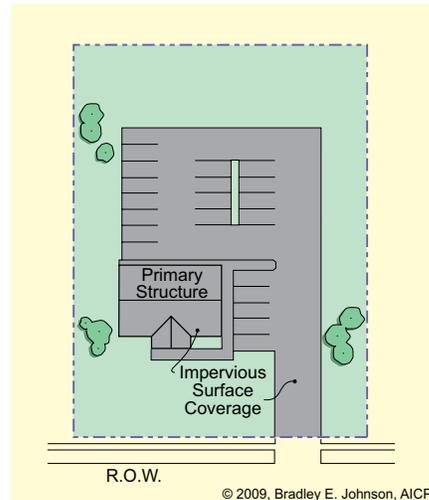
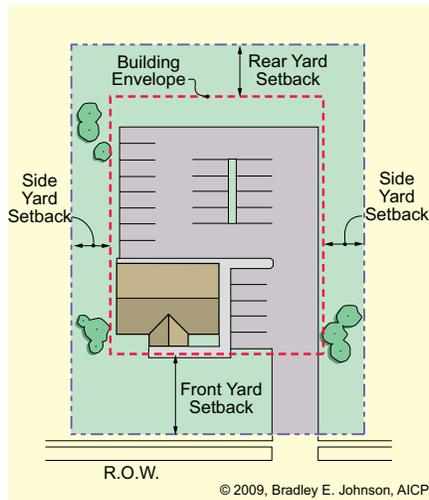
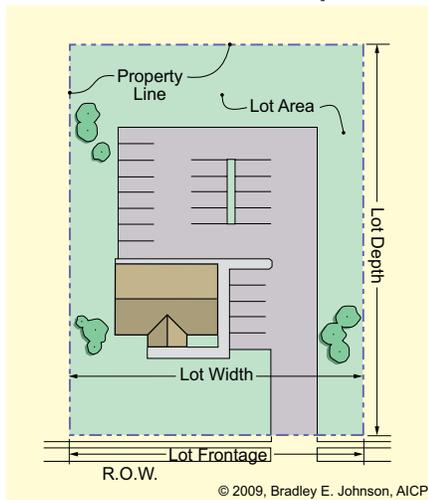
Limited Industrial (LI) District

3.27 LI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The LI (Limited Industrial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low to moderate impact industrial uses • business park, distribution operations, and industrial facilities • stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • do not require separation or buffering from uses with similar intensity • assure that there are no negative affects on the natural environment <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, M2, MP, IS, C1, C2, LI, and IN <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for LI only after determining that the site is appropriate for any of the possible uses allowed in this district • Require written acknowledgment of the maximum lot area requirement • be sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas • assure environmental protection prior to granting a Special Exception Use • be sensitive to the potential for light pollution, noise pollution, loading bays affronting roads, oversized signs, large truck traffic, ingress/egress, and pedestrian and vehicular safety 	<p>Business: Retail</p> <ul style="list-style-type: none"> • high intensity retail <p>Communication/Utilities</p> <ul style="list-style-type: none"> • above-ground utility facility • wireless telecommunication facility <p>Industrial:</p> <ul style="list-style-type: none"> • distribution facility • flex space • light assembly • light manufacturing • mini warehouse storage facility • outdoor storage • sign painting/fabrication • tool and die shop • welding <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • government operations (non-office) • police, fire, or rescue station 	<p>Business: Retail</p> <ul style="list-style-type: none"> • special handling retail <p>Communication/Utilities</p> <ul style="list-style-type: none"> • radio/TV station <p>Industrial:</p> <ul style="list-style-type: none"> • assembly • food production/processing • liquid fertilizer storage/distribution • recycling distribution and processing • research center • storage tanks (nonhazardous) • testing lab • warehouse

Limited Industrial (LI) District

3.28 LI District Development Standards



Minimum Lot Area:

- 2,175 square feet

Maximum Lot Area:

- 4 acres

Minimum Lot Width:

- 130 feet

Maximum Lot Depth:

- 3 times the lot width

Minimum Lot Frontage:

- 70 feet on a public street with access from said public street

Sewer and Water:

- Requires municipal water and sewer hookup

Maximum Primary Structures:

- No limit

Minimum Front Yard Setback:

- 15 feet when adjacent to an arterial
- 15 feet when adjacent to a collector or local street

Minimum Side Yard Setback:

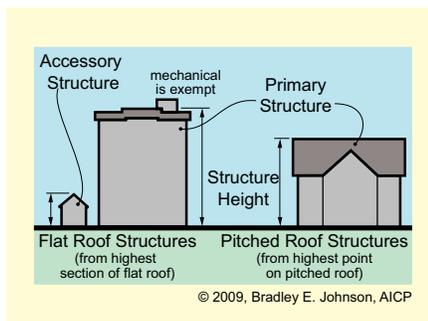
- 10 feet for primary structure
- 0 feet for accessory structure

Minimum Rear Yard Setback:

- 10 feet for primary and accessory structures

Maximum Lot Coverage:

- Total square feet of all primary and accessory structures, and impervious surface shall not exceed 80% of the lot area



Maximum Structure Height:

- 50 feet for primary structure
- 35 feet for accessory structure

Additional Development Standards that Apply

<p>Lot Standards</p> <ul style="list-style-type: none"> • LO-01 Page 6-3 <p>Setback Standards</p> <ul style="list-style-type: none"> • SB-01 Page 6-4 <p>Sewer and Water</p> <ul style="list-style-type: none"> • SW-01 Page 6-5 <p>Density and Intensity</p> <ul style="list-style-type: none"> • DI-01 Page 6-6 <p>Structure Quantity</p> <ul style="list-style-type: none"> • SQ-01 Page 6-7 <p>Floor Area Standards</p> <ul style="list-style-type: none"> • FA-01 Page 6-8 <p>Height Standards</p> <ul style="list-style-type: none"> • HT-01 Page 6-9 <p>Accessory Structures</p> <ul style="list-style-type: none"> • AS-01 Page 6-10 • AS-07 Page 6-12 <p>Fence and Wall Standards</p> <ul style="list-style-type: none"> • FW-02 Page 6-13 	<p>Temporary Uses/Structures</p> <ul style="list-style-type: none"> • TU-01 Page 6-14 • TU-03 Page 6-15 <p>Landscaping</p> <ul style="list-style-type: none"> • LA-01 Page 6-19 • LA-05 Page 6-22 • LA-06 Page 6-23 • LA-08 Page 6-24 <p>Environmental Standards</p> <ul style="list-style-type: none"> • EN-01 Page 6-26 <p>Floodplain Standards</p> <ul style="list-style-type: none"> • FP-01 Page 6-27 <p>Lighting Standards</p> <ul style="list-style-type: none"> • LT-01 Page 6-28 <p>Sign Standards</p> <ul style="list-style-type: none"> • SI-01 Page 6-29 • SI-03 Page 6-30 • SI-09 Page 6-35 <p>Parking Standards</p> <ul style="list-style-type: none"> • PK-01 Page 6-38 • PK-06 Page 6-39 	<p>Loading Docks</p> <ul style="list-style-type: none"> • LD-01 Page 6-42 <p>Entrances and Drives</p> <ul style="list-style-type: none"> • ED-01 Page 6-43 <p>Vision Clearance</p> <ul style="list-style-type: none"> • VC-01 Page 6-45 <p>Telecommunication Facilities</p> <ul style="list-style-type: none"> • TC-01 Page 6-46 • TC-03 Page 6-49 <p>Special Exception Uses</p> <ul style="list-style-type: none"> • SE-01 Page 6-52 <p>Miscellaneous Standards</p> <ul style="list-style-type: none"> • MC-01 Page 6-53 • MC-02 Page 6-53 • MC-03 Page 6-53 • MC-04 Page 6-53 • MC-05 Page 6-54 • MC-06 Page 6-54
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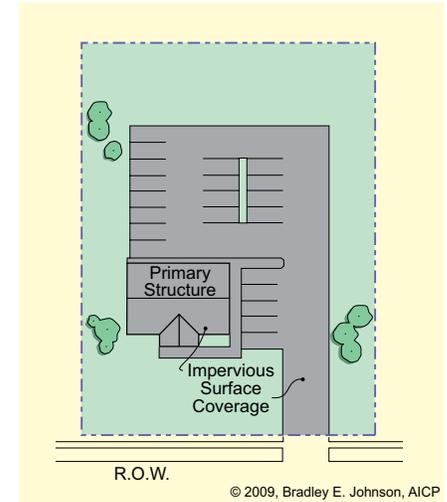
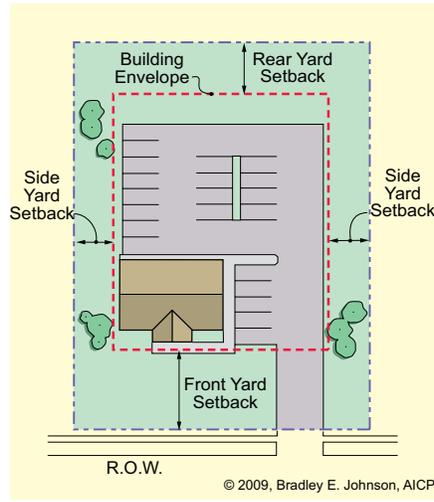
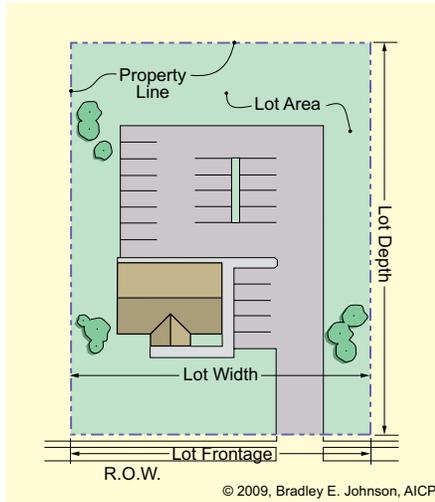
Industrial (IN) District

3.29 IN District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IN (Industrial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • moderate to high impact industrial uses • business park, distribution operations, and industrial facilities • free-standing building or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • do not require separation or buffering from uses with similar intensity • assure that there are no negative affects on the natural environment • minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, IS, C1, C2, LI, and IN <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for IN only after determining that the site is appropriate for any of the possible uses allowed in this district • be sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a Special Exception Use only when it clearly is a benefit to the surrounding areas • require significant buffering and separation from residential uses, environmental features, and historic areas if within the vicinity • notify the property owners within a significant region of a petition for Special Exception Use, rather than just nearby property owners • assure environmental protection prior to granting a Special Exception Use • be sensitive to the potential for light pollution, noise pollution, loading bays affronting roads, oversized signs, large truck traffic, ingress/egress, and pedestrian and vehicular safety 	<p>Communication/Utilities</p> <ul style="list-style-type: none"> • above-ground utility facility • radio/TV station • wireless telecommunication facility <p>Industrial:</p> <ul style="list-style-type: none"> • assembly • distribution facility • flex space • food production/processing • gravel/sand mining • heavy industry • light assembly • light manufacturing • liquid fertilizer storage/distribution • mini warehouse storage facility • outdoor storage • research center • storage tanks (nonhazardous) • testing lab • tool and die shop • warehouse • welding 	<p>Communication/Utilities</p> <ul style="list-style-type: none"> • electrical generation plant • sewage treatment plant <p>Industrial:</p> <ul style="list-style-type: none"> • bottled gas storage/distribution • incinerator • junk yard • sanitary landfill/refuse dump • scrap metal yard • storage tanks (hazardous)

Industrial (IN) District

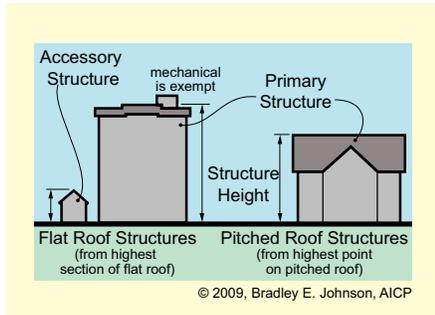
3.30 IN District Development Standards



- Minimum Lot Area:**
 - 2 acres
- Minimum Lot Width:**
 - 250 feet
- Maximum Lot Depth:**
 - 3 times the lot width
- Minimum Lot Frontage:**
 - 125 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires municipal water and sewer hookup
- Maximum Primary Structures:**
 - No limit

- Minimum Front Yard Setback:**
 - 20 feet when adjacent to an arterial
 - 20 feet when adjacent to a collector or local street
- Minimum Side Yard Setback:**
 - 10 feet for primary structure
 - 0 feet for accessory structure
- Minimum Rear Yard Setback:**
 - 15 feet for primary and accessory structures

- Maximum Lot Coverage:**
 - Total square feet of all primary and accessory structures, and impervious surface shall not exceed 80% of the lot area



- Maximum Structure Height:**
 - 50 feet for primary structure
 - 35 feet for accessory structure

Additional Development Standards that Apply		
Lot Standards	Temporary Uses/Structures	Loading Docks
• LO-01 Page 6-3	• TU-01 Page 6-14	• LD-01 Page 6-42
Setback Standards	• TU-03 Page 6-15	Entrances and Drives
• SB-01 Page 6-4	Landscaping	• ED-01 Page 6-43
Sewer and Water	• LA-01 Page 6-19	Vision Clearance
• SW-01 Page 6-5	• LA-05 Page 6-22	• VC-01 Page 6-45
Density and Intensity	• LA-06 Page 6-23	Telecommunication Facilities
• DI-01 Page 6-6	• LA-08 Page 6-24	• TC-01 Page 6-46
Structure Quantity	Environmental Standards	• TC-03 Page 6-49
• SQ-01 Page 6-7	• EN-01 Page 6-26	Special Exception Uses
Floor Area Standards	Floodplain Standards	• SE-01 Page 6-52
• FA-01 Page 6-8	• FP-01 Page 6-27	Miscellaneous Standards
Height Standards	Lighting Standards	• MC-01 Page 6-53
• HT-01 Page 6-9	• LT-01 Page 6-28	• MC-02 Page 6-53
Accessory Structures	Sign Standards	• MC-03 Page 6-53
• AS-01 Page 6-10	• SI-01 Page 6-29	• MC-04 Page 6-53
• AS-07 Page 6-12	• SI-03 Page 6-30	• MC-05 Page 6-54
Fence and Wall Standards	• SI-09 Page 6-35	• MC-06 Page 6-54
• FW-02 Page 6-13	Parking Standards	
	• PK-01 Page 6-38	
	• PK-06 Page 6-39	



Article 4

Overlay Districts



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Vehicular Safety Overlay (VS-OL) District

4.1 VS-OL District Intent, Permitted Uses, and Development Standards

District Intent	Permitted Uses	Development Standards
<p>The Vehicular Safety Overlay District (VS-OL) has been created to promote community goals and objectives for vehicular safety along key corridors within the planning jurisdiction of the Zoning Ordinance. It is also the intent of this district to promote safe pedestrian and vehicular circulation, traffic management, and mitigation of traffic congestion through appropriate site design and development standards.</p> <p>The general intent is to promote commercial development that is compatible with its surrounding areas and to minimize the negative impacts caused by strip commercial development.</p> <p>The Plan Commission should strive to minimize sign clutter, lighting, negative visual impacts and proliferation of access points. In addition, the Plan Commission should strive to strengthen the quality of life through design that links pedestrian accessibility and ensures safety, creates an efficient circulation pattern, and contributes to the unique character of Yorktown.</p>	<p>Permitted Uses</p> <ul style="list-style-type: none"> • All uses permitted in the base zoning district are permitted in the VS-OL zoning district. <p>Special Exception Uses</p> <ul style="list-style-type: none"> • All uses permitted in the base zoning district as Special Exception Uses are permitted as Special Exception Uses in the VS-OL zoning district. 	<ul style="list-style-type: none"> • When the development standards outlined in <i>Section 4.3: Additional Development Standards for the Vehicular Safety Overlay District</i>, conflict with the base zoning district development standards in <i>Article 6: Development Standards</i>, the more restrictive shall apply. All development standards in <i>Article 6: Development Standards</i> that are not addressed in this Article will still apply in accordance with the base zoning district. • The development standards for VS-OL shall be applicable to Planned Developments in order to maintain continuity along primary roadways.

4.2 Jurisdictional Boundaries for the Vehicular Safety Overlay District

- A. The jurisdictional boundaries for the Vehicular Safety Overlay District (VS-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Vehicular Safety Overlay District (VS-OL).

4.3 Additional Development Standards for the Vehicular Safety Overlay District

The following development standards are required in order to promote the intent of this zoning district and meet the goals of the Yorktown Comprehensive Plan.

- A. **Adjustments:** Adjustments to setbacks are as follows:
1. All setbacks adjacent to a collector or arterial street are to be ten (10) feet more than required by the base zoning district.
 2. All setbacks adjacent to an access or frontage road are allowed to reduce the required setback by ten (10) feet.
- B. **Driveways:** Driveway access to a public street shall be as follows:
1. Driveway access shall be permitted from an access road, frontage road, or local street.
 2. No driveways shall be permitted directly onto a collector or arterial.
- C. **Connection:** Access road, frontage road, or local street connections to collector or arterial streets shall be as follows:
1. Access road curb cuts onto a collector or arterial street shall be consistent with the Thoroughfare Plan Map in the Yorktown Comprehensive Plan. In no event shall two (2) access road curb cuts be within 500 feet of one another. Further, any access road curb cut shall align with any existing or known curb cut on the opposite side of the street.
- D. **Separation:** Access road, frontage road, and local street separation shall be as follows:
1. Any access road running parallel or relatively parallel with a collector or arterial street shall be separated by a vegetated strip at least forty (40) feet in depth, measured from the proposed right-of-way line of the collector or arterial street.
- E. **Structure Placement:** To ensure that the design and placement of structures will enhance vehicular safety and accomplish the goals of this overlay district, the following development standards are required:
1. All structures placed along the primary corridor shall be designed so that the elevations visible from the corridor are given the best representation of the structure's architectural character.
 2. Site layout and landscape treatment shall be unified to maintain transportation efficiency and consistent character along the subject roadway.
 3. No loading docks, service entrances, or mechanical equipment may be located on or in front of the facades facing the primary roadway.
 4. Utility boxes shall be placed at least thirty (30) feet off of the primary corridor's right-of-way.
- F. **Parking:** No more than eighty percent (80%) of the parking spaces in a parking lot may be located in the area between the primary structure and the road to which the property has frontage.
- G. **Site Design:** Site design for each development and parcel shall be done to promote safe and efficient circulation for bicycles and pedestrians.
- H. **Signs:** Signs shall be designed, sized, and placed to enhance vehicular safety along primary roadways. For this reason, the following development standards apply:
1. All signs shall be either ground signs, awning signs, window signs, or wall signs.
 2. No ground sign may be more than five (5) feet in overall height.
 3. All illuminated ground signs shall be done so by external, shielded, and ground mounted spot-lights.
 4. All signs are to be rectangular in shape.

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- I. **Common Areas:** All common areas or landscaped areas along the primary corridor shall be properly maintained by the property owner or through a contract, covenant, or bylaws of an association for long term maintenance.
 - J. **Utilities:** All new utilities and service "drops" shall be done so underground.

4.4 Incentives for the Vehicular Safety Overlay District

- A. **Purpose:** The purpose of this incentive program is to facilitate positive attributes for vehicular safety, the intent of this district, and the goals of the Yorktown Comprehensive Plan. It acknowledges that there are costs associated with the additional development standards in this overlay district. Therefore, it invites new development to participate as a partner with the community in this safety and quality of life effort.
- B. **Bonuses:** The following bonuses apply to any development that abides by all development standards included in this overlay district. If a Development Standards Variance is requested to any of the development standards in this overlay district, the bonuses will not be applicable to that property or development. The bonuses are:
 - 1. The overall density for residential uses may be up to twenty percent (20%) greater than allowed in the base zoning district. However, in no case shall the lot coverage exceed the maximum specified for the base zoning district.
 - 2. All setbacks adjacent to an access road, frontage road, or local street may be forty percent (40%) less than required by the base zoning district.
 - 3. Parking lots may be shared between two (2) primary structures. Thus, each property may reduce their overall parking spaces required by ten percent (10%). Also, the participating properties may extend their parking lots to the property line, as long as each parking lot design is consistent with the other and appears to be designed as a single parking lot. A copy of the cross-access parking easement and parking agreement shall be provided prior to Plan Commission approval.

Water Quality Overlay (WQ-OL) District

4.5 WQ-OL District Intent, Permitted Uses, and Development Standards

District Intent	Permitted Uses	Development Standards
<p>The Water Quality Overlay District (WQ-OL) has been created to promote and preserve the community's drinking water quality; and to protect the water quality of rivers and streams.</p> <p>The general intent is to require appropriate development patterns and standards such to minimize the risk of contaminants getting into the community's drinking water. Further, to require appropriate development patterns and standards to minimize storm water runoff to streams and rivers; to minimize contaminants reaching streams or rivers; and to reduce the risk of flooding.</p> <p>All EPA, IDEM, DNR, and OSHA standards shall also be met.</p>	<p>Permitted Uses and Special Exception Uses</p> <ul style="list-style-type: none"> • All uses permitted in the base zoning district as a Permitted Use or a Special Exception Use are permitted as such in the WQ-OL zoning district except for the following: <p>Business: General Business</p> <ul style="list-style-type: none"> • auto-oriented facility • car wash • cemetery • dry cleaning service • gas station • oil change service • vehicle maintenance <p>Communication/Utilities</p> <ul style="list-style-type: none"> • above-ground utility facility • radio/TV station • sewage treatment plant • wireless telecommunication facility <p>Industrial:</p> <ul style="list-style-type: none"> • auto salvage yard • bottled gas storage/distribution • food production/processing • gravel and sand mining • incinerator • junk yard • plating operations • storage tanks (nonhazardous) • scrap yard • or any other industrial use determined by the Plan Commission to be a threat to water quality 	<ul style="list-style-type: none"> • When the development standards outlined in <i>Section 4.7: Additional Development Standards for the Water Quality Overlay District</i> conflict with the base zoning district development standards in <i>Article 6: Development Standards</i>, the more restrictive shall apply. All development standards in <i>Article 6: Development Standards</i> that are not addressed in this Article will still apply in accordance with the base zoning district. • The development standards for WQ-OL shall be applicable to Planned Developments

4.6 Jurisdictional Boundaries for the Water Quality Overlay District

A. **Boundary:** The jurisdictional boundaries for the Water Quality Overlay District (WQ-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Water Quality Overlay District (WQ-OL).

4.7 Additional Development Standards for the Water Quality Overlay District

The following development standards are required as follows in order to promote the intent of this zoning district and meet the goals of the Yorktown Comprehensive Plan.

- A. **Waterways:** Any property that abuts a waterway or that has a waterway which transects it shall have a minimum setback for all primary and accessory structures; and for all impervious surfaces as follows:
1. The minimum setback from a river, stream, or regulated drain is thirty (30) feet from the floodway or fifty (50) feet from the water's edge at normal flow elevation, whichever results in the greater separation from the river.
- B. **Bufferyard:** A natural vegetated bufferyard shall be installed and/or maintained along the river, stream, or regulated drain as follows:
1. Along a river, stream, or regulated drain the minimum vegetated bufferyard shall be twenty (20) feet wide when measured from the floodway, or thirty (30) feet wide when measured from the water's edge at normal flow elevation, whichever results in the greater vegetated bufferyard.
 2. No area within the natural vegetated bufferyard may be treated with any herbicide, insecticide, fertilizer, or the like unless approved by the EPA, DNR and/or IDEM.
 3. Areas within the natural vegetated bufferyard shall not be planted with invasive tree or plant species; bluegrass or any other type of "lawn" grass; or ornamental trees. The use of non-indigenous species is prohibited.

Article 5

Official Zoning Map



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Article 5

Official Zoning Map

5.1 Official Zoning Map Title

The Official Zoning Map, formally known as the “Yorktown Zoning Map,” may be cited and referred to as the “Official Zoning Map” or the “Zoning Map.”

5.2 Official Zoning Map

The “Yorktown Zoning Map” is hereby included as part of the Zoning Ordinance.

5.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Town Manager.

5.4 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as an Official Zoning Map Copy and have the date which they were last modified printed on them.

5.5 Zoning District Boundaries

The zoning district boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in the Zoning Ordinance shall be used to identify the zoning districts on the map. Planned Developments shall be shown on the map by abbreviations as noted in the Zoning Ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Development.

5.6 Regular Revisions

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Town Council.

5.7 Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret due to the nature or number of changes, the Town Council may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed, or lost map.

5.8 Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. **Roadways:** District boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center line of the affected road, easement, or right-of-way.
- B. **Section Lines:**
 - 1. District boundaries that follow section or fractional sectional lines, platted lot lines, or Town corporation lines shall be construed as following such lines.
 - 2. District boundaries indicated as parallel to section or fractional sectional lines, platted lot lines, Town lines, or Town corporation lines shall be construed as parallel to the subject line.
- C. **Waterways:** District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.

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- D. **Lots:** Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Zoning Administrator.
- E. **Vacations:** The vacation of streets shall not affect the location of the district boundaries.
- F. **Interpretation:** When the Zoning Administrator shall not definitely determine the location of a district boundary by the center lines, by scale, or dimensions stated on the Official Zoning Map because the boundary does not clearly coincide with a property line, the Zoning Administrator may refuse action and the Plan Commission may interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Zoning Ordinance.



Article 6

Development Standards



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Article 6

Development Standards

6.1 Introduction to Article 6

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of the Zoning Ordinance, except as may otherwise be provided within the Zoning Ordinance, are subject to all development standards and regulations for the applicable zoning district.

6.2 How to Use Article 6

This Article contains development standards which are arranged by category. There are two (2) ways to determine which development standards apply to a specific zoning district. They are:

- A. **Two-page Layout:** Refer to the two-page layouts in *Article 3: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that zoning district. As an example, on page 3-9, the four-digit code "LO-01" is found under the "Additional Development Standards that Apply" section in the High Density Single-family Residential (R3) District. Therefore, the development standards in the section labeled "LO-01" on page 6-3 apply to the High Density Single-family Residential (R3) District.
- B. **Icons:** Refer to the icons used at the top of each development standard section in *Article 6: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by square icons with zoning district abbreviations (e.g. PR for the Parks and Recreation District or R1 for the Low Density Single-family Residential District). These district icons note that the development standard written in that section applies to that district. As an example, on page 6-3, the R2 icon is found under the LO-01 development standard section. Therefore the language in the LO-01 section applies to the R2 district.

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Lot Standards (LO)

6.3 LO-01 General Lot Standards

This Lot Standards section applies to the following districts:



The following lot standards apply:

- A. **Minimum Lot Area:** The minimum lot area shall be as per each two-page layout in *Article 3: Zoning Districts*.
- B. **Maximum Lot Area:** The maximum lot area shall be as per each two-page layout in *Article 3: Zoning Districts*.
- C. **Minimum Dwelling Site Area:** The minimum dwelling site area shall be as per each two-page layout in *Article 3: Zoning Districts*.
- D. **Minimum Lot Width:** The minimum lot width shall be as per each two-page layout in *Article 3: Zoning Districts*.
- E. **Minimum Dwelling Site Width:** The minimum dwelling site width shall be as per each two-page layout in *Article 3: Zoning Districts*.
- F. **Maximum Lot Depth:** The maximum lot depth shall be as per each two-page layout in *Article 3: Zoning Districts*.
- G. **Minimum Lot Frontage:** The minimum lot frontage shall be as per each two-page layout in *Article 3: Zoning Districts*.
- H. **Application:** If one (1) or more of the above listed lot standards does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

Setback Standards (SB)

6.4 SB-01 General Setback Standards

This Setback Standards section applies to the following districts:



The following setback standards apply:

- A. **Minimum Front Yard Setback:** The minimum front yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*. The determination of road classification shall be based on the Yorktown Comprehensive Plan's Thoroughfare Map.
- B. **Minimum Dwelling Site Front Yard Setback:** The minimum dwelling site front yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- C. **Minimum Side Yard Setback:** The minimum side yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- D. **Maximum Side Yard Setback:** The maximum side yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- E. **Minimum Dwelling Site Side Yard Setback:** The minimum dwelling site side yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- F. **Minimum Rear Yard Setback:** The minimum rear yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- G. **Minimum Dwelling Site Rear Yard Setback:** The minimum dwelling site rear yard setback shall be as per each two-page layout in *Article 3: Zoning Districts*.
- H. **Application:** If one (1) or more of the above listed setback standards does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
- I. **Exemptions:** The following site features are exempt or partially exempt from the setback standards as stated:
 1. Fences and walls are exempt from the setback standards in this section, but shall abide by the fence and wall standards in *Sections 6.17 and 6.18: Fence and Wall Standards*.
 2. Utility poles, lines, and junction boxes are exempt from the setback standards in this section.
 3. Landscaping and bufferyard plantings are exempt from this section, but shall abide by the landscaping standards in *Sections 6.24 through 6.31: Landscaping Standards*.
 4. Trails in parks and recreation facilities are exempt from the setback standards in this section.
 5. Sidewalks along any right-of-way and that connect buildings to the public sidewalk system are exempt from the setback standards in this section.
 6. Driveways in single-family residential districts are exempt, but shall not be closer than one (1) foot from side and rear property lines.
 7. Entrances and driveways in commercial, industrial, multiple-family, and institutional districts are exempt from front yard setback standards, but shall abide by the entrance and driveway standards in this article.
 8. Shared parking lots are exempt from the setback standards on the sides of the abutting property lines.
 9. Parking lots may project partially into setbacks as described in the parking standards in *Sections 6.45 through 6.50: Parking Standards*.

Sewer and Water Standards (SW)

6.5 SW-01 General Sewer and Water Standards

This Sewer and Water Standards section applies to the following districts:



The following sewer and water standards apply:

- A. **Sewer and Water:** Municipal sewer and water hookup is required when it is noted as such on the two-page layout in *Article 3: Zoning Districts* for each particular zoning district.
- B. **Application:** If there is not a notation for sewer and water on the two-page layout for a zoning district, then sewer and water hookup is not required.
- C. **Waivers:** Lots that have already been platted may get a waiver from the Zoning Administrator if it is determined that it is unfeasible to connect to public utilities. As a part of a waiver approval, the owner/petitioner shall sign a waiver stating that when public utilities (e.g. water and sewer) are available, they will connect within one (1) year of that time. This signed waiver shall be recorded as a part of the deed to the applicable lot at the County Recorder's Office and be legally binding.

Density and Intensity Standards (DI)

6.6 DI-01 General Density and Intensity Standards

This Density and Intensity Standards section applies to the following districts:



The following density and intensity standards apply:

- A. **Maximum Density:** The maximum density shall be as per each two-page layout in *Article 3: Zoning Districts*.
- B. **Minimum Lot Coverage:** The minimum lot coverage shall be as per each two-page layout in *Article 3: Zoning Districts*.
- C. **Maximum Lot Coverage:** The maximum lot coverage shall be as per each two-page layout in *Article 3: Zoning Districts*.
- D. **Application:** If one (1) or more of the above listed density or intensity standards does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

Structure Quantity Standards (SQ)

6.7 SQ-01 General Structure Quantity Standards

This Structure Quantity Standards section applies to the following districts:



The following structure quantity standards apply:

- A. **Maximum Number of Primary Structures:** The maximum number of primary structures shall be as per each two-page layout in *Article 3: Zoning Districts*.
- B. **Application:** If the above listed structure quantity standard does not appear on the two-page layout for a zoning district, then only one (1) primary structure is permitted per lot in that zoning district.

Floor Area Standards (FA)

6.8 FA-01 General Floor Area Standards

This Floor Area Standards section applies to the following districts:



The following floor area standards apply to all primary structures, accessory structures, and land uses unless otherwise stated in the Zoning Ordinance:

- A. **Minimum Main Floor Area:** The minimum main floor area shall be as per each two-page layout in *Article 3: Zoning Districts*.
- B. **Maximum Main Floor Area:** The maximum main floor area shall be as per each two-page layout in *Article 3: Zoning Districts*.
- C. **Minimum Floor Area Per Unit:** The minimum floor area per unit shall be as per each two-page layout in *Article 3: Zoning Districts*.
- D. **Application:** If one (1) or more of the floor area standards does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.

Height Standards (HT)

6.9 HT-01 General Height Standards

This Height Standards section applies to the following districts:



The following height standards apply:

- A. **Maximum Structure Height:** The maximum structure height shall be as per each two-page layout in *Article 3: Zoning Districts*.
- B. **Application:** If the above listed height standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
- C. **Exemptions:** The following types of structures or building features are exempt or partially exempt from the maximum structure height standards as stated:
 1. Steeples are allowed up to a total height of sixty (60) feet.
 2. Water towers are allowed up to a height of 150 feet.
 3. Chimneys are allowed to extend ten (10) feet above the roof's highest point.
 4. Mechanical equipment, when mounted on a roof, is allowed to extend ten (10) feet above the roof's highest point, but shall be:
 - a. located such that it is not visible from adjacent private and public streets; or
 - b. shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private or public streets.
 5. Elevator bulkheads are allowed to extend fifteen (15) feet above the roof's highest point, but shall be:
 - a. located such that it is not visible from adjacent private and public streets,
 - b. shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private and public streets,
 - c. be constructed with the same exterior building materials, or
 - d. be architecturally integrated into the structure's designs as to not look like an elevator bulkhead.

Accessory Structure Standards (AS)

6.10 AS-01 General Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. **Application:** Accessory structures shall comply with all development standards for the subject zoning district whether they are required to get a permit or not; unless specified otherwise.
- B. **Exemptions:** Enclosed accessory structures under 144 square feet are not required to get a zoning compliance permit.
- C. **Compatibility:** Accessory structures shall relate to the primary structure and its uses; and be commonly and usually used in connection to the specific primary use.
- D. **Encroachments:** Accessory structures shall not encroach on any easement unless the owner of the easement gives written consent.
- E. **Location:** An accessory structure shall be located to the rear or side of the primary structure unless specifically permitted otherwise.
- F. **Structures Prohibited as Accessory Structures:** A mobile home, manufactured home, recreational vehicle, semi tractor trailer, boat, or motor vehicle may not be used as an accessory structure in any district.
- G. **Timing:** Accessory structures are not permitted on a lot prior to any primary structure being constructed except where the accessory structure is being used in conjunction with the act of constructing a primary structure, for personal storage, or for agricultural purposes.
- H. **Trash Receptacles:** Dumpsters, compactors, and other trash receptacles are not regulated as accessory structures. See *Section 6.63: Dumpsters and Trash Refuse Screening Standards*.
- I. **Swimming Pools:** Swimming pools shall abide by the Zoning Ordinance as well as Indiana Code (675 IAC 20).

6.11 AS-02 Single-family Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. **Quantity:** No more than two (2) enclosed accessory structures (e.g. detached garage, pool house, or shed) are permitted on a lot.
- B. **Area:** The cumulative square footage of all enclosed accessory structures shall not exceed 1,200 square feet or twelve percent (12%) of the square footage of the rear yard, whichever is less.
- C. **Compatibility:** Enclosed accessory structures shall have a residential appearance and character suited for a residential district. The exterior finish and facade of each enclosed accessory structure over 144 square feet shall match or closely resemble the finish and facade materials used on the primary structure.

6.12 AS-03 Multiple-family Residential Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. **Quantity:** No more than one (1) detached garage or carport facility is allowed per primary structure. No more than one (1) additional enclosed accessory structure (e.g. detached garage, pool house, or shed) per primary structure.

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- B. **Area:** The cumulative square footage of all enclosed accessory structures and carports shall not exceed fifty percent (50%) of the square footage of the primary structures.
- C. **Compatibility:** The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure. Further, enclosed accessory structures shall have a residential appearance and character suited for a residential district.

6.13 AS-04 Manufactured Home Park Accessory Structure Standards

This Accessory Structure Standards section applies to the following district:



The following accessory structure standards apply:

- A. **Criteria:** Management offices, sales offices, storage, mini warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks or mobile home parks are permitted, provided the following criteria are met:
 - 1. The accessory structure is subordinate to the residential component of the park and adds aesthetic value to the park; and
 - 2. The accessory structure is located, designed, and intended to serve only the needs of the park; and
 - 3. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.
- B. **Quantity:** Each manufactured home or mobile home is entitled to one (1) enclosed accessory structure in addition to a carport or garage. Attached garages, detached garages, and carports are to be counted toward the total accessory building area. The total area of all accessory structures may not exceed twenty percent (20%) of the dwelling site. Permitted accessory structures are as follows:
 - decks/patios
 - attached/detached garages
 - gazebos
 - greenhouses
 - hot tubs
 - mini barns
 - sheds
 - sport courts
 - boat houses
- C. **Model Homes:** Model manufactured or mobile homes as sales units are permitted provided that the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes shall comply with all standards set forth in the MP District. One (1) unit may be used as a sales office.

6.14 AS-05 Heritage Mixed Use Accessory Structure Standards

This Accessory Structure Standards section applies to the following district:



The following accessory structure standards apply:

- A. **Quantity:** No more than one (1) enclosed accessory structures (e.g. detached garage, shed, or storage building) is permitted per primary structure.
- B. **Area:** The cumulative square footage of all enclosed accessory structures shall not exceed 500 square feet or fifty percent (50%) of the square footage of the primary structure, whichever is less.

Accessory Structure Standards (AS)

- C. **Compatibility:** The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure. Further, enclosed accessory structures shall have an appropriate appearance and character suited for a heritage downtown district.

6.15 AS-06 Institutional, Office, and Commercial Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. **Quantity:** No more than two (2) enclosed accessory structures (e.g. detached garage, shed, or storage building) are permitted on a lot.
- B. **Area:** The cumulative square footage of all enclosed accessory structures shall not exceed 1,500 square feet or fifty percent (50%) of the square footage of the primary structure, whichever is less.
- C. **Compatibility:** The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure. Further, enclosed accessory structures shall have a commercial appearance and character suited for a general commercial district.

6.16 AS-07 Industrial Accessory Structure Standards

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. **Quantity:** There is no limit to the number of enclosed accessory structures (e.g. detached garage, shed, or storage building) on a lot.
- B. **Compatibility:** The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure. Further, enclosed accessory structures shall have a commercial or industrial appearance and character suited for an industrial district.

Fence and Wall Standards (FW)

6.17 FW-01 Parks, Recreation, and Residential Fence and Wall Standards

This Fence and Wall Standards section applies to the following districts:



The following fence and wall standards apply:

A. Fences and Walls:

1. Shall present the non-structural face outward.
2. Are permitted up to the property line, except when adjacent to an alley. When installed along an alley, a setback of five (5) feet is required.
3. May not be greater than six (6) feet in height in the side yard or rear yard, or greater than four (4) feet in height in the front yard.
4. For through lots, any front yard that does not have vehicular access and that the primary structure is not oriented toward, may install a fence according to rear yard standards.
5. May not be installed over a drainage easement or other easement that restricts such installation without the permission from the easement's controlling agency.
6. Shall not incorporate barbed wire, security wire, razor wire, or sharpened top spikes.

B. Fences in Front Yards:

1. Shall not be greater than sixty percent (60%) opaque.
2. Shall not be chain link, chicken wire, guard rails, or other similar material.
3. Shall be ornamental in character.

C. **Permit Required:** All fences require a permit.

6.18 FW-02 Non-residential Fence and Wall Standards

This Fence and Wall Standards section applies to the following districts:



The following fence and wall standards apply:

A. Fences and Walls:

1. Shall present the non-structural face outward.
2. Are permitted up to the property line.
3. Shall not be greater than eight (8) feet in height in the side yard and rear yard.
4. Are not permitted in front yards, even on corner lots and through lots.
5. Shall not be installed over a drainage easement or other easement that restricts such installation without the permission from the easement's controlling agency.

B. **Guard Rails:** Fences and walls shall not include the use of guard rails.

C. **Permit Required:** All fences require a permit.

Temporary Use and Structure Standards (TU)

6.19 TU-01 General Temporary Use and Structure Standards

This Temporary Use and Structure Standards section applies to the following districts:



The following temporary use and structure standards apply:

- A. **Permanent Use:** The petitioner shall disclose if the temporary use or structure is intended to become a permanent use or structure.
 - 1. In the event that the intent is not disclosed on the application, the transition to a permanent use or structure will not be permitted for one (1) year from the application date.
 - 2. Temporary uses or structures that are intended to transition into a permanent use or structure shall meet all standards for a permanent use or structure.
- B. **Extensions:** The Zoning Administrator may extend the duration of a temporary use or structure one (1) time with findings of substantial need. The duration of the extension shall not exceed the length of the originally permitted time without the application for another temporary use or structure permit.
- C. **Removal:** All temporary uses or structures shall be removed and the original site reverted to its original condition, and be completed within the duration of the permit.
- D. **Location:** A temporary use or structure shall not be located wholly or partially in the public right-of-way.

6.20 TU-02 Residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards section applies to the following districts:



The following temporary use and structure standards apply:

- A. **Garage/Yard Sales:** Garage/yard sales are permitted for a total of seven (7) days per calendar year, per lot. No temporary zoning compliance permit is required unless the applicant wishes to exceed the permitted duration.
- B. **Roadside Stands:** Children's roadside stands are permitted for a total of twenty-one (21) days per calendar year, per lot. No temporary zoning compliance permit is required unless the applicant wishes to exceed the permitted duration.
- C. **Tents:** Tents for a private party or event are permitted for a total of seven (7) days per calendar year, per lot. No temporary zoning compliance permit is required unless the applicant wishes to exceed the permitted duration.
- D. **Construction Trailers:** Construction trailers are permitted for up to twelve (12) months. A temporary zoning compliance permit is required.
- E. **Sales Offices:** Temporary sales offices are permitted for up to twelve (12) months and shall be used exclusively as a real estate sales office for properties located inside the boundaries of the subdivision in which it is located.
- F. **Residential Show Models:** Residential show models are permitted for up to two (2) years, or until ninety-five percent (95%) of the lots within the boundaries of the subdivision have been developed, whichever comes first. A residential show model shall not be occupied until the subdivision plat has been recorded. Prior to the issuance of a permit for a show model, a stabilized access surface and stone base shall be in place for streets, and municipal water with fire hydrant service shall be in place.

Temporary Use and Structure Standards (TU)

6.21 TU-03 Non-residential Temporary Use and Structure Standards

This Temporary Use and Structure Standards section applies to the following districts:



The following temporary use and structure standards apply:

- A. **Construction Trailers:** Construction trailers are permitted for up to twelve (12) months. A temporary zoning compliance permit is required.
- B. **Indoor Uses:** Indoor temporary uses (e.g. Halloween costume shop) are permitted for up to three (3) months per calendar year in any vacant commercial building or store space. A temporary zoning compliance permit is required.
- C. **Roadside Sales Vehicles:** A roadside sales vehicle or structure is permitted for up to three (3) months per calendar year, with permission of the property owner. A temporary zoning compliance permit is required.
- D. **Outdoor Uses:** Outdoor sales or events (e.g. tent sale, product specials, or seasonal sales) are permitted for up to twenty-eight (28) days per calendar year. A temporary zoning compliance permit is required.
- E. **Outdoor Sales:** Outdoor sales of anything explosive or hazardous is not permitted under any circumstances.
- F. **Firework Sales:** Firework sales are required to be in a structure with a fire suppression system which meets the current building codes.

Home Occupation Standards (HO)

6.22 HO-01 General Residential Home Occupation Standards

This Home Occupation Standards section applies to the following districts:



The following home occupation standards apply:

- A. **Character:** The home occupation shall not involve walk-in retail sales or manufacturing operations.
- B. **Employees:** The home occupation shall not involve the employment of any person other than those residing at the location of the home occupation.
- C. **Equipment:** The equipment used for the business shall be limited to computers, fax machines, telephones, copy machines, and other small office equipment.
- D. **Outdoor Storage and Display:** There shall not be any exterior storage or display of products, equipment, or materials used in connection with the home occupation.
- E. **Area:** No more than fifteen percent (15%) of the total floor area of the primary structure may be used for the home occupation.
- F. **Structural Characteristics:**
 1. There shall not be any exterior, structural, or aesthetic alterations to the dwelling unit to accommodate the home occupation.
 2. There shall not be any room additions, structural, or aesthetic alterations that change the residential character of the dwelling unit.
 3. There shall not be additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- G. **Accessory Structures:** Business operations in any accessory structure are not permitted.
- H. **Vehicular Traffic:** The home occupation may not generate any additional traffic.
- I. **Signage:** No signage for the business is allowed on or off the property.
- J. **Offensiveness:** No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or anything offensive.
- K. **Utilities:** The home occupation may not demand increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.
- L. **Parking:** No additional parking may be added to the property on which the residence is located to accommodate the home occupation.
- M. **Commercial Vehicles:** Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
- N. **Office Use:** A home office, telecommuting office, professional service, design service, catalog business, internet business, clergy office, or the like is permitted.
- O. **Prohibited Businesses:** The following types of business are not permitted as home occupations:
 - medical clinic of any kind
 - funeral home
 - tourist home
 - animal hospital
 - kennel
 - trailer rental
 - automobile, motor vehicle, or equipment repair of any kind
 - painting of automobiles, motor vehicles, or equipment of any kind
 - photo developing
 - television, radio, or other electronics repair
 - tooling, welding, or machining of any kind
 - tool or equipment rental of any kind

Home Occupation Standards (HO)

- restaurant or similar establishment
- salvage operation of any kind
- freight or trucking operation of any kind
- contractor business
- landscaping or lawn care business
- similar businesses

- P. **Board of Zoning Appeals:** Any home occupation may be deemed not permitted if, in a public hearing on the matter, the Board of Zoning Appeals rules the home occupation to be a nuisance. A person reasonably affected by the home occupation, or the Zoning Administrator, may request such a hearing.
- Q. **Uses in Question:** Uses not specifically mentioned will be interpreted by the Zoning Administrator or Board of Zoning Appeals as to whether the use is permitted or not.

6.23 HO-02 Low-intensity Residential Home Occupation Standards

This Home Occupation Standards section applies to the following districts:



The following home occupation standards apply:

- A. **Character:** The home occupation shall not involve walk-in retail sales or manufacturing operations.
- B. **Employees:** The home occupation shall not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
- C. **Resident Operator:** At least one (1) member residing on the premises shall be the primary operator of the business, and that business shall be that person's primary work.
- D. **Equipment:** The equipment used for the business shall be limited to computers, fax machines, telephones, copy machines, small office equipment, and mechanical equipment used for purely domestic or hobby purposes.
- E. **Outdoor Storage and Display:** There shall not be any exterior storage or display of products, equipment, or materials used in connection with the home occupation.
- F. **Area:** No more than twenty-five percent (25%) of the total floor area of the primary structure shall be used for the home occupation.
- G. **Structural Characteristics:**
1. There shall not be any exterior, structural, or aesthetic alterations to the dwelling unit to accommodate the home occupation.
 2. There shall not be any room additions, structural, or aesthetic alterations that change the residential character of the dwelling unit.
 3. There shall not be additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- H. **Accessory Structures:** Accessory structures may be used for business purposes, provided the use does not create a nuisance.
- I. **Vehicular Traffic:** Minimal traffic generation due to the business shall be permitted.
- J. **Signage:** A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
- K. **Offensiveness:** No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property lines for the dwelling unit.
- L. **Utilities:** The home occupation shall not demand increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical systems beyond what is standard for a residence.

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- M. **Parking:** No additional parking may be added to the property on which the residence is located on to accommodate the home occupation.
- N. **Commercial Vehicles:** Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers is not permitted.
- O. **Office Use:** A home office, telecommuting office, professional service, domestic crafts (e.g. weaving, sewing, and dressmaking), furniture repair, art and music training, tutoring, hair cutting/styling, design service, catalog business, internet business, clergy office, or the like is permitted.
- P. **Prohibited Uses:** The following types of business shall not be permitted:
- medical clinic of any kind
 - funeral home
 - tourist home
 - animal hospital
 - kennel
 - trailer rental
 - automobile, motor vehicle, or equipment repair of any kind
 - painting of automobiles, motor vehicles, or equipment of any kind
 - photo developing
 - television, radio, or other electronics repair
 - tooling, welding, or machining of any kind
 - tool or equipment rental of any kind
 - restaurant or similar establishment
 - salvage operations of any kind
 - freight or trucking operations of any kind
 - contractors business
 - landscaping or lawn care business
- Q. **Board of Zoning Appeals:** Any home occupation may be deemed not permitted if, in a public hearing on the matter, the Board of Zoning Appeals rules the home occupation to be a nuisance. Any person reasonably affected by the home occupation, or the Zoning Administrator, may request such a hearing.
- R. **Uses in Question:** Uses not specifically mentioned will be interpreted by the Zoning Administrator or Board of Zoning Appeals as to whether the use is permitted or not.

Landscaping Standards (LA)

6.24 LA-01 General Landscaping Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

A. Encroachment:

1. Right-of-way: Softscape material (e.g. trees, shrubs, mounds, etc.) and hardscape material (e.g. accent lighting, retaining walls, sculpture, etc.) may extend into the existing or proposed right-of-way with the written permission of the Yorktown Town Council or applicable governing body.
2. Easements: Softscape material and hardscape material may extend into an existing or proposed easement with the written permission from the easement holder.

B. Maintenance:

1. The landowner and their successors in interest are responsible for the regular maintenance of all landscaping elements.
2. All softscape material shall be maintained free from disease, pests, weeds, litter, and erosion.
3. All hardscape material shall be refinished, repaired, cleaned, and/or replaced periodically to maintain a structurally and aesthetically sound condition.

C. Replacement: Any softscape material required by the Zoning Ordinance, the Plan Commission, Zoning Administrator, or the Board of Zoning Appeals that dies, or is otherwise removed, shall be replaced within sixty (60) days of death. The Zoning Administrator may grant up to a ninety (90) day extension due to the weather.

D. Setbacks: All trees shall be set back at least four (4) feet from a property line.

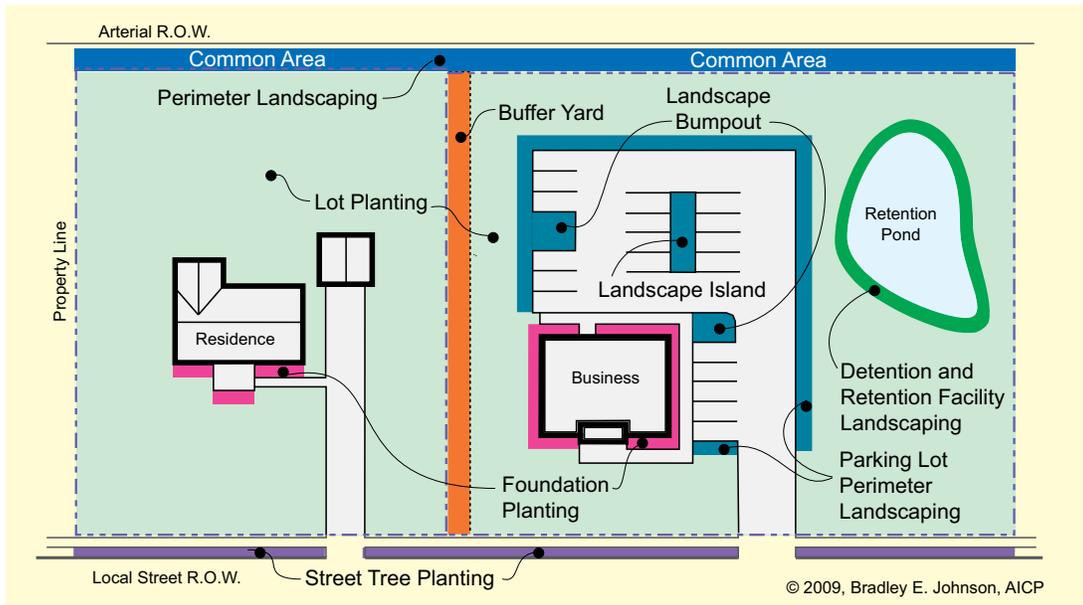
E. Plant Materials:

1. The use of species native to the region is encouraged.
2. Under no circumstances may the species identified and listed in *Schedule A: Invasive, Pest, or Poor Characteristic Plants* be used for minimum planting requirements in the Zoning Ordinance.

Schedule A: Invasive, Pest, or Poor Characteristic Plants	
Scientific Name	Common Name
Acer ginnala	Amur maple
Acer plantanoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Albizza julibrissin	Mimosa
Euonymus alata	Winged wahoo-burning bush
Euonymus fortunei	Winter creeper
Ligustrum spp.	Privets
Ligustrum vulgare	Privet
Lonicera japonica	Japanese honeysuckle
Lythrum salicaria	Purple loosestrife
Pinus nigra	Austrian pine
Polygonum cuspidatum	Japanese knotweed
Pueraria lobata	Kudzu vine
Rhamnus davurica	Common buckthorn
Rhamnus davurica	Dahurian buckthorn
Rhamnus frangula	Alder buckthorn

Landscaping Standards (LA)

- F. **Planting Areas:** This Ordinance recognizes the need for landscaping requirements in four (4) different areas on a property. They are yard planting areas, parking lot planting areas, foundation planting areas, and bufferyard areas. The below image conceptually demonstrates the location of each landscape area.



- G. **Living Vegetation Required:** Under no circumstances may any artificial plant be installed and/or counted as part of the minimum planting required.
- H. **Existing Trees:** The preservation of an existing healthy tree shall constitute a credit toward the minimum landscape requirements in the Zoning Ordinance. A credit will be given per tree that contributes to and satisfies the intent of a particular section of the landscape standards in this Article. The following credits shall be granted for an existing tree as follows:
1. For each preserved deciduous tree over two (2) inches but less than four (4) inches DBH, a credit for two (2) deciduous trees shall be granted.
 2. For each preserved deciduous tree over four (4) inches but less than seven (7) inches DBH, a credit for three (3) deciduous trees shall be granted.
 3. For each preserved deciduous tree over seven (7) inches but less than twelve (11) inches DBH, a credit for four (4) deciduous trees shall be granted.
 4. For each preserved deciduous tree over eleven (11) inches DBH, a credit for five (5) deciduous trees shall be granted. The Zoning Administrator may grant larger credits for trees over eleven (11) inches DBH upon request.
 5. For each preserved evergreen tree over five (5) feet tall but less than eight (8) feet tall, a credit for two (2) evergreen trees shall be granted.
 6. For each preserved evergreen tree over eight (8) feet tall, a credit for three (3) evergreen trees shall be granted. The Zoning Administrator may grant larger credits for evergreen trees over eight (8) feet tall upon request.
 7. Orange construction fencing shall be installed during construction at or beyond the drip line of each tree to be preserved. These trees shall also be marked "Do Not Remove" on the site plan.
 8. Any trees marked "Do Not Remove" on the site plan that are removed or injured beyond repair shall be replaced by one (1) or more similar species trees with a cumulative DBH of one and one-quarter (1.25) times the DBH of the tree which was to be preserved.

Landscaping Standards (LA)

I. Tree Size:

1. All deciduous trees planted for a bufferyard shall have at least a two (2) inch caliper and all evergreens shall be at least six (6) feet in height when planted.
2. All deciduous tree sizes shall be measured using DBH, and all evergreen tree sizes shall be determined by measuring its height.

J. **Unsuitable Conditions:** If the applicant can produce evidence that the planting area is unsuitable for the required tree due to soil or site conditions, the applicant may substitute another type of tree as approved by the Zoning Administrator.

6.25 LA-02 Single-family Residential Lot and Foundation Planting Area Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

A. Lot Planting Area Requirements:

The following lot planting requirements apply:

1. Lots with less than 8,000 square feet shall be required to plant one (1) deciduous tree in the lot planting area.
2. Lots over 8,000 square feet but less than 18,000 square feet shall be required to plant two (2) deciduous trees in the lot planting area.
3. Lots over 18,000 square feet shall be required to plant three (3) deciduous trees in the lot area, plus one (1) more per every 12,000 square feet over 18,000 square feet.

B. Foundation Planting Area Requirements:

The following foundation planting requirements apply:

1. All primary structures shall have a minimum of two (2) shrubs or ornamental trees planted in the foundation planting area (e.g. along each side of a home's foundation facing a street). These foundation plantings shall be within six (6) feet of the foundation wall.

C. **Substitutions:** Substitutions or alterations of minimal planting required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.

6.26 LA-03 Multiple-family Residential Lot and Foundation Planting Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

A. Lot Planting Requirements:

The following lot planting requirements apply:

1. Lots with less than 10,000 square feet shall be required to plant two (2) deciduous trees in the lot planting area.
2. Lots over 10,000 square feet but less than 20,000 square feet shall be required to plant three (3) deciduous trees in the lot planting area.
3. Lots over 20,000 square feet shall be required to plant four (4) deciduous trees in the lot planting area, plus one (1) more per every 10,000 square feet over 20,000 square feet.
4. Foundation Planting Requirements: All primary structures shall have a minimum of one (1) shrub or ornamental tree planted per twenty (20) linear feet of foundation facing a street or parking area. These foundation plantings shall be located within ten (10) feet of the foundation wall.

B. **Substitutions:** Substitutions or alterations of minimal planting required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.

Landscaping Standards (LA)

6.27 LA-04 Manufactured Home Park Lot and Foundation Planting Standards

This Landscaping Standards section applies to the following district:



The following landscaping standards apply:

A. **Lot Planting Area Requirements:** The following lot planting requirements apply:

1. Each manufactured home park shall be required to plant one (1) deciduous tree per 15,000 square feet of lot planting area and one (1) evergreen tree per 20,000 square feet of lot area. These plantings may be located on dwelling sites or in common areas.
2. For every ten (10) dwelling sites in a manufactured home park, one (1) canopy tree shall be planted in the lot planting area.

B. **Foundation Planting Requirements:** The following foundation planting requirements apply:

1. All dwelling sites shall have a minimum of two (2) shrubs or ornamental trees planted in the foundation planting area or next to the main entrance into the home. These foundation plantings shall be located within six (6) feet of the foundation.
2. All common or administrative buildings shall have a minimum of one (1) shrub or ornamental tree planted per twenty (20) linear feet of foundation facing a street or parking area. These foundation plantings shall be located within ten (10) feet of the foundation.

C. **Substitutions:** Substitutions or alterations of minimal planting required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.

6.28 LA-05 Non-residential Lot and Foundation Planting Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

A. **Lot Planting Requirements:** The following lot planting requirements apply:

1. Lots with less than 20,000 square feet shall be required to plant two (2) canopy trees in the lot planting area.
2. Lots over 20,000 square feet but less than 40,000 square feet shall be required to plant three (3) canopy trees in the lot planting area.
3. Lots over 40,000 square feet shall be required to plant four (4) canopy trees in the lot planting area, plus one (1) more canopy tree per every 20,000 square feet over 40,000 square feet.

B. **Foundation Planting Requirements:** The following foundation planting requirements apply:

1. Foundation plantings are required for all primary structures that face a street or parking area.
2. Foundation plantings shall be provided as follows:
 - a. If the facade that the foundation plantings are to be placed in front of is less than twenty-five (25) feet in height, then one (1) shrub shall be planted per ten (10) linear feet of foundation.
 - b. If the facade that the foundation plantings are to be placed in front of is twenty-five (25) feet in height or greater, then one (1) ornamental tree shall be planted per twenty (20) linear feet of foundation.
3. All foundation planting shall be located within thirty (30) feet of the building's foundation. The foundation plantings shall not be placed at regular intervals. Rather, clustering and variation of distance between the plant and the foundation is required.

C. **Substitutions:** Substitutions or alterations of minimal planting required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.

Landscaping Standards (LA)

6.29 LA-06 Non-residential Parking Lot Planting Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

- A. **Parking Lots with More Than 20 Spaces:** Parking lot plantings are required for any parking lot over twenty (20) spaces. Parking lots over twenty (20) spaces shall provide perimeter landscaping as follows:
1. One (1) tree per eighty (80) linear feet of circumference around the parking lot.
 2. One (1) shrub per fifty (50) linear feet of circumference of a parking lot facing a public street.
 3. Trees and shrubs may be spaced irregularly in informal groupings.
 4. The trunk of any tree or shrub shall not be planted within four (4) feet of the parking lot edge or impervious surface.
 5. At the election of the petitioner, as much as fifty percent (50%) of the required tree and shrub plantings may be planted in parking lot landscape islands or bump-outs. Islands or bump-outs shall be 150 square feet in area or greater, and be mulched or hardy ground cover used (e.g. plant material).
- B. **Substitutions:** Substitutions or alterations of minimal plantings required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.

6.30 LA-07 Heritage Mixed Use Parking Lot Planting Standards

This Landscaping Standards section applies to the following district:



The following landscaping standards apply:

- A. **Parking Lots with More Than 20 Spaces:** Parking lot plantings are required for any parking lot over twenty (20) spaces. Parking lots over twenty (20) spaces shall provide perimeter landscaping as follows:
1. One (1) tree or shrub per twenty (20) parking spaces shall be planted. It is strongly recommended not to plant ornamental trees or trees with surface root growth.
 2. Trees and shrubs may be spaced irregularly in informal groupings.
 3. The trunk of any tree or shrub shall not be planted within four (4) feet of the parking lot edge or impervious surface.
 4. The petitioner may plant the required tree and shrub plantings around the perimeter or in parking lot landscape islands or bump-outs. No landscape island or bump-out may be less than 150 square feet in area. All islands shall be mulched or use a hardy ground cover (e.g. plant material).
- B. **Substitutions:**
1. Substitutions or alterations of minimal plantings required may be reviewed and approved by the Zoning Administrator, but shall be equal to or greater than that which is required.
 2. Reasonable substitutions for trees and shrubs in an urban environment may include:
 - a. Brick masonry walls used along the perimeter of a parking lot;
 - b. Large planters with plants;
 - c. Earthen berms with hardy ground cover (e.g. plant material);
 - d. Window boxes with plants; or
 - e. Combinations of the above items.

Landscaping Standards (LA)

6.31 LA-08 Bufferyard Planting Standards

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

- A. **Application:** The bufferyard standards only apply along the property lines where the two (2) conflicting zoning districts meet.
- B. **Responsibility for Installation:** The property which is zoned for higher intensity uses is responsible for installing the bufferyard.
- C. **Spacing of Trees:** A natural or irregular row and spacing of trees is preferred in a bufferyard. A plant list including a “living fence” category is included in *Schedule B: Bufferyards*.
- D. **Required Bufferyard:** The following matrix determines the type of bufferyard which shall be installed. First find the zoning district of the subject property (across the top). Second, find the zoning district of the adjacent property (in the left column). Where the two (2) intersect on the matrix, there is the letter "A", "B", "C", "D", or a blank space. When there is a blank space, no bufferyard is required. If an "A", "B", "C", or "D" is indicated in the matrix, a bufferyard is mandatory.

Schedule B: Bufferyards															
Subject Property	Zoning District of Adjacent Property														
	PR	R1	R2	R3	R4	M1	M2	MP	IS	OC	HM	C1	C2	LI	IN
M1		A	A	A											
M2	A	B	B	B	A	A									
MP	A	B	B	B	B	B	A								
IS	A	B	B	B	B	B	A	A							
OC	A	B	B	B	B	B	A	A	A						
HM															
C1	B	C	C	C	C	C	B	B	A	A					
C2	B	D	D	D	D	C	C	C	B	B	B				
LI	B	D	D	D	D	C	C	C	B	B	B	B	A		
IN	B	D	D	D	D	C	C	C	B	B	B	B	B		

A = "A" Bufferyard C = "C" Bufferyard B = "B" Bufferyard D = "D" Bufferyard

- E. **Bufferyard "A":** If bufferyard "A" is required, the following standards shall be met:
 1. One (1) canopy tree and one (1) evergreen tree shall be planted for every eighty (80) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of eighty (80).
 2. All trees shall be planted between five (5) and fifteen (15) feet from the property line that is contiguous to the conflicting property.
- F. **Bufferyard "B":** If bufferyard "B" is required, the following standards shall be met:
 1. An additional five (5) feet of setback is required in addition to the normal setback per *Section 6.4: General Setback Standards*.
 2. One (1) canopy tree and one (1) evergreen tree shall be planted for every fifty (50) linear feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 3. All trees shall be planted between five (5) and fifteen (15) feet from the property line.

Landscaping Standards (LA)

- G. **Bufferyard "C"**: If bufferyard "C" is required, the following standards shall be met:
1. An additional ten (10) feet of setback is required in addition to the normal setback.
 2. One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of forty (40).
 3. One (1) ornamental tree shall be planted for every eighty (80) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of eighty (80).
 4. One (1) evergreen tree shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 5. The required trees shall be irregularly spaced. No two (2) trees shall be more than sixty (60) feet from one another.
 6. All trees shall be planted between five (5) and twenty-five (25) feet from the property line of the subject property.
- H. **Bufferyard "D"**: If bufferyard "D" is required, the following standards shall be met:
1. An additional twenty (20) feet of setback is required in addition to the normal setback.
 2. A six-foot (6') tall opaque fence along the entire length of abutting property line, or a four-foot (4') tall undulating berm along sixty percent (60%) of the length of the abutting property lines shall be installed. This fence or berm shall not be within twenty (20) feet of the abutting property line.
 3. One (1) canopy tree shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 4. One (1) ornamental tree shall be planted for every sixty (60) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of sixty (60).
 5. One (1) evergreen tree shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 6. The required trees shall be irregularly spaced. No two (2) trees shall be more than sixty (60) feet from one another.
 7. The required trees shall be planted within twenty (20) feet of the property line.
- I. **Relief from Requirements**: The Zoning Administrator may lessen these requirements by as much as twenty-five percent (25%), but only due to site conditions or special site features that would result in an unsuitable planting arrangement, or a situation where the tree's growth would be severely impeded.

Environmental Standards (EN)

6.32 EN-01 General Environmental Standards

This Environmental Standards section applies to the following districts:



The following environmental standards apply:

- A. **Excessive Slope:** Areas of land shall be deemed unsuitable for building when pre-development or post-development slopes are greater than twenty-five percent (25%).
- B. **Unsuitable Land Qualities:** Areas of land shall be deemed unsuitable for building when it:
 - 1. Contains adverse soil or rock formations;
 - 2. Is highly susceptible to erosion;
 - 3. Has a low percolation rate;
 - 4. Has a low weight bearing strength; or
 - 5. Has any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.
- C. **Erosion Prevention:** All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within thirty (30) days after the removal or destruction of said natural cover to prevent erosion. Also, siltation fences shall be established over the duration of the project to prevent soil erosion.
- D. **Alterations to Shoreline:** No alteration of the shoreline or bed of a stream or creek shall be made until written approval is obtained from the Indiana Department of Natural Resources, Army Corps of Engineers, and the provisions of the Zoning Ordinance are complied with. Alterations include, among other things, filling of a stream, creek, regulated ditch, wetlands, and dredging of a stream, creek, or ditch.
- E. **Retention, Detention, and Pond Edges:** The use of engineered hard edges is not permitted except around inlets and outlets. The use of engineered hard edges may not exceed five percent (5%) of the linear feet of the total edge of any retention facility, detention facility, or pond. Under no circumstances will "riprap" be permitted above the water level.
- F. **Waste Disposal:** No waste materials (e.g. garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature) that may contaminate, pollute, or harm the waters may be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- G. **Fuel Storage:** No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal may be stored in bulk above-ground, except tanks or drums of fuel connected directly with energy devices, or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- H. **Debris/Refuse:** Debris, refuse, trash, construction material, garbage, litter, unfinished structures, scrap metals, or rotting wood may not accumulate on any property.
- I. **Air Pollution:** No use shall discharge airborne substances across the lot lines (e.g. 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 conflict with public air quality standards. Outdoor furnaces and the like are not permitted.

Floodplain Standards (FP)

6.33 FP-01 General Floodplain Standards

This Floodplain Standards section applies to the following districts:



A. **Reference:** The floodplain standards are as per the Yorktown Flood Hazard Ordinance.

Lighting Standards (LT)

6.34 LT-01 General Lighting Standards

This Lighting Standards section applies to the following districts:



The following lighting standards apply:

- A. **Lot Lighting:** All lot lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. **Ground Lighting:** All ground lighting used to cast light on building facades, features of buildings or signs shall have shields to assure that light does not project beyond the building or sign and shall utilize the least amount of light necessary to illuminate the facade, building feature, or sign. The lamp shall be shielded from view of any street, sidewalk, or parking lot.
- C. **Parking Lot Lighting:**
 - 1. Light fixtures and poles for parking lots shall all be consistent in color, size, height, and design.
 - 2. All parking lot lights shall utilize full cutoff luminaires with ninety degree (90°) or less of an angle (i.e. down-lighting).
 - 3. Parking lot light structures shall not exceed twenty (20) feet in height.
- D. **Sport Field Lighting:**
 - 1. All sport field lights shall utilize shielding devices (e.g. barn doors) to control horizontal light spillage.
 - 2. Sport field light structures shall not exceed fifty (50) feet in height and shall be shut off by 11:00 P.M. on any given night.
- E. **Freestanding Lights:** All freestanding lights and lights mounted on walls or facades shall have full cutoff luminaires with ninety degree (90°) or less of an angle (e.g. down-lighting).
- F. **Fixture Continuity:** All lighting fixtures and poles within a single development shall be consistent in style, design, and color.
- G. **Lighting at Property Line:** Lighting from a property may not cause more than one-half (1/2) foot-candle of illumination beyond the property line of that property. The only exception to this standard is as follows:
 - 1. When the subject property is zoned for business use and the adjacent property is also zoned for business or industrial use, then the allowable light at the property line is one (1) foot-candle only on the sides of the property that are adjacent to the similar zoning district.
 - 2. When the subject property is zoned for industrial use and the adjacent property is also zoned for industrial use, then the allowable light at the property line is two and one-half (2 1/2) foot-candles on the sides of the property that are adjacent to the similar zoning district.
- H. **Light Reading Measurements:** Light reading measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

Sign Standards (SI)

6.35 SI-01 General Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Permit Required:** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign without first obtaining a sign permit from the Zoning Administrator.
- B. **Abandoned Signs:** All signs, mounting components, and related components shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may remove the sign. Any cost associated with signs removed by the Zoning Administrator shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the Town of Yorktown.
- C. **Illuminated Signs:** All illuminated signs shall comply with the following standards:
 1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 2. All electrical wiring for permanent signs shall be in conduit and shall meet or exceed all applicable electrical codes.
 3. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 4. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.
- D. **Exempt Signs:** The following items are allowed and are exempt from the sign provisions of the Zoning Ordinance, except as listed in *Section 6.35(D)(5)* below:
 1. Flags of any country, state, unit of local government or quasi-government agency.
 2. Names of buildings, date of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete, or similar material, or denoted on a commemorative plaque made of bronze, brass, or other permanent material and made an integral part of the structure. No commercial messages or logos are permitted on such signs.
 3. Signs of a noncommercial nature and in the public interest erected by an officer of the Town of Yorktown (e.g. signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities).
 4. Utility signs used to mark cables, pipes, and lines for public and private utilities except if determined to be a hazard by the Zoning Administrator.
 5. Placement: Under no circumstances may an exempt sign exceed the maximum height standard for its district, or be placed in the vision clearance triangle, or otherwise constitute a public hazard.
- E. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts:
 1. Signs that utilize any motion picture, laser, or visual projection of images or copy.
 2. Signs that emit audible sound, odor or visible matter.
 3. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal.
 4. Signs on utility poles or trees.
 5. Lights that resemble an emergency or road equipment vehicle.

Sign Standards (SI)

6. Signs in a right-of-way.
 7. Signs that hide or partially hide from view any traffic or roadway sign, signal, or device.
 8. Signs within the vision clearance triangle.
 9. Signs that are mounted on a building that extend above the roof line or parapet of a building.
 10. Signs mounted on the roof of a structure.
 11. Signs that have blinking, flashing, or fluttering lights; not including message boards that have fixed messages or that scroll.
 12. Signs that have changing light intensity, brightness or color, or give such illusion.
 13. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure.
 14. Vehicle Signs. Vehicle signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited vehicle signs do not include vehicles which are customarily used for transporting persons or property, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
 15. Any sign that is not expressly permitted in the Zoning Ordinance.
- F. **Sign Removal:** The Zoning Administrator may remove any sign erected or maintained in violation of the Zoning Ordinance at the expense of the owner if the sign presents an immediate threat to the safety of the public. Otherwise, the enforcement and penalties contained in *Article 10: Enforcement and Penalties* shall apply.
- G. **Noncommercial Message:** Non-commercial messages are permitted on all signs.
- H. **Durable Materials:** All permanent signs shall be constructed of materials that can sustain ten (10) years without substantial maintenance. All temporary signs shall be protected from the weather (e.g. inside of a window) or constructed from durable materials that can sustain one (1) year without substantial maintenance.

6.36 SI-02 Residential Temporary Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Quantity:** Two (2) temporary signs no larger than twelve (12) square feet (twelve (12) square feet per side if a two (2) sided sign) each in size is allowed without a permit for the duration of a temporary event (garage sale, yard sale, sale of the property, political campaign, etc.). A grace period of one (1) week is allowed for the removal of said sign.
- B. **Setbacks:** Temporary signs shall be at least five (5) feet from any property line.
- C. **Height:** Temporary signs shall not exceed four (4) feet in height.
- D. **Abandoned Signs:** Any abandoned temporary sign shall be removed immediately from the property or structure when the principal use of the property is also abandoned.

6.37 SI-03 Institutional, Commercial, and Industrial Temporary Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Quantity:** Two (2) temporary signs no larger than thirty (30) square feet, (15 square feet per side if a double-sided sign) each in size is allowed without a permit for the duration of a temporary event (e.g. special sale, sale of the property, construction project, etc.). A grace period of one (1) week is allowed for the removal of said sign. A third temporary sign no larger than thirty (30) square feet (15 square

Sign Standards (SI)

feet per side if a double sided sign) in size and used for the same purpose is allowed if the subject property has over 200 linear feet of frontage on a public street or has a primary structure over 50,000 square feet.

- B. **Setbacks:** A temporary sign shall be at least ten (10) feet from the property line.
- C. **Streamers and Pennants:** Streamers, pennants, and inflatable devices are allowed without a permit for grand openings or special promotions. Such devices shall be permitted under the following conditions:
 - 1. The use of such devices shall not exceed thirty (30) days for any single event, and sixty (60) cumulative days in a calendar year.
 - 2. Such devices shall not pose a risk to pedestrian or vehicular safety.
 - 3. Any inflatable device shall not exceed twenty (20) feet in height.
 - 4. Such devices shall be at least ten (10) feet or the a distance equivalent to the height of the inflatable device from the property line, whichever is greater.
- D. **Window Signs:** Temporary signs in windows are allowed without a permit as follows:
 - 1. Window signs shall only be used on first floor windows.
 - 2. No single window shall exceed seventy percent (70%) coverage by a sign.
 - 3. The number of windows on a structure's first floor used for signs shall not exceed fifty percent (50%) of the total number of windows.
- E. **Additional Signs:** Additional temporary signs require a temporary sign permit and shall meet the following standards:
 - 1. The use of any additional temporary sign shall not exceed ten (10) consecutive days for any single permit, and cumulatively shall not exceed sixty (60) days in a calendar year. These permits are not renewable. The dates that the sign permit is good for shall be printed on the permit.
 - 2. Any additional temporary sign shall not exceed sixty (60) square feet in size, or 60 square feet per side if a double sided sign.
 - 3. No more than three (3) temporary signs shall be permitted per property at any one (1) time.
 - 4. Each additional temporary sign shall constitute the need for a temporary sign permit.
 - 5. Such signs shall not pose a risk to pedestrian or vehicular safety.
 - 6. Such devices shall be at least ten (10) feet from the property line.

6.38 SI-04 High Intensity Residential Permanent Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Freedom of Speech:** A permanent wall or ground sign no larger than four (4) square feet in size is allowed for freedom of speech expression per dwelling unit without a sign permit. This sign may not contain a commercial message or be illuminated.
- B. **Residential Development:**
 - 1. A permanent ground sign, not exceeding five (5) feet in height and forty (40) square feet in area, is allowed when a multiple-family development includes twenty (20) or more dwelling units or a manufactured home park contains twenty (20) or more dwelling sites.
 - 2. A wall sign, up to twenty (20) square feet in size is permitted on each primary structure which contains six (6) or more dwelling units for identification purposes.
 - 3. A minimal number of directional signs shall be permitted throughout the development, but each sign shall be less than five (5) feet in height and no more than three (3) square feet in size.
- C. **Abandoned Signs:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

Sign Standards (SI)

6.39 SI-05 Heritage Mixed Use Temporary Sign Standards

This Sign Standards section applies to the following district:



The following sign standards apply:

- A. **Quantity:** One (1) temporary sign no larger than ten (10) square feet (ten (10) square feet per side if a double sided sign) each in size is allowed without a permit for the duration of a temporary event (e.g. special sale, sale of the property, construction project, etc.). A grace period of one (1) week is allowed for the removal of said sign.
- B. **Streamers and Pennants:** Streamers and pennants are allowed without a permit for grand openings or special promotions. Such devices shall be permitted under the following conditions:
 - 1. The use of such devices shall not exceed thirty (30) consecutive days for any single event, and sixty (60) cumulative days in a calendar year.
 - 2. Such devices shall not pose a risk to pedestrian or vehicular safety.
 - 3. Such devices shall not impede handicapped access (four (4) feet of clear way) and shall not create any notable hazard to adults or children.
- C. **Window Signs:** Temporary signs in windows are allowed without a permit as follows:
 - 1. Window signs shall only be used on first floor windows.
 - 2. No single window shall exceed fifty percent (50%) coverage by a sign.
 - 3. The number of windows on a structure's first floor used for signs shall not exceed fifty percent (50%) of the total number of windows.
- D. **Freestanding Signs:** A freestanding temporary sign may be located on the sidewalk if the sign does not impede handicapped access (maintain four (4) feet of clear way) and the sign does not create any notable hazard to adults or children. Freestanding temporary signs located on a sidewalk shall not exceed five (5) feet in height and shall be removed at the close of business each day. They may be re-set at the open of business the following day.
- E. **Additional Signs:** Additional temporary signs require a temporary sign permit and shall meet the following standards:
 - 1. The use of any additional temporary sign shall not exceed ten (10) consecutive days for any single permit, and cumulatively shall not exceed sixty (60) days in a calendar year. These permits are not renewable. The dates that the sign permit is good for shall be printed on the permit.
 - 2. Any additional temporary sign shall not exceed twenty (20) square feet in size (twenty (20) square feet per side if a double sided sign).
 - 3. No more than three (3) temporary signs shall be permitted per property at any one (1) time.
 - 4. Each additional temporary sign shall constitute the need for a temporary sign permit.
 - 5. Such signs shall not pose a risk to pedestrian or vehicular safety.
- F. **Abandoned Signs:** Any abandoned temporary sign shall be removed immediately from the property or structure when the principal use of the property is also abandoned.

Sign Standards (SI)

6.40 SI-06 Parks and Recreation Permanent Sign Standards

This Sign Standards section applies to the following district:



The following sign standards apply:

- A. **Wall Signs:** A permanent wall sign no larger than ten (10) square feet in size is allowed on one (1) primary structure without a permit.
- B. **Ground Signs:** A ground sign per primary entrance to a public space or place not exceeding five (5) feet in height and forty (40) square feet in area is allowed without a permit.
- C. **Directional Signs:** A minimal number of directional and interpretive signs are permitted throughout a park, but each sign shall be less than five (5) feet in height and no more than three (3) square feet in size.
- D. **Abandoned Signs:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

6.41 SI-07 Institutional and Commercial Permanent Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Single-tenant Structures:** A single-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, ground, awning, or permanent window signs are allowed.
 - 2. The cumulative square footage of all permanent signs shall not exceed 150 square feet or one and one-half (1 1/2) times the length of the primary structure's facade facing a public roadway, whichever is less.
 - 3. Any single wall sign shall not exceed 120 square feet in area and six (6) feet in height.
 - 4. Any single ground sign shall not exceed fifty (50) square feet per side in area and six (6) feet in height.
 - 5. Any single awning sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
 - 6. Any single window sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
- B. **Multiple-tenant Structures:** A multiple-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, awning, or permanent window signs are allowed per tenant space.
 - 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 150 square feet or one and one-half (1 1/2) times the length of the tenant's facade facing a public roadway, whichever is less.
 - 3. A gateway sign is permitted at the primary entrance into a multiple-tenant development not to exceed 150 square feet in area or the length of the facade facing a public roadway, whichever is less. For example, if a multiple-tenant development has eighty (80) feet of facade facing a public roadway then it would be allowed to have a gateway sign up to eighty (80) square feet in size for the development.
 - 4. Any single wall sign shall not exceed 120 square feet in area and six (6) feet in height.
 - 5. Any single awning sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
 - 6. Any single window sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
 - 7. Any single gateway sign shall not exceed seventy-five (75) square feet per side in area and fifteen (15) feet in height.

Sign Standards (SI)

- C. **Directional Signs:** Directional signs are permitted on a lot as follows:
 - 1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 - 2. Any single directional sign shall not exceed four (4) square feet in area and four (4) feet in height.
 - 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- D. **Setbacks:** All permanent signs shall be at least ten (10) feet from the property line.
- E. **Location:** All permanent signs shall be located on the lot for which they relate.
- F. **Lots Without a Structure:** On lots without a structure, a permanent, noncommercial ground sign up to twenty-four (24) square feet in area is permitted.
- G. **Abandoned Signs:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

6.42 SI-08 Commercial Permanent Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Permit Required:** All signs require a permit unless otherwise specified.
- B. **Single-tenant Structures:** A single-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, ground, pole, awning, or permanent window signs are allowed.
 - 2. The cumulative square footage of all permanent signs shall not exceed 200 square feet or two (2) times the length of the primary structure's facade facing a public roadway, whichever is less.
 - 3. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 - 4. Any single ground sign shall not exceed eighty (80) square feet per side in area and eight (8) feet in height.
 - 5. Any single pole sign shall not exceed sixty (60) square feet per side in area and fifteen (15) feet in height. Also, only one (1) sign shall be permitted per pole sign.
 - 6. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 - 7. Any single window sign shall not exceed forty (40) square feet in area and four (4) feet in height.
- C. **Multiple-tenant Structures:** Multiple-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, awning, or permanent window signs are allowed per tenant space.
 - 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 120 square feet or two (2) times the length of the tenant's facade facing a public roadway, whichever is less.
 - 3. A gateway sign is permitted at the primary entrance into a multiple-tenant development not to exceed 200 square feet in area or the length of the facade facing a public roadway, whichever is less. For example, if a multiple-tenant development has 150 feet of facade facing a public roadway then it would be allowed to have a gateway sign up to 150 square feet in size for the development.
 - 4. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 - 5. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 - 6. Any single window sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 - 7. Any single gateway sign shall not exceed 100 square feet in area per side and twenty (20) feet in height.
- D. **Directional Signs:** Directional signs are permitted on a lot as follows:
 - 1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.

Sign Standards (SI)

2. Any single directional sign shall not exceed four (4) square feet in area and five (5) feet in height.
 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- E. **Separation:** No two (2) ground or pole signs may be within seventy-five (75) feet of one another.
- F. **Setbacks:** All permanent signs, except directional signs, shall be at least ten (10) feet from the property line.
- G. **Location:** All permanent signs shall be located on the lot for which they relate.
- H. **Lots Without a Structure:** On lots without a structure, a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.
- I. **Abandoned Structures:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

6.43 SI-09 Industrial Permanent Sign Standards

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Single-tenant Structures:** A single-tenant structure on a lot shall be regulated as follows:
1. Any combination of wall, ground, pole, or awning signs are allowed.
 2. The cumulative square footage of all permanent signs shall not exceed 200 square feet or two (2) times the length of the primary structure's facade facing a public roadway, whichever is less.
 3. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 4. Any single ground sign shall not exceed eighty (80) square feet per side in area and eight (8) feet in height.
 5. Any single pole sign shall not exceed sixty (60) square feet per side in area and twenty (20) feet in height. Also, only one (1) sign shall be permitted per pole sign.
 6. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
- B. **Multiple-tenant Structures:** Multiple-tenant structure on a lot shall be regulated as follows:
1. Any combination of wall, or awning signs is allowed per tenant space.
 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 120 square feet or two (2) times the length of the tenant's facade facing a public roadway, whichever is less.
 3. A gateway sign is permitted at the primary entrance into a multiple-tenant development not to exceed 200 square feet in area or the length of the facade facing a public roadway, whichever is less. For example, if a multiple-tenant development has 150 feet of facade facing a public roadway then it would be allowed to have a gateway sign up to 150 square feet in size for the development.
 4. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 5. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 6. Any single gateway sign shall not exceed 100 square feet in area per side and fifteen (15) feet in height.
- C. **Directional Signs:** Directional signs are permitted on a lot as follows:
1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 2. Any single directional sign shall not exceed four (4) square feet in area and five (5) feet in height.
 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- D. **Separation:** No two (2) ground or pole signs may be within seventy-five (75) feet of one another.

Sign Standards (SI)

- E. **Setbacks:** All permanent signs except directional signs shall be at least ten (10) feet from the property line.
- F. **Location:** All permanent signs shall be located on the lot for which they relate.
- G. **Lots Without a Structure:** On lots without a structure, a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.
- H. **Abandoned Signs:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

6.44 SI-10 Heritage Mixed Use Permanent Sign Standards

This Sign Standards section applies to the following district:



The following sign standards apply:

- A. **Single-tenant Structures:** A single-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, projecting, marquee, awning, or permanent window signs are allowed.
 - 2. The cumulative square footage of all permanent signs shall not exceed 100 square feet or one and one-half (1 1/2) times the length of the primary structure's facade facing a public roadway, whichever is less.
 - 3. Any single wall sign shall not exceed eighty (80) square feet in area and four (4) feet in height.
 - 4. Any single projecting sign shall not exceed thirty-five (35) square feet per side in area and ten (10) feet in height as long as the sign does not project higher than five (5) feet below the front facade. Projecting signs shall not project over the public street and shall have at least nine (9) feet of clearance over the sidewalk.
 - 5. Any marquee sign shall not exceed fifty (50) square feet in area and fifteen (15) feet in height as long as the marquee does not project higher than the front facade. The marquee sign shall include pedestrian shelter equal to or greater than four (4) times the desired sign area. Marquee signs shall not project over the public street, and shall have at least nine (9) feet of clearance over the sidewalk.
 - 6. Any single awning sign shall not exceed twenty (20) square feet in area and two (2) feet in height. No awning shall project over the public street, and shall have at least nine (9) feet of clearance over the sidewalk.
 - 7. Any single window sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
- B. **Multiple-tenant Structures:** Multiple-tenant structure on a lot shall be regulated as follows:
 - 1. Any combination of wall, projecting, awning, or permanent window signs are allowed per tenant space.
 - 2. The cumulative square footage of all permanent signs per tenant space shall not exceed eighty (80) square feet or one and one-half (1 1/2) times the length of the tenant's facade facing a public roadway, whichever is less.
 - 3. Any single wall sign shall not exceed eighty (80) square feet in area and four (4) feet in height.
 - 4. Any single projecting sign shall not exceed thirty-five (35) square feet per side in area and ten (10) feet in height as long as the sign does not project higher than the front facade. Projecting signs shall not project over the public street, and shall have at least nine (9) feet of clearance from the sidewalk.
 - 5. Any single awning sign shall not exceed twenty (20) square feet in area and two (2) feet in height. No awning shall project over the public street, and shall have at least nine (9) feet of clearance from the sidewalk.

Sign Standards (SI)

6. Any single window sign shall not exceed twenty (20) square feet in area and two (2) feet in height.
- C. **Lots Without a Structure:** On lots without a structure, a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.
- D. **Abandoned Signs:** Any abandoned permanent sign shall be removed from the property or structure when the principal use of the property has also been abandoned for one (1) year or more.

Parking Standards (PK)

6.45 PK-01 General Parking Standards

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. **Size:** Each parking space shall be at least nine (9) feet wide and nineteen (19) feet long.
- B. **Location:** Off-street parking spaces may not fully or partially be in a public right-of-way or utility easement.
- C. **Unlicensed/Inoperable Vehicles or Trailers:**
 - 1. Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings
 - 2. Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in commercial zone districts unless fully screened, and shall not be parked or stored in any zone unless specifically authorized under the terms of the Zoning Ordinance.
- D. **Personal Storage:** No vehicle or tractor/trailer of any type may be used for the purpose of personal storage.

6.46 PK-02 Single-family Residential Parking Standards

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. **Quantity:** Two (2) off-street paved parking spaces are required per dwelling unit.
- B. **Carports or Garages:** Neither of the off-street parking spaces required may include spaces within carports or garages.

6.47 PK-03 Heritage Residential Parking Standards

This Parking Standards section applies to the following district:



The following parking standards apply:

- A. **Quantity:** Two (2) off-street paved parking spaces are required per dwelling unit.
- B. **Carports or Garages:** Parking spaces required may include spaces within carports or garages. Fifty percent (50%) of the off-street parking spaces required may include spaces within carports or garages.

6.48 PK-04 Multiple-family Residential Parking Standards

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. **Quantity:** Two (2) paved off-street parking spaces are required per dwelling unit. In multiple-family housing developments, at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development.
- B. **Visitor Parking:** Visitor parking spaces shall not include spaces in carports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement.
- C. **Setbacks:** Parking lots shall have the same setbacks as the primary structure in the district which they are located. Entrance and exit drives may be within the setback area.

Parking Standards (PK)

6.49 PK-05 Manufactured Home Park Parking Standards

This Parking Standards section applies to the following district:



The following parking standards apply:

- A. Two (2) off-street paved parking spaces are required per dwelling site.
- B. In manufactured or mobile home parks one (1) additional space per dwelling site is required for visitor parking and shall be spread evenly throughout the development.
- C. Visitor parking spaces shall not include spaces in carports or garages.

6.50 PK-06 Non-residential Parking Standards

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. **Paved Lot Required:** All parking lots for commercial, industrial, institutional, business, public, and private employee parking, offices, organizations, and places of assembly shall be paved.
- B. **Expansion:** Expansion of an existing gravel, stone, rock, dirt, sand or grass lot is not permitted.
- C. **Paved Access Required:** All ingress/egress into parking areas shall be paved.
- D. **Setbacks:** Parking lots may project into the front yard setback by twenty-five percent (25%) of the minimum front yard setback. Parking lots may project into the side yard setback by fifty percent (50%) of the minimum front yard setback. Entrance and exit drives may be located within the setback area.
- E. **Location:** At least twenty percent (20%) of all parking shall be in either the side or rear yard of the primary structure.
- F. **Striping Required:** Parking spaces shall be striped so as to show each parking space.
- G. **Size:** Parking aisle widths shall be as follows:
 1. Ninety degree (90°) angle space: twenty-four (24) feet wide parking aisle
 2. Sixty degree (60°) angle space: twenty (20) feet wide parking aisle
 3. Forty-five degree (45°) angle space: twenty (20) feet wide parking aisle
- H. **Design:** Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
- I. **Drainage:** Parking areas shall be constructed to allow proper drainage.
- J. **On-Premises Parking:** Parking spaces prescribed in this section shall be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, shall be located within 800 feet of the subject lot.
- K. **Shared Parking:** A single or group of adjacent properties may utilize a shared parking area if the number of spaces required for each use is adequate. The following requirements apply to shared parking:
 1. Each lot shall have at least eighty percent (80%) of the total spaces required for its use available at any given time.
 2. A written reciprocal parking agreement is required, and shall be signed by all property owners and be recorded on the deed for each property involved.
 3. The written reciprocal parking agreement shall include provisions concerning at least maintenance, snow removal, ownership, and liability.
 4. The Zoning Administrator shall approve the shared parking area and written parking agreement.

Parking Standards (PK)

- L. **Off-street Parking Required:** To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses per the *Parking Standards*. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement. The numbers do not guarantee the quantity needed per use, only minimums are expressed. The petitioner shall calculate additional parking spaces that may be necessary.
- M. **Additional Parking:** Additional parking spaces may be required by the Zoning Administrator if deemed necessary. If a use is not clearly noted in the *Parking Standards*, the Zoning Administrator shall determine into which category the uses best fit, therefore determining the parking requirements.

Parking Standards (PK)

Parking Standards	
Use	Spaces
Employee parking for office, commercial, institutional, communication/utilities, and industrial uses.	One (1) parking space per employee that potentially can be working at any given time. Businesses with multiple shifts shall also provide one (1) additional parking space per two (2) employees on the largest shift. Subtract one (1) parking space per sixty (60) employees and subtract one thirtieth (1/30) of the total employee spaces if the property is within 500 feet of a bus or mass transit stop.
Visitor parking for office, institutional, and industrial uses.	One (1) visitor parking space per twenty (20) employees working at any given time up to 300 total employees, plus one (1) visitor space per fifty (50) employees for the amount over 300 employees.
Visitor parking for nursing home, hospital, or similar facilities.	One (1) visitor space per three (3) beds in a hospital or nursing home facility.
Visitor parking for hotel, motel, and other overnight stay facilities.	One (1) visitor parking space per rental unit.
Automobile, tractor, boat, bus, or similar sales facility.	Two (2) parking spaces plus one (1) per sales person working on any given shift.
Restaurants, food services, theater, community center, auditorium, conference center, church racetrack, or similar facility that seats people.	Parking spaces shall equal one third (1/3) of the allowable seating capacity.
Furniture, appliance, or similar large item sales facility.	One (1) parking space per 400 sq. ft. of gross floor area up to 30,000 sq. ft. and one (1) parking space per 600 sq. ft. above 30,000 sq. ft.
Hardware, home improvement, lumberyard auto parts stores, or similar moderate size item sales facility.	One (1) parking space per 300 sq. ft. of gross floor area up to 30,000 sq. ft. and one (1) parking space per 400 sq. ft. above 30,000 sq. ft.
Fitness center, health spa, skating rink, or similar facilities.	One (1) parking space per 300 sq. ft. of gross floor area.
Retail stores, grocery stores, gasoline stations, banks, liquor store, and similar high volume, and/or small item facilities.	One (1) parking space per 250 sq. ft. of gross floor area up to 40,000 sq. ft.; one (1) per 400 sq. ft. up to 80,000 sq. ft.; and one (1) per 600 sq. ft. above 80,000 sq. ft.
Day care or similar facility.	One (1) parking space per every ten (10) children enrolled. This number of spaces may be reduced by 1/4 in trade for passenger loading spaces.
Airport, heliport, or similar facility.	One (1) parking space per five (5) aircraft tie-downs and hangar spaces, plus one (1) per every three (3) waiting room and classroom seats.
Self-storage, warehouse, or similar facility.	One (1) parking space per 5,000 sq. ft. for a single-tenant facility or one (1) space per six (6) leasable storage units. Loading areas may account for up to 1/4 of this standard.
Body shop, vehicle repair, car wash, or similar facility.	One (1) parking space per interior service bay and per car wash stall.
Medical facility, clinic, doctor's office, or similar facility.	One and one-half (1 1/2) parking spaces per treatment or examination room/space.
Barber/beauty shop, nail salon, tanning salon, or similar facility.	One and one-half (1 1/2) parking spaces per operator station and tanning booth.
Governmental offices, service commercial, libraries, organizational office, repair shop, or similar facility.	One (1) parking space per 800 sq. ft. of gross floor area.
Public or private school, trade or business school, or similar facility.	One (1) parking space per two (2) elementary classrooms; two (2) parking spaces per junior high classroom; one (1) parking space per five (5) high school students; and one (1) space per two (2) students in a trade or business school.
Swimming pool, sport fields, recreational fields, or similar facility.	Twenty (20) spaces per sport field; and one (1) space per 100 sq. ft. of water surface.
Golf course, driving range, batting cages, bowling alley, or similar facility.	Thirty (30) parking spaces per nine (9) holes; one (1) space per driving range or batting cage lane; and two (2) spaces per alley.

Loading Dock Standards (LD)

6.51 LD-01 General Loading Dock Standards

This Loading Dock Standards section applies to the following districts:



The following loading dock standards apply:

- A. **Off-street Loading Docks:** All off-street loading docks (berths) shall be located on the same lot as the use to be served.
- B. **Adequate Area Required:** No portion of a vehicle using a loading dock shall project into a street or alley right-of-way.
- C. **Location:** No loading dock shall be located in front of the primary structure or on a side which faces a public street unless fully screened.
- D. **Adequate Accessibility:** A loading dock shall have an adequate accessibility from an appropriate roadway, maneuvering apron, and vertical clearance for truck deliveries. Truck maneuvering in the right-of-way shall not be permitted.
- E. **Delivery Vehicles:** Vehicles being used for deliveries to a structure may park on local streets, alleys, and parking lots adjacent to that structure.

Entrance and Driveway Standards (ED)

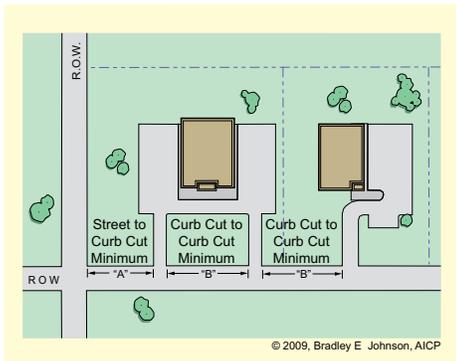
6.52 ED-01 General Entrance and Driveway Standards

This Entrance and Driveway Standards section applies to the following districts:



The following entrance and driveway standards apply:

- A. **Compliance with Comprehensive Plan:** All classification of roads shall be based on the Thoroughfare Plan as found and maintained in the Yorktown Comprehensive Plan.
- B. **Placement Along Road:** No entrance or driveway shall be permitted to be installed as follows. The distances shall be determined by measuring from right-of-way line to the curb or edge of pavement (whichever is less) of the entrance or driveway.
 - 1. Road to Curb Cut Minimum for Arterial or Collector Road: Within 100 feet of any intersecting road if along an arterial or collector road. See "A" in the illustration below. If the property is not large enough to achieve a 100-foot separation, then the driveway shall be installed at a location farthest from the intersection.
 - 2. Road to Curb Cut Minimum for Local Road: Within fifty (50) feet of any intersecting road if along a local road. See "A" in the illustration below. If the property is not large enough to achieve a fifty-foot (50') separation, then the driveways shall be installed at a location farthest from the intersection.
- C. **Separation:** No two (2) entrances or driveways shall be permitted to be installed as follows. The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or driveway.
 - 1. Curb Cut to Curb Cut Minimum for Arterial or Collector Road: Within 100 feet of one another if along an arterial or collector road. See "B" in the illustration below.
 - 2. Curb Cut to Curb Cut Minimum for Local Road: Within fifty (50) feet of one another if along a local road. See "B" in the illustration below.



- D. **Pavement Width:** No entrance or driveway shall exceed the following pavement widths for two-way traffic; if one-way, the measurements shall be 1/2 of the below measurements:
 - 1. Thirty-four (34) feet if from a commercial, industrial, or institutional zoning district onto an arterial or collector road.
 - 2. Thirty (30) feet if from a commercial, industrial, or institutional zoning district onto a local street.
 - 3. Thirty (30) feet if from a multiple-family residential zoning district onto an arterial or collector road.
 - 4. Twenty-eight (28) feet if from a multiple-family residential zoning district onto a local street.
 - 5. Twenty-eight (28) feet if from a single-family residential zoning district onto any type of street.
 - 6. The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement, whichever is more, of the entrance, or driveway.

Entrance and Driveway Standards (ED)

- E. **Additional Requirements:** The Town Engineer may determine if the following are necessary:
1. An acceleration or deceleration lane, or
 2. A passing blister at a new entrance or driveway.

F. **Permit Required:** All curb cuts require a zoning compliance permit.

6.53 ED-02 Manufactured Home Park Entrance and Driveway Standards

This Entrance and Driveway Standards section applies to the following district:



The following entrance and driveway standards apply:

- A. **Developments With More Than 40 Lots:** Manufactured or mobile home parks with forty (40) or more dwelling sites shall have:
1. At least two (2) access points shall be required into and out of the manufactured or mobile home park.
 2. Individual dwelling sites may only have driveways on interior roads.

Vision Clearance Standards (VC)

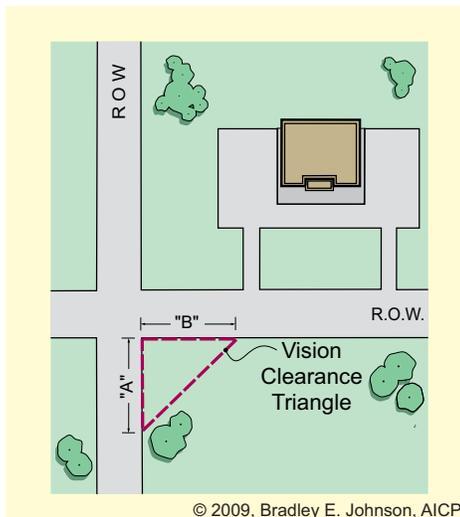
6.54 VC-01 General Vision Clearance Standards

This Vision Clearance Standards section applies to the following districts:



The following vision clearance standards apply:

- A. **Clear Area Maintained:** A clear area shall be maintained at every intersection. A vision clearance triangle is used to determine the area on a property to be maintained free of visual obstruction.
- B. **Vision Clearance Area:** The following triangle leg lengths will apply to the determination of a clear vision triangle:
 1. Along arterial roads and collector roads, each triangle leg shall be forty-five (45) feet along the right-of-way.
 2. Along local roads each triangle leg shall be twenty (20) feet along the right-of-way.
- C. **Structures Prohibited:** No primary or accessory structures, landscaping, fences, or signs are allowed to be placed or to project into the vision clearance triangle except as noted below.
 1. Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed eighteen (18) inches in height.
 2. Trees may be planted in the vision clearance triangle when the lowest limbs and canopy is at least five (5) feet from the ground, allowing drivers to see through the triangle. No two (2) trees may be placed within twenty (20) feet of one another.
- D. **Vision Clearance Triangle:** The vision clearance triangle is illustrated below. "A" and "B" represent the legs of the triangle along the right-of-way on a public street.



Telecommunication Facility Standards (TC)

6.55 TC-01 General Telecommunication Facility Standards

This Telecommunication Facilities Standards section applies to the following districts:



The following telecommunication facility standards apply:

- A. **Statement of Purpose:** The purpose of these standards is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any telecommunication transmission towers in order to reduce the total number of towers needed to serve the telecommunication needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such telecommunication towers, and to provide for the reasonable location of such towers in the Town of Yorktown.
- B. **General Provisions:** All wireless telecommunication facilities shall comply with the following provisions:
- C. **Bufferyard Requirements:** The location of the tower and equipment buildings shall comply with all local, state, and federal natural resource protection standards. The following buffer planting shall be located around the perimeter of the outermost perimeter or security fence of a telecommunication facility:
1. A live evergreen screen consisting of a hedge planted three (3) feet on center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on center, shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet;
 2. Existing vegetation (e.g. trees and shrubs) shall be preserved to the maximum extent possible on the entire site; and
 3. An eight-foot (8') high wood fence or brick masonry wall shall completely surround the entire telecommunication facility, excluding the guy wires.
- D. **Access to Site:** Proposed telecommunication towers and antennas shall meet the following access requirements:
1. Vehicular access to the tower and equipment building shall be provided along any existing drive-ways, whenever feasible.
 2. The wireless telecommunication facility shall be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations, or equipment removal.
- E. **Design Requirements:** Proposed telecommunication towers and antennas shall meet the following design requirements:
1. Telecommunications towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging, and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 2. The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment (e.g. wood, brick, or stucco) is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Only if the facility will be 100% screened during all seasons, with an eight-foot (8') high wooden privacy fence and evergreen shrubs, will other materials be approved.
 3. Only lighting that is for safety or security reasons, or required by the Federal Aviation Administration or other federal or state authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding residential properties.

Telecommunication Facility Standards (TC)

F. Colocation Requirements:

1. At a minimum, a monopole shall be constructed to support the initial user plus the anticipated loading of the number of additional users required in accordance with the Zoning Ordinance.
2. The site of the initial telecommunication tower and telecommunication facility shall be of sufficient area to allow for the location of one (1) additional telecommunication tower and associated telecommunication facility.
3. Any proposed telecommunication tower shall be designed and engineered structurally, electrically, and in all other respects, to accommodate the number of additional users as required in accordance with the Zoning Ordinance. Telecommunication towers shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the tower, and to accept cellular communication equipment and antennas mounted at varying heights.

G. Siting Requirements: A proposal for a new telecommunication tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower shall not be accommodated on an existing or approved tower, building, or other structure due to one (1) or more of the following reasons:

1. The planned cellular communications equipment would exceed the structural capacity of the existing or approved towers, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved towers, buildings, or structures shall not be reinforced, modified, or replaced to accommodate the planned cellular communication equipment at a reasonable cost.
2. The planned cellular communications equipment would cause interference impacting the usability of other existing cellular communications equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference shall not be prevented at a reasonable cost.
3. The existing or approved towers, buildings, or structures within the search radius shall not accommodate the planned cellular communications equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
4. Other unforeseen reasons that make it unfeasible or impossible to locate the planned cellular communications equipment upon an existing or approved tower, building, or structure.
5. The applicant has been unable to enter a commonly reasonable lease term with the owners of existing towers, buildings, or structures.
6. Additional land area is not available at the base of existing towers, buildings, or structures to accommodate the proposed telecommunication facility.

H. Construction Requirements: All antennas, telecommunication towers, accessory structures, and any other wiring constructed within the Yorktown Plan Commission jurisdiction shall comply with the following requirements:

1. All applicable provisions of the Zoning Ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission when applicable.
2. All telecommunication towers and cellular communications equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
3. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals, no part of any cellular communication equipment or telecommunication tower nor any lines, cables, equipment, or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.

Telecommunication Facility Standards (TC)

4. All telecommunication towers and cellular communications equipment shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
 5. All telecommunication towers and cellular communications equipment shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
 6. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower and other cellular communications equipment, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
 7. All telecommunication towers and cellular communications equipment shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
 8. An engineer's certification shall be submitted for all telecommunication towers and all other cellular communications equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all colocation sites, and strength requirements to withstand natural forces (e.g. ice, wind, earth movements, etc.)
 9. All telecommunication towers and cellular communication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least eighty (80) miles per hour with one-half (1/2) inch of ice, and to accommodate all colocation sites as required by the Zoning Ordinance.
- I. **Existing Facilities:** The following shall apply to existing antennas, telecommunication towers, and cellular communications equipment:
1. An existing facility may continue in use for the purpose now used and as now existing, but may not be replaced or significantly structurally altered without complying in all respects to the requirements set out in the Zoning Ordinance.
 2. All requests to install cellular communication equipment on an existing, approved, or "grandfathered" tower, building, or structure shall be submitted to the Town Manager's Office for approval. All such requests will only require an electrical permit, Zoning Administrator's zoning approval, and the contract between the applicant and the owner of the existing tower, building, or structure, unless other approvals are required as set out in the Zoning Ordinance.
- J. **Inspection of Towers:** The following shall apply to the inspection of telecommunication towers:
1. All towers may be inspected at least once every year, or more often as needed to respond to complaints received, by an official of the Town Manager's Office, the Town Engineer, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit was obtained constitutes a violation of the Zoning Ordinance.
 2. Notice of violations will be sent by registered mail to the owner, and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner is required to notify the Zoning Administrator that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results of same.
- K. **Abandoned Towers:** Any tower unused or left abandoned for six (6) months will be removed by the tower owner at its expense. Should the telecommunication tower owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, the Town of Yorktown may remove the tower and bill the owner for the costs of removal and cleanup of the site.

Telecommunication Facility Standards (TC)

6.56 TC-02 Commercial Telecommunication Facility Standards

This Telecommunication Facility Standards section applies to the following districts:



The following telecommunication facility standards apply:

- A. **Special Exception Use Required:** All telecommunication facilities require a Special Exception Use approval from the Board of Zoning Appeals.
- B. **Setbacks:** All telecommunication towers shall be set back from any property line a distance equal to at least eighty percent (80%) of the height of the tower.
- C. **Location:** Telecommunications towers are generally not permitted in front yards, except where evidence provided by the applicant demonstrates that placement in a front yard would provide the best camouflage for the tower.
- D. **Height:** Maximum tower height is 150 feet and the maximum accessory structure height is fifteen (15) feet.
- E. **Additional Antenna Sites:** At least four (4) additional antenna sites shall be provided on a 150-foot tower.
- F. **Separation from Residential Structures:** A tower may not be placed closer than 500 feet to any residential structure.
- G. **Design:**
 - 1. All telecommunication towers shall be a monopole design; and
 - 2. All telecommunication towers shall be camouflaged through the use of color, materials, and landscaping as specified by the Zoning Ordinance and the Zoning Administrator.

6.57 TC-03 Industrial Telecommunication Facility Standards

This Telecommunication Facilities Standards section applies to the following districts:



The following telecommunication facility standards apply:

- A. **Special Exception Use Required:** All telecommunication facilities require a Special Exception Use approval from the Board of Zoning Appeals.
- B. **Setbacks:** All telecommunication towers shall be set back from any property line a distance equal to at least fifty percent (50%) of the height of the tower.
- C. **Location:** Telecommunications towers are generally not permitted in front yards, except where evidence provided by the applicant demonstrates that placement in a front yard would provide the best camouflage for the tower.
- D. **Height:** Maximum tower height is 150 feet and the maximum accessory structure height is fifteen (15) feet.
- E. **Colocation:** Minimum number of additional colocation sites to be provided on a 150-foot tower is four (4).
- F. **Separation from Residential Structures:** A tower may not be placed closer than 500 feet to any residential structure.
- G. **Design:** All telecommunication towers shall be camouflaged through the use of color, materials, and landscaping as specified by the Zoning Ordinance and the Town Manager's Office.

Sexually Oriented Business Standards (SX)

6.58 SX-01 General Sexually Oriented Business Standards

This Sexually Oriented Business Standards section applies to the following districts:



The following sexually oriented business standards apply:

- A. **Districts:** Sexually oriented businesses are only allowed in the C1 and C2 districts.
- B. **Accessory Sexually Oriented Retail Business:** Any business with at least ten percent (10%) but less than forty percent (40%) of its stock in trade or of gross public floor area devoted to the sale, rental, or display of sexually oriented materials shall abide by the following standards:
 - 1. The business shall restrict access to any person under the age of eighteen (18) to either the entire business or to a separate room or section containing all of the sexually oriented materials.
 - 2. If restricting access to the entire business, then the business:
 - a. Shall not be open to any person under the age of eighteen (18).
 - b. Shall provide a sign at the entrance stipulating that persons under eighteen (18) are not permitted inside.
 - c. Shall have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not easily gain admission or the general public will not accidentally enter such business; or provide continuous video or window surveillance of the business entrance by store personnel.
 - d. Shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented materials, on display within the store, shall be screened so they are not visible to persons looking at window displays.
 - 3. If restricting access to a separate room or section, then the room or section:
 - a. Shall not be open to any person under the age of eighteen (18).
 - b. Shall have a sign at the entrance stipulating that persons under eighteen (18) are not permitted inside.
 - c. Shall be physically and visually separated from the remainder of the business by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, which ever is less.
 - d. Shall 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.
 - e. Shall have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will easily not gain admission, or the general public will not accidentally enter such room or section; or provide continuous video or window surveillance of the room by store personnel.
 - f. Shall not display sexually oriented materials in any business windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented materials, on display within the room or section, shall be screened so they are not visible to persons outside the room or section.
- C. **Sexually Oriented Retail Business:** Any business with at least forty percent (40%) of its stock in trade or of gross public floor area devoted to the sale, rental, or display of sexually oriented materials shall abide by the following standards:
 - 1. Shall not locate within an 800-foot radius of a school, church or similar place of worship, library, public park, residential use or district, sexually oriented entertainment business, or other sexually oriented retail business. The distance is measured from the nearest property line to the nearest property line in all directions.

Sexually Oriented Business Standards (SX)

2. Shall not locate within 100 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
 3. Shall not be open to any person under the age of eighteen (18).
 4. Shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. Shall not offer on-site entertainment.
- D. **Sexually Oriented Entertainment Business:** A sexually oriented entertainment business shall abide by the following standards:
1. Shall not locate within an 800-foot radius of a school, church or similar place of worship, library, public park, residential use or district, sexually oriented retail business, or other sexually oriented entertainment business. The distance is measured from the nearest property line to the nearest property line in all directions.
 2. Shall not locate within 100 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
 3. Shall not be open to any person under the age of eighteen (18).
 4. Shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. Shall offer entertainment only in rooms or spaces which each have a gross public floor area of at least 600 square feet, excluding restrooms, hallways, and entryways. Such rooms or spaces shall not be subdivided by temporary or permanent walls or dividers.
 6. Shall not sell, rent, or display sexually oriented materials.

Special Exception Use Standards (SE)

6.59 SE-01 General Special Exception Use Standards

This Special Exception Use Standards section applies to the following districts:



The following Special Exception Use standards apply:

- A. **Development Standards:** The development standards assigned to each zoning district are considered appropriate for the Permitted Uses within that district. However, the development standards are not considered appropriate for all Special Exception Uses within a zoning district. For instance, some business uses are allowed in residential districts as Special Exception Uses. In this case, residential development standards would not necessarily be applicable.
 1. The Board of Zoning Appeals shall determine which development standard sections within *Article 6: Development Standards* shall apply to all Special Exception Uses. The development standards determined to apply shall be documented in the application and approval.
 2. If the Special Exception Use is a Permitted Use within another district, the development standards for that district shall be used as a guideline.
 3. In situations where the Special Exception Use is not a Permitted Use in any district, the most stringent development standards may be assigned by the Board of Zoning Appeals as appropriate.
- B. **Procedure:** The approval process and criteria for Special Exception Uses is in *Article 9: Processes, Permits, and Fees* of the Zoning Ordinance.
- C. **Requirements:** All Special Exception Uses shall meet the following requirements:

Special Exception Use Development Standard Requirements	
Special Exception Use	Development Standard Requirements
All Single-family Residential Uses	Development Standards from R2 District
All Multiple-family Residential Uses	Development Standards from M1 District
All Other Residential Uses	Development Standards from R3 District
Institutional/Public Facility Uses	Development Standards from IS District
Business: Auto Sales/Service Uses	Development Standards from C2 District
Business: Food Sales/Service Uses	Development Standards from C1 District
Business: General Business Uses	Development Standards from C1 District
Business: Office/Professional Uses	Development Standards from OC District
Business: Retail Uses	Development Standards from C2 District
Business: Personal Service Uses	Development Standards from C1 District
Business: Recreation Uses	Development Standards from PR District
Communication/Utility Uses	Development Standards from LI District
Industrial Uses	Development Standards from IN District

Miscellaneous Standards (MC)

6.60 MC-01 Recreational Vehicle Storage and Parking Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standards apply:

- A. Storage or parking of recreational vehicles is subject to the following conditions:
1. At no time may anyone occupy or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes, except as outlined below:
 - a. A property owner may allow a recreational vehicle to park on the owner's property for up to fifteen (15) consecutive days, but not to exceed thirty (30) total days in any one (1) calendar year to allow a visit by the recreational vehicle's occupant.
 - b. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one (1) time.
 - c. A recreational vehicle shall not be parked on a parcel without a primary building.
 - d. The owner of a recreational vehicle may store or park the recreational vehicle behind or alongside the primary building in such a manner that no part of the vehicle projects beyond the front of the primary structure, side yard setback, or rear yard setback.
 - e. A recreational vehicle shall not block a sidewalk.
 - f. A recreational vehicle shall not be used for personal storage.

6.61 MC-02 Property Line Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standard applies:

- A. All side property lines shall be within ten degrees (10°) of perpendicular to the street center line or radial on curve.

6.62 MC-03 Address Posting Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standard applies:

- A. Street addresses shall be posted on all primary structures, be visible from primary roadway, and/or be posted on mailbox or other suitable structures visible from primary roadway.

6.63 MC-04 Dumpsters and Trash Refuse Screening Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standards apply:

- A. Dumpsters, compactors, and similar containers shall be screened on all sides by a fence or wall and shall be constructed with the same exterior building materials as the primary structure. However, glass or similar translucent and breakable materials shall not be used.
- B. The height of the enclosure shall be five (5) feet tall or higher if the height does not block the view of the dumpster, compactor, or similar container.

Miscellaneous Standards (MC)

6.64 MC-05 Adequate Infrastructure Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standards apply:

- A. Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
- B. If a public street, drainage facility, or public utility is deemed inadequate to handle the anticipated impact of the development, the development project shall not be permitted.
- C. The petitioner may volunteer to overcome the inadequate public street, drainage facility, or public utilities by negotiating or coordinating a remedy with the Town Engineer, Board of Public Works, and/or Yorktown Town Council. Upon execution of a written contract, the adequate public facility standard shall be deemed to be met.
- D. When public improvements are being completed by the petitioner, performance and maintenance guarantees for such improvements shall be determined.

6.65 MC-06 Outdoor Storage Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standards apply:

- A. Outdoor storage of equipment, materials, vehicles, palettes, and like materials shall be shielded from view from all sides with a six-foot (6') privacy fence as follows:
 1. Said fence shall present the most aesthetically pleasing side outward.
 2. One (1) shrub for every ten (10) feet of fencing shall be planted, or one (1) ornamental tree for every twenty-five (25) feet of fencing shall be planted
 3. The required shrubs or ornamental trees shall be planted along the outside of the fence, no closer than three (3) feet from the fence or any impervious surfaces (e.g. parking lot or sidewalk).

6.66 MC-07 Miscellaneous Manufactured Home and Manufactured Home Park Standards

This Miscellaneous Standards section applies to the following district:



The following miscellaneous standards apply:

- A. Each manufactured or mobile home in a manufactured or mobile home park shall be placed on a permanent foundation or be strapped down and have perimeter skirting.
- B. Manufactured or Mobile Home Parks shall be in accordance with *IC 16-11-27-1* et. seq., *Rule 410 IAC 6-6* and their subsequent amendments, the State Board of Health requirements, and the requirements of the Zoning Ordinance.

6.67 MC-08 Guard Rail Standards

This Miscellaneous Standards section applies to the following districts:



The following miscellaneous standard applies:

- A. Guard rails shall not permitted for any purpose.

Article 7

Planned Developments



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Planned Development (PD) District

7.1 District Intent, Permitted Uses, and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
<p>The purpose of these standards is to provide greater design flexibility in the development of land when consistent with the Yorktown Comprehensive Plan and intent of the Zoning Ordinance and Subdivision Control Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such standards promotes a harmonious variety of uses; provides for an economy of shared services and facilities; is compatible with surrounding areas; and fosters the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.</p> <p>The Planned Development standards and procedures may apply to the further development of existing developed lands or to vacant lands. Further, they generally only apply to large tracts of land.</p> <p>Planned Development standards are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type, design and layout of sites and buildings. Planned Development projects should also encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees or environmental features, and the inclusion of recreation areas within new subdivisions.</p>	<ul style="list-style-type: none"> • All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right. • In general, the uses that will be considered in a Planned Development are: Uses designated as Permitted Uses or Special Exception Uses in the base zone district. • <i>For example if the base zoning was R2 and the proposed Planned Development district would be PD-R2, the Permitted Uses and Special Exception Uses in the R2 District would generally be appropriate.</i> • All other land uses will be reviewed and considered at the discretion of the Plan Commission. Mixed uses are required as part of a residential Planned Development. All land uses proposed in a Planned Development shall be nonconflicting and in the spirit of the Comprehensive Plan, the previous zoning district, surrounding land uses, and zoning districts. 	<p>Minimum Land Area:</p> <ul style="list-style-type: none"> • 20 acres to qualify for any Planned Development <p>Minimum Lot Frontage:</p> <ul style="list-style-type: none"> • 200 feet on a public street with access from said public street <p>Maximum Lot Coverage:</p> <ul style="list-style-type: none"> • Total square footage of all primary and accessory structures, and impervious surface shall not exceed 70% of the lot area <p>Minimum Floor Area:</p> <ul style="list-style-type: none"> • Based on base zone district <p>Maximum Structure Height:</p> <ul style="list-style-type: none"> • 50 feet for primary structure • 20 feet for accessory structure

7.2 Introduction to Article 7

Planned Developments are a special district that can be pursued by an applicant.

7.3 Rezoning to a Planned Development District

A. **Permitted Districts:** Planned Development districts can only be created from the R1, R2, R3, M1, M2, OC, C1, C2, LI, and IN zoning districts. From each of these zoning districts, called the base zone district during the application process, the following Planned Development districts can be created once detailed development plans are approved by the Plan Commission:

1. R1 districts can only be rezoned to PD-R1
2. R2 districts can only be rezoned to PD-R2
3. R3 districts can only be rezoned to PD-R3
4. M1 districts can only be rezoned to PD-M1
5. M2 districts can only be rezoned to PD-M2
6. OC districts can only be rezoned to PD-OC
7. C1 districts can only be rezoned to PD-C1
8. C2 districts can only be rezoned to PD-C2
9. LI districts can only be rezoned to PD-LI
10. IN districts can only be rezoned to PD-IN

B. **Rezoning:** No other zoning district can be rezoned directly to a Planned Development district. An applicant may first ask that a property be rezoned to a zoning district that allows a Planned Development district. Further, if an applicant wants a Planned Development district based on a different base zoning district, a successful rezoning request to change the base zoning district to the preferred base zone shall first be accomplished.

7.4 Planned Development Uses

Planned Developments may contain mixed uses. Depending on the base zoning, the maximum overall square footage of land area allowed by type is as follows:

Planned Development Uses				
Base Zoning District	PD District	Residential	Commercial	Manufacturing
R1	PD-R1	80%	25%	0%
R2	PD-R2	80%	30%	0%
R3	PD-R3	80%	30%	0%
M1	PD-M1	60%	50%	0%
M2	PD-M2	60%	50%	0%
OC	PD-OC	50%	100%	0%
C1	PD-C1	35%	100%	0%
C2	PD-C2	35%	100%	0%
LI	PD-LI	0%	45%	100%
IN	PD-IN	0%	25%	100%

7.5 Origination of Proposals

Any applicant may propose a Planned Development district in accordance with the procedures hereinafter established. Further, the applicant making such a proposal shall intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Development need not be under single ownership. However, if not under single ownership, the multiple owners shall have a contractual agreement not to develop the parcels separately, but in accordance with a single, unified plan, and in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned to the satisfaction of the Plan Commission.

7.6 Drafting of a Planned Development Ordinance

The Zoning Administrator shall review the proposed Planned Development ordinance and act as the document's editor. The general intent of the Zoning Ordinance and Subdivision Control Ordinance shall be used as a foundation for regulations in the Planned Development Ordinance. Development standards and subdivision regulations that assure public safety shall be included.

Article 8

Nonconforming Structures, Lots, and Uses



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Article 8

Nonconforming Structures, Lots, and Uses

8.1 Introduction to Article 8

Upon adoption of the Zoning Ordinance and Official Zoning Map, some buildings, structures, lots, and uses may no longer conform to the standards of the zoning district in which they are located. For this reason, *Article 8: Nonconforming Structures, Lots, and Uses* has been generated to provide the rules, policies, and standards that apply to these buildings, structures, lots, and uses referred to as legal-nonconforming, also known as "grandfathered".

8.2 Distinction Between Illegal-Nonconforming and Legal Nonconforming

A building or structure which was constructed, or lot being used without an approved building permit, zoning compliance permit, or approval from the Board of Zoning Appeals or Plan Commission is considered illegal-nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by the Zoning Ordinance and all other applicable municipal law, and shall be altered to conform with all applicable standards and regulations of the Zoning Ordinance. Further, an illegal nonconforming building, structure, lot, or use is one that was created at the fault of the owner or tenant, and not the result of the passage of this or a previously adopted Zoning Ordinance.

Legal-nonconforming differs from illegal-nonconforming in that the reason for the nonconformance is caused by a change to the Zoning Ordinance. The building, structure, lot, or use has not changed, but due to the Zoning Ordinance change, the property no longer conforms to the policies and standards of the zoning district in which the property resides. When this situation occurs, the property is deemed legal-nonconforming, also known as "grandfathered."

8.3 Nonconforming Buildings and Structures

- A. **Legal-nonconforming Building or Structure:** Any continuously occupied, lawfully established structure or building prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meets the design standards due to the reasons listed below shall be deemed a legal-nonconforming building or structure.
- B. **Development Standards:** Legal-nonconforming building or structure no longer meet one (1) or more of the following development standards of the Zoning Ordinance:
1. Front, side, and rear yard setbacks,
 2. Maximum lot coverage,
 3. Minimum main floor area,
 4. Minimum finished floor area,
 5. Height,
 6. Temporary structures,
 7. Landscaping,
 8. Parking,
 9. Accessory structures,
 10. Abandonment, or
 11. Any other provision of the Zoning Ordinance that is applicable to the building or structure.
- C. **Tolerances:** A legal-nonconforming building or structure may stand provided that it remains the same or fits within the following tolerances:
1. A legal-nonconforming building or structure shall not be enlarged or altered in a manner that increases its nonconformity. A building, structure, or portion thereof may be altered to decrease its nonconformity.
 2. Any legal-nonconforming building or structure which is damaged or destroyed by more than sixty-six percent (66%) of its fair market value shall thereafter conform to the standards of the district in which it is located.

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- D. **Conformance:** If a building or structure is moved by any distance and for any reason, it shall thereafter conform to the provisions of the Zoning Ordinance.

8.4 Nonconforming Lots of Record

- A. **Legal-nonconforming Lots:** All legally established and recorded lots prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a legal-nonconforming lot of record. A legal-nonconforming lot of record no longer meets one (1) or more of the following lot standards of the Zoning Ordinance:
1. Lot area,
 2. Lot width,
 3. Lot depth,
 4. Lot frontage, or
 5. Any other provision of the Zoning Ordinance that is applicable to lots.
- B. **Development Standards:** Legal-nonconforming lots of record may be built upon only if the proposed use is permitted, and all development standards of the applicable zoning district of the Zoning Ordinance are met.

8.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

- A. **Legal-nonconforming Use:** A continuous, lawful use of a structure, land, or structure and land in combination established prior to the effective date of the Zoning Ordinance (or its subsequent amendments), that is no longer a Permitted Use in the district where it is located shall be deemed a legal-nonconforming use.
- B. **Development Standards:** A legal-nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:
1. No existing structure devoted to a legal-nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
 - a. Complies with *Section 8.5(C): Expansion* for limited and small expansions, or
 - b. Changes the use of the structure to a use permitted in the district in which it is located, or
 - c. Changes the use to a less intensive nonconforming use, and is approved by the Zoning Administrator or Board of Zoning Appeals.
 2. No building or structure shall be constructed in connection with an existing legal-nonconforming use of land.
 3. Any legal-nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of the Zoning Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- C. **Expansion:** In the case of a legal-nonconforming use of structure, the structure may be expanded two (2) times only. Each of the two (2) expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a Development Standards Variance is received from the Board of Zoning Appeals. If the structure is a commercial or industrial use in a residential district, the parking standards set forth in *Sections 6.45 through 6.47: Parking Standards* shall apply.
- D. **Change to Another Legal-nonconforming Use:** If no structural alterations are made, a legal-nonconforming use of structure, or structure and land in combination may be changed to another legal-nonconforming use, provided that the Zoning Administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal-nonconforming use. However, if the new use requires more parking area than the previous use, such new use will comply with the parking requirements for its current zoning district, unless a Development Standards Variance is granted by the Board of Zoning Appeals.

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- E. **Discontinuance:** If a legal-nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure, or land and structure in combination shall conform to the provisions of the Zoning Ordinance.
 - F. **Conformance:**
 - 1. When a legal-nonconforming use is superseded by a Permitted Use, it shall thereafter conform to standards of the district; the legal-nonconforming use may not thereafter be resumed.
 - 2. Where a legal-nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction is defined as damage to more than sixty-six percent (66%) of its fair market value at the time of destruction.

8.6 Nonconforming Signs

- A. **Legal-nonconforming Sign:** Any sign lawfully existing on the effective date of the Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance and has been registered within the allotted time period as described in *Section 8.7: Registration of Nonconforming Signs* is considered a legal-nonconforming sign.
- B. **Continued Legal-nonconformance:** Signs which existed prior to the time the Zoning Ordinance was passed and were in conformance with previous ordinances will be legally nonconforming until such time a major change is made to the sign. Major changes include changing the size, changing the height, adding lights, and/or relocation.
- C. **Maintenance:** All legal-nonconforming signs shall be kept in good repair, safe, neat, clean, and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever by fifty percent (50%) or more of its fair market value, said sign shall then be made to conform to the standards of the Zoning Ordinance.
- D. **Discontinuance:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Zoning Administrator may remove the sign at the expense of the property owner or lessee.
- E. **Conformance:** Legal-nonconforming signs which are structurally altered by a major change, relocated, or replaced shall comply immediately with all provisions of the Zoning Ordinance.
- F. **Temporary Signs:** A legal-nonconforming temporary sign may remain on a lot for the allotted duration of temporary sign starting from the effective date of the Zoning Ordinance. On the date that the sign reaches its time limit, the sign shall be removed. All future temporary signs shall meet the Zoning Ordinance standards for temporary signs.

8.7 Registration of Nonconforming Signs

Registration of nonconforming signs is required in order to: be aware of those signs that will become nonconforming upon the passage of the Zoning Ordinance; provide ease in administration; discourage the proliferation of signage; and promote the health, safety, welfare, and aesthetics of the Town of Yorktown. Registration of nonconforming signs is required as follows:

- A. **Registration Deadline:** All signs that will be rendered nonconforming by the Zoning Ordinance shall be registered with the Town Manager's Office within six (6) months from the effective date of the Zoning Ordinance. If a sign is not registered within the six (6) month period, it shall be considered illegal and shall be subject to actions and penalties allowed by the Zoning Ordinance and shall be altered to conform with all applicable standards and regulations of the Zoning Ordinance.
- B. **Illegal Signs:** Illegal signs shall not be registered.
- C. **Applications:** Registration applications will be kept on file at the Town Manager's Office. Applications will include:
 - 1. Name, address, and phone of the property owner, owner of the sign, and the tenant leasing space.

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2. Location of sign, dimensions of sign and a photograph of the sign.
 3. A signed acknowledgement stating the rights of the sign owner and more specifically, how to maintain the sign's legal-nonconformity.

D. **Renewal of Registration:** Registration shall be renewed if there is a change in owner or renter of the sign. If registration is not renewed within three (3) months of change of ownership or renter, it shall be considered illegal and shall be subject to actions and penalties allowed by the Zoning Ordinance and shall be altered to conform with all applicable standards and regulations of the Zoning Ordinance.

8.8 Repairs and Maintenance

The following applies to legal-nonconforming structures or buildings, and legal-nonconforming uses of structures, or structures and land in combination:

- A. **Common Repairs:** Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing with the condition that the square footage and volume of usable space shall not be increased after the passage of the Zoning Ordinance.
- B. **Unsafe Buildings:** If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition, the building or structure shall be restored, repaired, or rebuilt within six (6) months of the declaration. If the improvements have not been made within the six (6) months, all future improvements shall conform to all standards and regulations within the Zoning Ordinance.
- C. **Conformance:** If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. **Safe Condition:** Nothing in this section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.



Article 9

Processes, Permits, and Fees



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Article 9

Processes, Permits, and Fees

9.1 Types of Petitions

The following section recognizes and outlines each of the permits, formal approvals, and appeals:

- A. **Application Required:** The Town of Yorktown hereby requires that an application and filing fee be submitted for the following formal petition:
1. Zoning Compliance Permit
 2. Occupancy Permit
 3. Sign Permit
 4. Temporary Sign Permit
 5. Fence Permit
 6. Development Standards Variance
 7. Use Variance
 8. Special Exception Use
 9. Zoning Amendment (i.e. rezoning)
 10. Planned Development
 11. Administrative Appeal
 12. Questionable Land Use Appeal
- B. **Applications and Fees:** All application forms may be obtained through the Zoning Administrator's office. Fees shall be paid at the Zoning Administrator's office at the time a docket number is assigned.
- C. **Permits and Approvals Required:** A project shall not proceed without first successfully being granted the applicable permits, formal approvals, and/or appeals. Any project that proceeds otherwise is subject to fines, penalties, and court action. See *Article 10: Enforcement and Penalties*.

Zoning Compliance Permit

9.2 Zoning Compliance Permit

The following procedure applies to a Zoning Compliance Permit petition:

- A. **Permit Required:** The Town of Yorktown requires that a zoning compliance permit be obtained for:
1. the erection of a structure or building greater than 144 square feet in area;
 2. the erection of a structure or building less than 144 square feet in area with a permanent foundation;
 3. the relocation of a structure or building greater than 144 square feet in area;
 4. an addition to a structure or building;
 5. the demolishing of a structure or building;
 6. the structural alteration of a structure or building greater than 144 square feet in area;
 7. the change in use of a lot; and
 8. the expansion of a land use.
- B. **Conformance Required:** No zoning compliance permit shall be issued by the Zoning Administrator unless the project is in conformity with the provisions of the Zoning Ordinance.
- C. **Single-family Residential Projects:** The following information shall be presented with the application for a zoning compliance permit for single-family residential uses:
1. The common address for the subject lot,
 2. A site plan showing the shape of the lot to be built upon or used,
 3. Setback distances from all property lines, and from existing and proposed road rights-of-way,
 4. Location and types of landscaping proposed for the subject lot,
 5. The location of existing and proposed building or alterations, or use, including all paved areas,
 6. A statement indicating the maximum height of the structure.
- D. **Non Single-family Residential Projects:** The following information shall be presented with the application for a zoning compliance permit for non single-family residential uses. All site plans for non single-family residential projects shall be prepared by a land surveyor, engineer, architect, or landscape architect licensed in the State of Indiana.
1. The common address for the subject lot,
 2. A site location map showing the context around the subject lot,
 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used,
 4. The exact sizes and locations of all existing structures, buildings, utilities, wells, and septic systems,
 5. The location and dimensions of proposed building or alteration, or use, including all paved areas,
 6. Setback distances from all property lines, and from existing and proposed road right-of- ways,
 7. Width and length of all curb cuts, entrances and exits to and from the lot,
 8. Location of any floodplain boundaries or wetlands on the lot or within 100 feet of the lot,
 9. Elevations of the existing or proposed building or alterations,
 10. Description of the existing or proposed uses of the building and land,
 11. The number dwelling units or rental units the building is designed to accommodate,
 12. A statement about any natural, physical, or hazardous conditions existing on the lot,
 13. Landscape plan,
 14. Lighting plan, and
 15. Copy of drainage approval, if applicable.
- E. **Administrative Waivers:** The Zoning Administrator may waive any of the requirements in *Section 9.2(C): Single-family Residential Projects* or *Section 9.2(D): Non Single-family Residential Projects* if they are deemed unnecessary for evaluating the project.

Zoning Compliance Permit

- F. **Approved Plans:** The approved plans and application materials are retained by the Plan Commission, Zoning Administrator, or Building Commissioner's office.
- G. **Expiration of Permits:**
1. If the work described in any zoning compliance permit has not begun within one (1) year from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 2. If the work described in any zoning compliance permit has not been completed within two (2) years for a primary structure, accessory structures, or other improvements of the date of issuance thereof, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless, and until, a new zoning compliance permit has been obtained.
 3. The Zoning Administrator may give three (3) extensions for up to six (6) months each for work completion. Requests for extensions shall be received within two (2) weeks of the expiration.
- H. **Change in Plans:** Zoning compliance permits issued on the basis of plans and applications submitted only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, or fines and penalties.
- I. **Exemptions:** The following activities are permitted without a zoning compliance permit, provided that all other applicable standards are met:
1. Normal plowing and preparing the land for farming, gardens, and yards.
 2. Trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
 3. Earth movement related to farming and other agricultural activity.
 4. Drain tile laying and ditch maintenance.

Occupancy Permit

9.3 Occupancy Permit

The following standards and procedures apply to receive an occupancy permit:

A. Permit Required:

1. The Town of Yorktown hereby requires that an occupancy permit be obtained prior to a building being occupied or utilized for any situation that requires a zoning compliance permit.
2. The Town of Yorktown also requires that an occupancy permit be obtained prior to a temporary building being occupied or utilized for each of the following types of building:
 - a. Temporary classrooms,
 - b. Sales trailers,
 - c. Construction trailers,
 - d. Model homes, or
 - e. Similar type of building in which the Zoning Administrator requires an occupancy permit.
3. If an occupancy permit is required under *Section 9.3(A)(1) or (2): Occupancy Permit*, it is unlawful and a violation of the Zoning Ordinance for anyone to occupy or utilize a building until the occupancy permit is issued by the Zoning Administrator. Anyone who is required to obtain an occupancy permit, and fails to do so, is subject to a stop work order, mitigation, fines, or penalties.

B. Prerequisites: For an occupancy permit to be issued, each of the following shall be successfully completed:

1. Legally obtain a zoning compliance permit and building permit.
2. Pass a final inspection by the building inspector.
3. Submit an application for the occupancy permit to be issued.
4. Receive approval from the Zoning Administrator.

C. Surety: An occupancy permit shall be issued after all requirements of the zoning compliance permit have been completed. However, due to weather or other circumstances, an occupancy permit may be issued without the required landscaping, building finishes, or parking lot finishes. In some instances, the Zoning Administrator may require a surety (e.g. performance bond, letter of credit, contract, etc.) prior to issuance of the occupancy permit.

Sign Permit

9.4 Sign Permit

The following procedure applies to sign permit petitions for permanent signs:

- A. **Application:** An application for a sign permit shall be filed with the Zoning Administrator and shall be accompanied by information as may be required by the Zoning Administrator to assure compliance with the laws and standards of the Zoning Ordinance, including, but not limited to:
 - 1. Name and address of the owner of the lot on which the sign is located or is to be located.
 - 2. Name and address of the owner of the sign, if different than the owner of the lot.
 - 3. Drawings of the sign with the dimensions drawn to scale.
 - 4. Drawing of the lot showing the proposed location of the sign with lot and sign dimensions drawn to scale.
 - 5. Description of the sign, including the foundation, materials, lighting, and structure to be used.
 - 6. The size and location of all other signs, permanent or temporary, on the same lot, or owned or leased by the petitioner.
- B. **Application Review:** A sign permit application shall be reviewed and approved by the Zoning Administrator, unless the proposed sign does not clearly meet the sign standards in the Zoning Ordinance.
- C. **Signs in Violation:** If any sign is erected, placed, installed, or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, fines and/or penalties.
- D. **Unlawful Signs:** A sign permit issued under the provisions of the Zoning Ordinance shall not be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall it be deemed as a defense in an action to remove an unlawful sign.
- E. **Expiration of Permits:**
 - 1. If the work described in any zoning compliance permit has not begun within six (6) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 - 2. If the work described in any zoning compliance permit has not been completed within one (1) year from the date of issuance, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new sign permit has been obtained.
 - 3. The Zoning Administrator may give two (2) extensions for up to three (3) months each for work completion. Requests for extensions shall be received within two (2) weeks of the expiration.
- F. **Exemptions:** The following shall not be required to have a sign permit unless otherwise specified:
 - 1. Changeable Copy: The changing of copy (e.g. text) on a changeable copy sign, or portion of a sign that is designated for changeable copy, as defined on the approved permit.
 - 2. Maintenance: Painting, repainting, cleaning, changing light bulbs, or other normal maintenance and repair of a sign or sign structure, provided the sign area is not altered, the lighting is not made brighter, or the sign's structure is not altered.
 - 3. Exempt Signs: Exempt signs as described in *Section 6.35: General Sign Standards*.

Temporary Sign Permit

9.5 Temporary Sign Permit

The following procedure applies to temporary sign permit petitions for temporary signs:

- A. **Application:** An application for a temporary sign permit shall be filed with the Zoning Administrator and shall be accompanied by information as may be required by the Zoning Administrator to assure compliance with the laws and standards of the Zoning Ordinance, including, but not limited to:
 - 1. Name and address of the owner of the lot on which the sign is to be located.
 - 2. Name and address of the owner of the sign.
 - 3. Clear and legible drawings or photographs of the temporary sign with dimensions.
 - 4. Clear and legible drawing of the lot showing the proposed location of the sign and drawn to scale.
 - 5. Description of the sign to be used (e.g. structure, lighting, attachments, etc.).
 - 6. Period of time the sign is intended to be used.
- B. **Application Review:** A temporary sign permit application shall be reviewed and approved by the Zoning Administrator, unless the proposed sign does not clearly meet the sign standards in the Zoning Ordinance. In that case, the Zoning Administrator shall delegate the administrative interpretation and approval to the Plan Commission.
- C. **Signs in Violation:** If any sign is erected, placed, installed, or otherwise established on any property before obtaining a temporary sign permit as required herein, the sign shall be in violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, or fines and penalties.

Fence Permit

9.6 Fence Permit

The following procedure applies to a fence permit petition:

- A. **Permit Required:** The Town of Yorktown hereby requires that a fence permit be obtained for the:
 - 1. Erection of a fence.
 - 2. Modification to an existing legal or legal-nonconforming fence.
 - 3. Relocation of a legal or legal-nonconforming fence.
- B. **Application Review:** A fence permit application shall be reviewed and approved by the Zoning Administrator, unless the proposed fence does not clearly meet the fence standards in the Zoning Ordinance.
- C. **Required Information for Submittal:** The following information shall be presented with the application for a fence permit:
 - 1. The common address for the subject lot,
 - 2. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used,
 - 3. The exact sizes and locations of all existing structures, buildings, utilities, wells, and septic systems,
 - 4. The location and dimensions of proposed building or alteration, or use, including all paved areas,
 - 5. Setback distances from all property lines, and from existing and proposed road rights-of-way,
 - 6. Width and length of all curb cuts, entrances and exits to and from the lot,
 - 7. The location of the proposed fence,
 - 8. Elevations of the proposed fence or alteration to an existing fence; and
 - 9. Description of the fence's features, including height, materials, and the like.
- D. **Administrative Waivers:** The Zoning Administrator may waive any of the requirements in *Section 9.6(C): Required Information for Submittal* if they are clearly unnecessary for evaluating the project.
- E. **Expiration of Permits:**
 - 1. If the work described in any zoning compliance permit has not begun within six (6) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 - 2. If the work described in any zoning compliance permit has not been completed within one (1) year from the date of issuance, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new fence permit has been obtained.
 - 3. The Zoning Administrator may give two (2) extensions for up to three (3) months each for work completion. Requests for extensions shall be received within two (2) weeks of the expiration.
- F. **Changes in Plans:** Fence permits issued on the basis of plans and applications submitted only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, or fines and penalties.

Development Standards Variance

9.7 Development Standards Variance

The following procedure applies to Development Standards Variance petitions:

- A. **Application Required:** The applicant shall submit a Development Standards Variance application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- B. **Application Review:** The Zoning Administrator will then review:
 - 1. The Development Standards Variance application,
 - 2. Required supportive information,
 - 3. Testimony of the applicant, and
 - 4. Testimony of the public.
- C. **Board of Zoning Appeals Consideration:** The Board of Zoning Appeals may approve, deny, or table the petition. The Board of Zoning Appeals may also add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with *IC 36-7-4-900* et seq. and the standards of the Zoning Ordinance.
- D. **Resubmittal:** If a petition was previously denied, the Zoning Administrator shall refuse to accept a new petition for the same or similar Development Standards Variance within six (6) months of the date of the denial. However, the Zoning Administrator shall have the authority and discretion to determine that a petition containing major changes may justify refile within the six (6) month period.
- E. **Findings of Fact:** The Board of Zoning Appeals may grant a Development Standards Variance from the development standards of the Zoning Ordinance (e.g. height, bulk, area) if, after a public hearing, it makes findings of facts in writing 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 Development Standards Variance will not be affected in a substantially adverse manner; and
 - 3. The strict application of the terms of the Zoning Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction of, economic gain.
- F. **Written Commitments:** The Board may permit or require the owner of a parcel of property to make written commitments and record them in the County Recorder's Office concerning the use or development of that parcel, or may impose conditions upon the Development Standards Variance.
- G. **Expiration:** A Developmental Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms with the Zoning Ordinance as written.
- H. **Enforcement:** The Zoning Administrator or Board of Zoning Appeals may enforce any condition and/or commitment that the Board of Zoning Appeals has imposed as if it were a standard of the Zoning Ordinance.

Use Variance

9.8 Use Variance

The following procedure applies to Use Variance petitions:

- A. **Application Required:** The applicant shall submit a Use Variance application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- B. **Application Review:** The Board of Zoning Appeals will then review:
 1. The Use Variance application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- C. **Board of Zoning Appeals Consideration:** The Board of Zoning Appeals may approve, deny, or table the petition. The Board of Zoning Appeals may also add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with *IC 36-7-4-900* et seq. and the requirements of the Zoning Ordinance.
- D. **Resubmittal:** If a petition was previously denied, the Zoning Administrator shall refuse to accept a new petition for the same or similar Use Variance within six (6) months of the date of the denial. However, the Zoning Administrator shall have the authority and discretion to determine that a petition containing major changes may justify refile within the six (6) month period.
- E. **Findings of Fact:** The Board of Zoning Appeals may grant a Use Variance if, after a public hearing, it makes findings of facts in writing that:
 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 2. The use and value of the adjacent areas to the subject property are not adversely affected; and
 3. The need for a Use Variance stems from a condition unusual or peculiar to the subject property itself; and
 4. The strict application of the terms of the Zoning Ordinance will result in an unnecessary hardship if they were applied to the subject property; and
 5. The approval of the Use Variance does not contradict the goals and objectives of the Comprehensive Plan.
- F. **Written Commitments:** The Board may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of Use Variance.
- G. **Expiration:** A Use Variance granted by a Board of Zoning Appeals may run with the lot until one (1) or more of the below situations occur, at which time the Use Variance will expire:
 1. The use of the Use Variance ends, is vacated, or goes unused for three (3) months consecutively.
 2. The time limit for the Use Variance, as conditioned by the Board of Zoning Appeals, expires.
 3. The dominant use changes and the new dominant use conforms with the Zoning Ordinance as written.
 4. The property is sold.
- H. **Enforcement:** The Zoning Administrator or Board of Zoning Appeals may enforce any condition and/or commitment that the Board of Zoning Appeals has imposed as if it were a standard of the Zoning Ordinance.

Special Exception Use

9.9 Special Exception Use

The following procedure applies to Special Exception Use petitions:

- A. **Application Required:** The applicant shall submit a Special Exception Use application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- B. **Application Review:** At their next regularly scheduled public meeting, the Board of Zoning Appeals shall then review:
 1. The Special Exception Use application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- C. **Board of Zoning Appeals Consideration:** The Board of Zoning Appeals may approve, deny, or table the petition. The Board of Zoning Appeals may also add conditions to an approval.
- D. **Resubmittal:** The Zoning Administrator shall refuse to accept a petition for a Special Exception Use within six (6) months of the date of denial when said petition involves the same subject matter. However, the Zoning Administrator shall have the authority and discretion to determine that a petition containing major changes may justify refile within a six (6) month period.
- E. **Prerequisite:** To be eligible for the granting of a Special Exception Use under this section, a person shall first receive a determination from the Zoning Administrator that a Special Exception Use is required for the intended use, change of use, or for the expansion, extension, or enlargement of a use.
- F. **Approval Required:** There shall be no cases or applications, nor any particular situation in which these rules authorize Special Exception Uses without the approval of the Board of Zoning Appeals. Further, no previous applications shall set a precedent for any other application before the Board of Zoning Appeals.
- G. **Findings of Fact:** The Board of Zoning Appeals may grant a Special Exception Use for a use in a district if, after a hearing, it makes findings of facts in writing that:
 1. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
 2. The requirements and development standards for the requested use as prescribed by the Zoning Ordinance will be met;
 3. Granting the exception will not subvert the general purpose served by the Zoning Ordinance, and will not permanently injure other property or uses in the same district and vicinity; and
 4. The proposed use will be consistent with the character of the district therein, the spirit and intent of the Zoning Ordinance, and the Yorktown Comprehensive Plan.
- H. **Criteria for Consideration:** When considering a Special Exception Use the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 1. Topography and other natural site features;
 2. Zoning of the site and surrounding properties;
 3. Driveway locations, street access, and vehicular and pedestrian traffic;
 4. Parking amount, location, and design;
 5. Landscaping, screening, and buffering;
 6. Open space and other site amenities;
 7. Noise production and hours of operation;
 8. Design, placement, architecture, and building material of the structure;
 9. Placement, design, intensity, height, and shielding of lights;
 10. Traffic generation; and
 11. General site layout as it relates to its surroundings.

Special Exception Use

- I. **Conditions:** The Board of Zoning Appeals may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served and require the owner of the parcel of property to have such condition recorded in the County Recorder's Office.
- J. **Written Commitments:** The Board of Zoning Appeals may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under *IC 36-7-4-921* and have such commitment recorded in the County Recorder's Office.
- K. **Time Limitations:** The Board of Zoning Appeals may limit Special Exception Uses to a specific individual, and/or a specific time period, and for a specific use.
- L. **Change in Plans:** A use authorized by Special Exception Use may not be changed, expanded, extended, or enlarged unless reauthorized by the Board of Zoning Appeals under the procedures set forth in these rules for granting a Special Exception Use.
- M. **Expiration:** If the Board of Zoning Appeals grants the Special Exception Use, it shall direct the applicant to apply for a building permit and/or a zoning compliance permit within four (4) months or the Special Exception Use will be void. If such application complies with all ordinances and rules, a building permit and/or a zoning compliance permit for the use authorized by Special Exception Use shall be issued.
- N. **Discontinuance:** A Special Exception Use granted for a specific use ceases to be authorized and is void if that use is not fifty percent (50%) established within a twelve (12) month period of the date the Special Exception Use was granted. A Special Exception Use, granted for a specific use, ceases to be authorized and is void if that use is discontinued at that site for a consecutive six (6) months.
- O. **Termination:** A Special Exception Use may be terminated by the Board of Zoning Appeals as follows:
 - 1. Upon the filing of an application by an interested person or a member of the staff, and after which a public hearing is held with notice to the property owner; and,
 - 2. At the public hearing a finding is made by the Board of Zoning Appeals that one (1) or more of the following has not been complied with:
 - a. The terms of the Zoning Ordinance,
 - b. The conditions placed on approval, and
 - c. The written commitments made in conjunction with the original Special Exception Use application.

Zoning Amendment

9.10 Zoning Amendment

The following procedure applies to zoning amendment petitions (i.e. zoning map/rezoning):

- A. **Application Required:** The applicant shall submit an application/petition, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
- B. **Consent:** The application/petition shall be signed by property owners who own at least fifty percent (50%) of the land to be considered for rezoning.
- C. **Application:** The application/petition shall contain the following information:
 1. The existing zoning.
 2. The proposed zoning classification.
 3. Explanation as to why the new zoning district is being sought.
 4. Explanation as to how the proposed zoning district complies with the Yorktown Comprehensive Plan.
 5. Explanation as to how the proposed use and improvements will match, complement, and/or improve the condition or character of current structures, and/or uses in the area surrounding the subject property.
 6. Explanation as to why the proposed zoning district and/or use is the most desirable for the area surrounding the subject property.
 7. Evaluation as to how the proposed zoning district and/or use will conserve property values throughout the jurisdiction.
 8. Explanation as to how the proposed zoning district and/or use promotes responsible development and growth for the community.
- D. **Public Hearing:**
 1. The application/petition for rezoning will be scheduled for the earliest regularly scheduled Plan Commission meeting available which allows the proper public notice and administrative processing. The time frame necessary prior to the Plan Commission hearing shall be thirty (30) days.
 2. The Plan Commission shall conduct a public hearing regarding the application/petition for rezoning according to its Rules of Procedure.
- E. **Criteria for Consideration:** The Plan Commission shall:
 1. Find proof that all interested parties were notified of the application/petition at least ten (10) days prior to the public hearing according to *IC 36-7-4-604*.
 2. Listen to and consider the concerns of neighbors and interested parties that submit written comments or present orally at the public hearing.
 3. Listen to and consider the information of the petitioner, the petitioner's voluntary commitments, and testimony.
 4. Review the application/petition and required supportive information to assure the rezoning application/petition meets *IC 36-7-4-603*. This section states that the Plan Commission shall pay reasonable regard to:
 - a. The content of the Yorktown Comprehensive Plan.
 - b. The current conditions and character of current structures and uses.
 - c. The most desirable use for which the land in each district is adapted.
 - d. The conservation of property values throughout the jurisdiction.
 - e. Reasonable development and growth.
- F. **Plan Commission Consideration:** The Plan Commission may recommend approval, recommend denial, or table the petition.

Zoning Amendment

- G. **Council Consideration:** If the application/petition has not been tabled, it will then be forwarded to the Yorktown Town Council for consideration. The Yorktown Town Council will review the application, required supportive material, and Plan Commission's recommendation. The Yorktown Town Council may approve, deny, or table the petition. The Yorktown Town Council may require reasonable conditions or commitments with approval of the rezoning. All conditions or commitments shall be recorded on the deed prior to the land officially being rezoned.

Planned Development Approval

9.11 Planned Development

- A. **Procedures:** The following procedure applies to Planned Development petitions:
1. Prior to filing a rezoning petition, the applicant shall submit a conceptual sketch plan to the Zoning Administrator. The Zoning Administrator shall make a cursory review of the conceptual plan and give the applicant comments within fifteen (15) days of submission.
 2. The applicant shall submit an application for a rezone to the Planned Development district classification and detailed development plan, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting. If a subdivision plat is necessary prior to a zoning compliance permit, it shall be filed at this time, and shall follow those procedures set forth in the Subdivision Control Ordinance.
 3. The Plan Commission will then review the application and required supportive information. The Plan Commission may recommend approval, recommend denial, or table the petition.
 4. If the petition has not been tabled, it will then be forwarded to the Yorktown Town Council for review. The Yorktown Town Council will review the application, required supportive information, and Plan Commission recommendation. The Yorktown Town Council may approve, deny, or table the petition.
 5. In their review of the detailed development plan, the Plan Commission and the Yorktown Town Council should consider the extent to which the proposal fulfills the intent of *Article 7: Planned Developments* of the Zoning Ordinance and the spirit and intent of the Yorktown Comprehensive Plan.
- B. **Establishing a Planned Development:** The general procedure for establishing a Planned Development (PD) is as follows:
1. Prior to filing for a rezone petition, the applicant shall submit a conceptual sketch plan to the Zoning Administrator. The Zoning Administrator will make a cursory review of the conceptual plan and give the applicant comments within thirty (30) days of submission.
 2. The applicant files a rezone petition to the Planned Development district classification and detailed development plan to the Plan Commission. If a subdivision plat is necessary prior to a zoning compliance permit it shall be filed at this time and shall follow those procedures set forth in the Yorktown Subdivision Control Ordinance.
 3. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.
 4. The Plan Commission will give a favorable or unfavorable recommendation to the Yorktown Town Council to grant or deny the rezoning request.
 5. Within ninety (90) days, the Yorktown Town Council will review the rezoning petition, the recommendation from the Plan Commission and vote to approve or disapprove the request.
 6. If the Yorktown Town Council approves the rezoning, the land is officially rezoned and the applicant may move forward with the detailed development plan approval process.
 7. The Official Zoning Map shall be amended to reflect the zoning change, date of approval by the Yorktown Town Council, and the docket number.
 8. The Plan Commission shall approve the detailed development plan prior to the issuance of a zoning compliance permit. If a subdivision plat is required, the secondary plat shall be approved prior to the issuance of a zoning compliance permit pursuant to the Yorktown Subdivision Control Ordinance.
 9. When approved, the detailed development plan shall be signed by the Plan Commission president and secretary. The applicant may then begin procedures for obtaining improvement location and building permits.

Planned Development Approval

C. **Conceptual Site Plan Review:**

1. Prior to filing a rezoning petition, the applicant shall submit a conceptual site plan to the Zoning Administrator. The Zoning Administrator shall review the conceptual site plan and give the applicant comments within thirty (30) days of submission.
2. In reviewing the conceptual site plan, the extent to which the proposal fulfills the intent of *Article 7: Planned Developments* and the spirit and intent of the Yorktown Comprehensive Plan, will be considered.
3. The applicant may, if desired, also submit the conceptual site plan for the Plan Commission to review.
4. After the applicant has received conceptual review, he/she may file a rezone petition to the Planned Development district classification and detailed development plan to the Plan Commission.

D. **Conceptual Site Plan Data:** The scale of the plan shall not exceed one (1) inch equals 100 feet (1"=100'). The conceptual site plan may include any additional graphics which will explain the features of the development. The following shall be included in the conceptual site development plan submission:

1. Description:
 - a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development, if applicable.
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor.
 - g. Legend and notes, including a graphic scale, north point, and date.
 - h. A separate location map, to scale, showing the boundary lines of adjacent land, the existing zoning of the area proposed to be developed as well as the adjacent land.
2. Existing and Proposed Conditions:
 - a. Existing and proposed layout of streets, open space, and other basic elements of the plan.
 - b. Existing and proposed easements and their purpose.
 - c. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants, and any other significant feature that may influence the design of the development.
 - d. General description, location, and types of structures on the site.
 - e. Proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features.
 - f. A general statement of the covenants to be made a part of the Planned Development, as well as the order and estimated time of development.
 - g. A statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase.
 - h. The land use categories within the development, including proposed densities of said uses.

E. **Filing Procedure**

1. The applicant shall submit for review the rezoning request and detailed development plan thirty (30) days prior to a scheduled Plan Commission public hearing.
2. The petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or shall have attached thereto letters of consent to change to a Planned

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Development district classification by all such owners prior to the filing.

3. If a subdivision plat is necessary in conjunction with the rezoning petition, the primary plat shall also be filed at this time for review by the Plat Review Committee and shall follow those procedures set forth in the Yorktown Subdivision Control Ordinance. However, any such approval shall be conditioned upon the Yorktown Town Council approving the rezone request to a Planned Development district.
 4. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.
- F. **Detailed Development Plan Data:** The scale of the plan shall not exceed one (1) inch equals 100 feet (1"=100'). The detailed development plan may include any additional graphics which will explain the features of the development. The following shall be included in the detailed development plan submission:
1. All documents and information included in the conceptual site plan, as updated and/or amended.
 2. Written approval from the Town Engineer.
 3. Improvement plans for all infrastructure improvements required or proposed in the Planned Development.
 4. Proposed covenants, conditions, or restrictions.
 5. Compilation of information shall:
 - a. Include an index identifying all documents included in the detailed development plan.
 - b. Include a cover sheet indicating that it is the detailed development plan, indicating the date, and case number.
 - c. Be bound together and all documents submitted on paper 8 1/2 x 11 inches in dimension, except for the maps, sketches, plans, and conceptual layout which shall be folded to 8 1/2 x 11 inches.
- G. **Detailed Development Plan Approval:**
1. In their review of the detailed development plan, the Plan Commission should consider the extent to which the proposal fulfills the intent of *Article 7: Planned Developments* and the spirit and intent of the Yorktown Comprehensive Plan.
 2. Upon review, the Plan Commission will give a favorable or unfavorable recommendation to the Yorktown Town Council to grant or deny the rezoning.
 3. The Plan Commission may permit or require written commitments concerning the use or development of the property in connection with a favorable recommendation of the rezoning request or detailed development plan approval of a Planned Development.
 4. If the Plan Commission gives an unfavorable recommendation, the applicant may revise the proposed detailed development plan and resubmit the revised detailed development plan within thirty (30) days to the Plan Commission.
 5. The Yorktown Town Council will, within thirty (30) days, review the rezoning petition, the recommendation from the Plan Commission, and vote to approve or disapprove the request.
 6. If the Yorktown Town Council disapproves the rezoning, the applicant shall wait one (1) year before resubmitting another petition.
 7. If the Yorktown Town Council approves the rezoning, the land is officially rezoned.
 8. The Official Zoning Map shall be amended to reflect the zoning change, date of approval by the Yorktown Town Council, and the docket number.
 9. Prior to signing of the detailed development plan surety shall be posted, if applicable, in an amount that is consistent with the cost of improvements outlined in the approved improvement plans.

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10. Detailed development plan approval is required prior to the issuance of a zoning compliance permit. If a subdivision plat is required, the secondary plat shall be approved prior to the issuance of a zoning compliance permit pursuant to the Yorktown Subdivision Control Ordinance.
11. The Plan Commission may specify any additional plan documentation or supporting information not already stated that is required prior to the issuance of a zoning compliance permit.
12. When approved, the detailed development plan shall be stamped and signed by the Plan Commission president and secretary.
13. All written commitments shall be recorded with the Delaware County Recorder and shall clearly state that they are enforceable by, as a minimum, the Plan Commission.
14. Upon 100% completion of the development, the public properties shall be dedicated to the Town of Yorktown if required or allowed by the detailed development plan. Also, the Plan Commission or representative will review the completed project for compliance to the detailed development plan.

H. **Minor Modifications:**

1. The Zoning Administrator may from time to time in its administration of the Planned Development, approve minor modifications of the development plan or improvement (i.e. construction) plans without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or any change in access points.
2. An adversely affected party may appeal any decision by the Zoning Administrator to the Plan Commission within thirty (30) days of the determination. The Plan Commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under *Article 7: Planned Developments*.

I. **Covenants and Maintenance:**

1. Covenants, when required by the Plan Commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording, bearing signatures of the Plan Commission President and Secretary, upon authorization by the Plan Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to, and maintained, in the Plan Commission office.
2. Adequate provision shall be made for a private organization (e.g. home owners association) with direct responsibility to, and control of the property owners involved to provide for the operation and maintenance of all common facilities, if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.
3. All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

- J. **Recording:** All approved detailed plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Delaware County Recorder's Office within ten (10) days of approval. The developer shall provide two (2) copies bearing recording information to the Plan Commission for its records.

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- K. **Construction:** No construction or installation work may commence on any public improvements until satisfactory improvement plans and specifications have been submitted and approved by the Plan Commission, and until the applicant provides at least forty-eight (48) hours notice to the Town Engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses. All development shall be in conformity with the approved detailed development plan and improvement plans. Any material deviation from the plans is subject to appropriate enforcement action.
- L. **Extension, Abandonment, and Expiration:** An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within *Article 7: Planned Developments* may be granted by the Plan Commission for good cause shown upon abandonment of a development authorized under this section. Abandonment shall be deemed to have occurred when no, or minimal improvements have been made pursuant to the approved detailed development and improvement plans for nine (9) consecutive months, or upon the expiration of three (3) years from the approval of the detailed development and improvement plans for a development which has not been completed, the land will revert to the base zoning district. The Plan Commission may grant one (1), twelve (12) month extension. If an extension for expiration is granted, such extension shall be recorded.
- M. **Rules of Procedure:** All proceedings brought under this section are subject to the rules of procedure of the Plan Commission, where not described otherwise herein.

Administrative Appeal

9.12 Administrative Appeal

The following procedure applies to Administrative Appeal petitions:

- A. **Application Required:** The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
- B. **Transmittal to Board of Zoning Appeals:** The administrative official, or body from which the appeal is taken, shall transmit to the Board of Zoning Appeals all documents, plans, and papers constituting the record of action from which the appeal is taken.
- C. **Public Notice Required:** Administrative Appeals require public notice in the newspaper per *IC 5-3-1-2* and *IC 5-3-1-4*.
- D. **Criteria for Consideration:** At their next regularly scheduled public meeting, the Board of Zoning Appeals shall then review:
 - 1. The written statement and supportive material submitted by the applicant;
 - 2. The record of action supplied by the administrative official, or body from which the appeal is taken;
 - 3. The testimony of the applicant; and
 - 4. The testimony of the administrative official, or body from which the appeal is taken.
- E. **Board of Zoning Appeals Consideration:** The Board of Zoning Appeals may grant, deny, or table the Administrative Appeal. The Board of Zoning Appeals may add conditions to any application which was approved at the Administrative Appeal stage.

Questionable Land Use Appeal

9.13 Questionable Land Use Appeal

The following procedure applies to questionable Land Use Appeal petitions:

- A. **Application Required:** The petitioner shall submit a written statement specifying the grounds for the appeal and any applicable supportive material to the Zoning Administrator. This will also include:
 1. The proposed land use,
 2. The existing zoning district,
 3. The lot's address,
 4. The property owner's name, address, and contact information.
 5. The property petitioner's name, address, and contact information, if different from the property owner.
- B. **Application Review:** The Zoning Administrator will review the petition for a Questionable Land Use and determine if the proposed land use is significantly like a permitted or Special Exception Use, or if the proposed land use is not significantly like a permitted or Special Exception Use.
- C. **Consideration by Zoning Administrator:** If the proposed land use is significantly like a permitted or Special Exception Use in the subject zoning district, then the Zoning Administrator may approve, deny, or forward the decision to the Board of Zoning Appeals. If the Zoning Administrator approves the land use, the petitioner will receive written notice of said approval. If the Zoning Administrator denies the land use, the petitioner may appeal the Zoning Administrator's decision to the Board of Zoning Appeals. If the Zoning Administrator forwards it to the Board of Zoning Appeals for a decision, the information shall be forwarded to the Board of Zoning Appeals and will be scheduled for a hearing at the earliest Board of Zoning Appeals meeting with sufficient space on the docket.
- D. **Review by Board of Zoning Appeals:** If the proposed land use is not significantly like a permitted or Special Exception Use in the subject zoning district, the Zoning Administrator shall forward the decision to the Board of Zoning Appeals.
- E. **Board of Zoning Appeals Consideration:** If the decision is forwarded to the Board of Zoning Appeals, the decision will be made by majority vote once all the information is presented to the Board of Zoning Appeals in a regularly scheduled meeting. The Board of Zoning Appeals may approve or deny the petition for a questionable land use.

Schedule of Fees

9.14 Schedule of Fees

The Yorktown Town Council shall maintain an official fee schedule for permits and processes outlined in the Zoning Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to the Zoning Ordinance are considered a part of the Zoning Ordinance. The official fee schedule shall be available to the public in the office of the Clerk-Treasurer and the Zoning Administrator. The official fee schedule may be amended by the Yorktown Town Council over time, as needed.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Notification of Public Hearing

9.15 Notification for Public Hearing

The following information pertains to processes that require a public hearing:

- A. **Notice Requirements:** Public notice in accordance with *IC 5-3-1-2* and *IC 5-3-1-4* and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- B. **Cost:** The party pursuing the request shall be required to assume costs of public notice and notice to interested parties.
- C. **Interested Parties:** Interested parties shall include, but are not limited to, all properties adjacent within two (2) properties deep of the subject property boundaries within the planning jurisdiction and only directly adjacent properties if outside the planning jurisdiction.
- D. **On-site Notice:** In addition, notice shall be posted by the applicant in a conspicuous place on the subject property at least ten (10) days prior to the date of the hearing. Notice signs will be provided and posted by the Town of Yorktown.



Article 10

Enforcement and Penalties



Article 10

Enforcement and Penalties

10.1 Authority

The Yorktown Advisory Plan Commission, Yorktown Advisory Board of Zoning Appeals, Yorktown Town Council, and/or the Zoning Administrator for the Town of Yorktown are designated to enforce the provisions, standards, and intent of the Zoning Ordinance.

10.2 Violations

Complaints made pertaining to the Zoning Ordinance may be investigated by the Zoning Administrator. Also, any violations suspected by the Plan Commission, Yorktown Town Council, or Zoning Administrator shall be investigated by the Zoning Administrator or his/her delegate. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person and should reflect what is warranted by the violation.

10.3 Inspection of Property

Investigations of property may be conducted by the Zoning Administrator either from a right-of-way without permission of the property owner, with permission from the adjacent property, or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the investigator is (are) denied entry, and providing there is evidence of violation of the Zoning Ordinance, the Plan Commission, Yorktown Town Council, or Zoning Administrator may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the Zoning Ordinance or any applicable ordinances adopted under Indiana Code. The application shall include the purpose, violation suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The warrant issued shall order the owner, tenant, and/or occupant to permit entry by the Zoning Administrator for the purposes documented in the application for the warrant.

10.4 Responsibility of Violations

The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole, or in part in persons other than the owner, the owner shall be held responsible in whole, or in part, as warranted by the Plan Commission, Board of Zoning Appeals, Yorktown Town Council, or Zoning Administrator.

10.5 Liability

Any structure or land used in violation of the Zoning Ordinance or its subsequent amendments may be deemed a common nuisance, and the owner or possessor of the structure, or land, is liable for said nuisance.

10.6 Violations During the Construction/Building Process

The Plan Commission or Zoning Administrator may place a stop work order or violation notice on any lot or structure in the process of modifications contrary to the Zoning Ordinances. Stop work orders shall be issued by written notice which shall state the violation, and that work or the illegal activity shall stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered or mailed to the owner, developer, property manager, tenant, or occupant. The Plan Commission or Zoning Administrator shall meet, or attempt to meet, with the person served the stop work order notice within seven (7) days of such a request. A memorandum of agreement shall be drafted stating the conditions in which construction or action may be resumed. This memorandum of agreement shall be signed by the

owner, developer, property manager, tenant, or occupant that has caused, or is responsible for the violation along with the Zoning Administrator or Plan Commission President.

A. **Reasons for a Stop Work Order:** Reasons for a stop work order include:

1. Not complying with Development Standards and/or any regulations of the Zoning Ordinance or Subdivision Control Ordinance.
2. Not obtaining a zoning compliance permit.
3. Not meeting the conditions or commitments of a Special Exception Use, Development Standards Variance, Use Variance, or building permit.
4. Not meeting the conditions of development commitments, development plans, detail plans, or covenants which are enforceable by the Plan Commission.
5. Not obtaining any other permit necessary for site/property improvement as called out in local code, Zoning Ordinance, or Subdivision Control Ordinance.
6. Illegal use or expansion of use of building/structures or building/structures and land in combination.

10.7 Types of Violations

A. **Civil Zoning Violations:** The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Yorktown Town Council and/or Zoning Administrator. Penalties may be imposed based on the provisions set forth in *Article 10: Enforcement and Penalties*.

1. The placement of a primary structure, accessory structure, sign structures, or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Zoning Administrator.
2. The erection of a primary structure, accessory structure, sign structures, or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Zoning Administrator.
3. The failure to maintain a primary structure, accessory structure, sign, or any other element including property maintenance as determined by the Plan Commission or Zoning Administrator.
4. Failure to obtain a zoning compliance permit or any other required permit under the Zoning Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under the Zoning Ordinance.
5. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance.
6. Any failure to comply with any regulations of the Zoning Ordinance, including, but not limited to the following: Development Standards, zoning compliance permit, development plan, Planned Development, or conditions imposed.
7. Proceeding with work under a stop work order or a violation of a memorandum of agreement.
8. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception Use, Development Standards Variance, Use Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, Yorktown Town Council, or Board of Zoning Appeals meetings.
9. Failure to obtain a certificate of occupancy.

10.8 Procedure for Violations

There shall be a three (3) step procedure for violations of the Zoning Ordinance. These steps are as follows:

- A. **Notice of Violation:** The Plan Commission, Zoning Administrator, designated representative of the Plan Commission, or the Yorktown Town Council shall issue a notice of violation letter to the person who have committed in whole, or in part, a violation. The notice of violation letter will state that a violation has been determined and that it shall be corrected within fifteen (15) days of the postmarked date of notice. If the violation is not corrected within fifteen (15) days, the fines for first violation will be imposed. The notice of violation letter may include a listing of fines and penalties for informational purposes. If the violation has been corrected within the fifteen (15) days from the postmarked date of the notice of violation letter, no further action will be taken and no fines will be imposed.
- B. **Fines Assessed:** If the violation stated in the notice of violation letter is not corrected within fifteen (15) days, the fines for a first violation shall be imposed. The person in violation will have fifteen (15) days to pay said fees and comply with the penalties. The person in violation shall correct the violation within fifteen (15) days or face additional notices of violation. The Plan Commission may extend the time period needed to correct the violation if the violator is working in good faith to remedy the problem.
- C. **Additional Fines Assessed:** If the person in violation refuses to pay or comply with the penalties, or correct the violation, after the first notice of violation, the Plan Commission or Yorktown Town Council, or their designee may progressively impose fines as outlined in *Section 10.9: Fines and Penalties*, or may impose liens against the property, and/or take legal action through the court system.
- D. **Appropriate Course of Action:** It is not mandatory for a violator to be noticed multiple times before liens or court action are sought. The Plan Commission or Yorktown Town Council shall determine which course of action will best result in the correction of the violation after a first notice of violation is noneffective.

10.9 Fines and Penalties

- A. **First Notice of Violation:** Monetary fines will be imposed with the first notice of violation for each civil violation determined upon a single inspection as follows:

First Notice	\$100.00 first civil violation determined
	\$150.00 second civil violation determined
	\$200.00 for each additional civil violation determined

- B. **Subsequent Notices of Violation:** Additional monetary fines will be imposed for each subsequent notification and for each civil violation. Notices for violations shall be sent no sooner than fifteen (15) days after the previous notice.

Second Notice	\$150.00 first civil violation determined
	\$200.00 second civil violation determined
	\$250.00 for each additional civil violation determined
Third Notice	\$250.00 first civil violation determined
	\$300.00 second civil violation determined
	\$350.00 for each additional civil violation determined
Each Additional Notice	\$500.00 per civil violation

- C. **Payment of Fines and Penalties:** Payment of any violation shall be delivered to the Zoning Administrator who shall deposit the funds in a town fund as determined by the Yorktown Town Council. A receipt of payment shall be recorded and a receipt issued to the person making payment.

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- D. **Mandatory Injunction:** The Board of Zoning Appeals by mandatory injunction in the circuit court and/or superior of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of the Zoning Ordinance, or the removal of any use or condition in violation of the Zoning Ordinance.
 - E. **Failure to Obtain Permit:** Any person who initiates site or structural changes, or change of use of structure or property prior to obtaining a zoning compliance permit or any other required permit will pay three times (3x) the amount of the normal permit fee as the first notice of violation. Said person will be subject to additional fines and penalties as per the schedule in *Section 10.9(B): Subsequent Notices of Violation* for civil violations if a permit is not filed within fifteen (15) days of the first notice.

10.10 Appeals or Trials

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Zoning Administrator via Certified Mail at least three (3) days prior to the date the fine is due in order to appeal the violation.

No additional notices will be issued by the Plan Commission in the event the person in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

The person in violation shall have thirty (30) days to file for a hearing with the Board of Zoning Appeals or court of jurisdiction. Also the person in violation shall have a maximum of two (2) years to complete the hearing process with the Board of Zoning Appeals. Failure to meet these deadlines will reinstate all fines due by the person in violation.

Fines due will be postponed until the Board of Zoning Appeals or court of jurisdiction have made a ruling as to the violation and/or fine.

10.11 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in *IC 36-7-4-1000* et al. and all other applicable state law.

- A. **Legal Recourse:** The Plan Commission or any enforcement official designated by the Zoning Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under *IC 36-7-4*, and its subsequent amendments. This includes, but its not limited to, the Zoning Ordinance, Subdivision Control Ordinance, etc.
- B. **Additional Legal Recourse:** The Plan Commission or any enforcement official designated by the Zoning Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
 - 1. Agreements between the Plan Commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a Planned Development.
 - 2. Commitments made in accordance with *IC 36-7-4* et al.
 - 3. Conditions imposed in accordance with *IC 36-7-4* et al.
- C. **Restraint:** The Board of Zoning Appeals, or any enforcement official designated by the Zoning Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating *IC 36-7-4* et al., or any ordinance adopted under *IC 36-7-4* et al., which includes, but its not limited to, the Zoning Ordinance and Subdivision Control Ordinance.
- D. **Mandatory Injunction:** The Board of Zoning Appeals, or any enforcement official designated by the Zoning Ordinance, may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of the Zoning Ordinance or applicable State Code. If the Board of Zoning Appeals, or its designated enforcement official, is successful in its action, the respondent shall bear all costs of the action.

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- E. **Enforce Commitments:** An action to enforce a commitment made in accordance with *IC 36-7-4* et al. may be brought in the Circuit or Superior Court of the County by:
1. Any person who is entitled to enforce a commitment made in accordance with *IC 36-7-4* et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
 2. Any other specially affected person who was designated in the commitment.

Article 11

Definitions

Article 11

Definitions

11.1 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Zoning Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

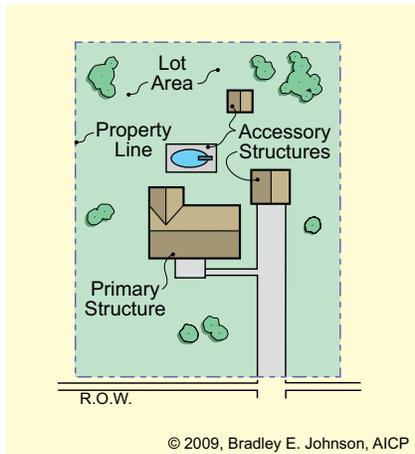
11.2 Defined Words

The following terms shall have the following meanings:

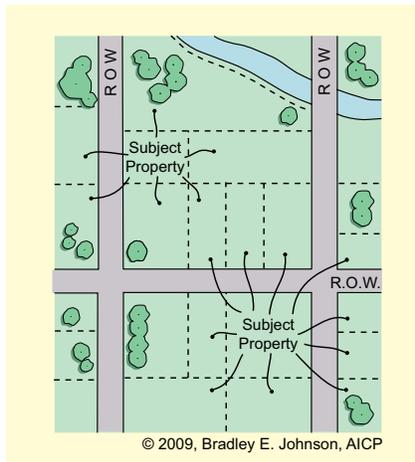
Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of six (6) months by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Building, or Structure: A building or structure which:

- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same zoning lot as the primary building, structure, or use,
- Conforms to the setback, height, bulk, lot coverage, and other requirements of the Zoning Ordinance unless otherwise provided for by the Zoning Ordinance,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in the Zoning Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use, and
- In the case of a telecommunication tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the principal telecommunication tower, antenna, or other radio or cellular communications equipment.



Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two (2) different subject properties.



Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, *IC 36-7-1-2* (1983) as amended. The Yorktown Plan Commission is an Advisory Plan Commission.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

Applicant: The owner, owners, or legal representative of real estate who makes application to the Yorktown Plan Commission and/or Board of Zoning Appeals for action by said Commission or Board affecting the real estate owned thereby.

Arterial Street: See *Street, Primary Arterial* or *Street, Secondary Arterial*.

Assisted Living Facility: See *Nursing Home*.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings, and the like are considered attached buildings and shall abide by all standards pertaining to primary structures.

Auto Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

Auto Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under *Automobile Repair, Major*.

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

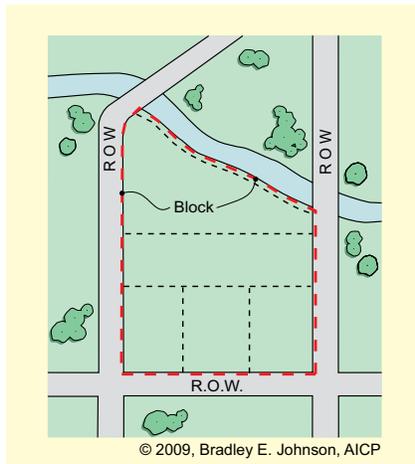
Average Setback: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Yorktown Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property shall be used.

Base Zoning District: The existing zoning district of the subject lot:

- prior to the approval of a Planned Development, or
- prior to the effects of an overlay district.

Bed and Breakfast Facility: An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks, and providing for occasional meals daily, usually breakfast, and not a hotel, boarding house, or motel.

Block: Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intersecting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



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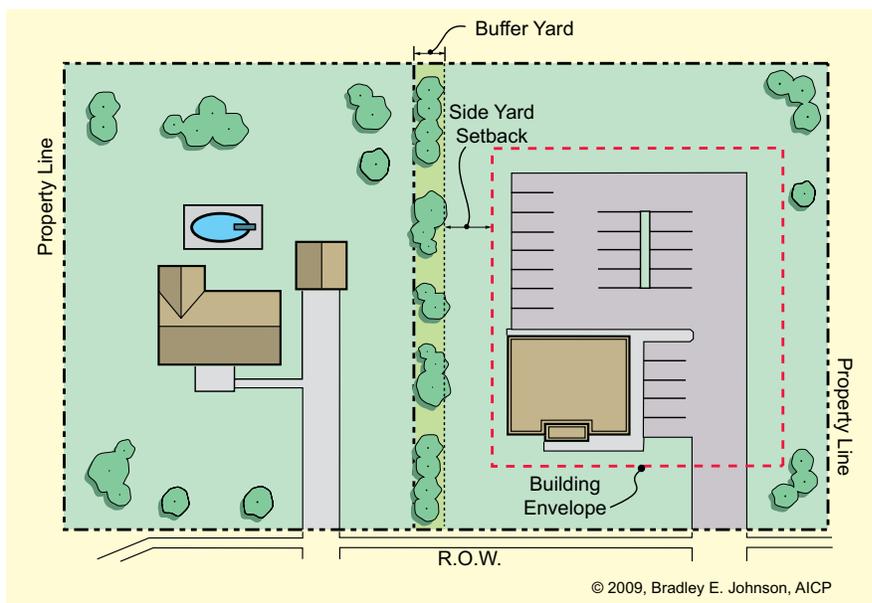
Board: See *Board of Zoning Appeals*.

Board of Zoning Appeals: The Yorktown Board of Zoning Appeals or any division thereof.

Boarding House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multiple-family dwellings, hotels, or motels.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Bufferyard: An area adjacent to front, side, and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Bufferyards also help to maintain existing trees or natural vegetation, to block or reduce noise, glare, or other emissions and to maintain privacy. Bufferyards are in addition to, and separate from front, rear, or side yard setbacks.



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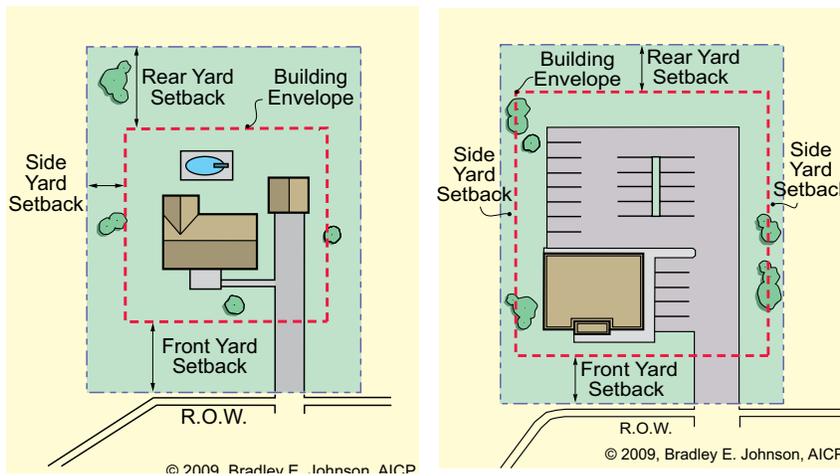
Bufferyard Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Zoning Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



Building Height: See *Structure Height*.

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

Business District: Refers to the IS, OC, HM, C1, or C2 Districts.

BZA: See *Board of Zoning Appeals*.

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

Canopy Tree: A deciduous tree that grows to at least forty (40) feet in height and that has a canopy round or oval in shape. Conical or columnar shaped trees are not canopy trees.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunication service.

Cemetery: Property used for interring of the dead. A cemetery includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the Town of Yorktown.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Child Care Center: Any institution operated for the care of children, licensed pursuant to *IC 12-3-2-3.1*, et seq., and as defined by *IC 12-3-2-3*.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six (6) children, not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative, at any time receive child care from a provider:

- while unattended by a parent, legal guardian, or custodian;
- for regular compensation; and
- 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 home and class II child care home as defined in *IC 12-7-2-33.7* and *IC 12-7-2-33.8*.

Child Care Institution: A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or operates under a license issued under *IC 12-17.4*; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under *IC 4-22-2* by the Division of Family and Children.

Children's Home: See *Child Care Institution*.

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment, and in which the services of at least two (2) physicians or dentists are provided.

Colocation Site: A site on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commission: See *Advisory Plan Commission*.

Comprehensive Plan: Refers to the Yorktown Comprehensive Plan. The Plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The Plan was developed and adopted by the Commission pursuant to the *IC 36-7-4-500* series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to *IC 32-1-6 (1-31)*, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Construction Plan: The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Zoning Ordinance and the Indiana Building Code as a condition of approval.

Continuous Mound: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one (1) side to the other. In particular, continuous mounds are linear with a top elevation (e.g. crest) relatively consistent from one (1) end to the other.

County: Delaware County, Indiana.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-de-sac: A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Day Care Center: See *Child Care Center*.

DBH: Diameter-at-breast-height is a tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, the trunk is measured at its most narrow point beneath the split.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

Detached Building: A building that has no structural connection with the primary building or any other building or structure.



Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

District: Areas within the Town of Yorktown for which zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance. Districts are drawn on the Official Zoning Map.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Driveway, Private: See *Street, Private*.

Duplex: See *Dwelling, Two-family*.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the District in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per *IC 36-7-4(d)*,
- Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- Has wheels, axles, and towing chassis removed,
- Has a pitched roof with a minimum rise of two (2) feet per twelve linear feet (2:12), and
- Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multiple-family: A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-family: A detached residential dwelling unit designed for and occupied by one (1) family. A single-family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

Dwelling, Two-family: A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

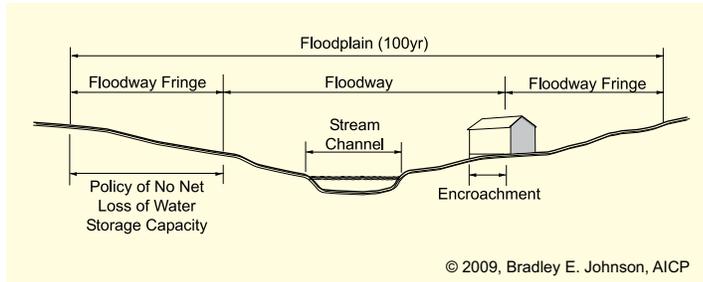
Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Fence: A vertical structure used to screen visibility, define property lines, protect property, improve aesthetics, and keep animals and/or people from entering or exiting an enclosed area. Fences may be made of wood, metal, plastic, plant material, masonry, and the like. Under no circumstances shall a guardrail or other traffic control devices be considered a fence.

Finished Floor Area: See *Floor Area, Finished*.

Flag: Any fabric or similar material containing distinctive colors, patterns, shapes, and symbols used to identify a country, state, unit of local government, or quasi-government agency, typically displayed on a pole. Flags, by definition, are not inclusive of any commercial message.

Flood Protection Grade: The elevation of the lowest point around the perimeter of a building at which a 100-year flood may enter any finished floor area.



Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration and Federal Emergency Management Administration.

Floor Area: See *Gross Floor Area*.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

Floor Area, Main: That portion of finished floor area located on the first or nearest ground level floor of the dwelling unit. The main floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

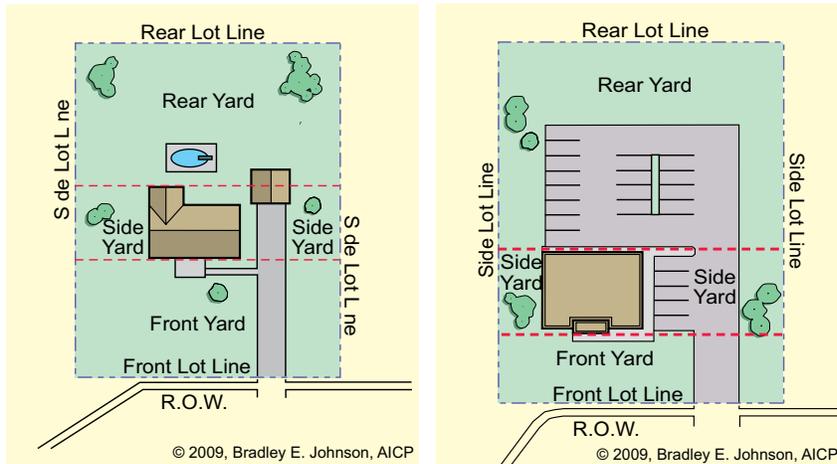
Foundation: The supporting member of a wall or structure.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line:

- For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way, or a lake or watercourse; and
- For a corner lot, the line marking the boundary between the lot and each of the abutting streets.
See graphics for *Front Yard*.

Front Yard: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eaves, whichever is closer, to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.



Frontage: See *Lot Frontage*.

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Gross Floor Area: The total area of floors of a building measured from the outside of the outside walls.

Ground Floor Area: See *Floor Area, Main*.

Group Home: A facility that houses not more than ten (10) children that are either in need of service under *IC 31-34-1*; or children who have committed a delinquent act under *IC 31-37-2-2*, *IC 31-37-2-3*, or *IC 31-37-2-5*. Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes shall not be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes shall abide by *IC 12-17.4-5* and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Hardship: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning 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 the Zoning Ordinance; any result of land division requiring variance from the development standards of the Zoning Ordinance in order to render that site buildable.

Height: See *Structure Height*.

Hobby Farming: The use of land for purposes including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use shall not exceed forty percent (40%) of the land area of the lot and shall abide by all setback standards. Hobby farming shall not be the principal income source for the owner, operator, or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Holiday or Seasonal Decorations: Displays, lights, figurines, and the like that are used to celebrate national holidays, religious holidays, or changing of seasons. Holiday or seasonal decorations are not considered signs unless a commercial message is integrated with the decorations.

Home Occupation (Type 1): Specified activities or business practices that may be carried on in a residence that have little to no impact to structure or surroundings within residential Zoning Districts. These activities or business practices do not allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in *Section 6.22: General Residential Home Occupation Standards*.

Home Occupation (Type 2): Reasonable business practices that may be carried on in a residence that have minimal impact within residential Zoning Districts. These business practices do not allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in *Section 6.23: Low-intensity Residential Home Occupation Standards*.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone .

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement Location Permit: See *Zoning Compliance Permit*.

Incidental: A minor occurrence or condition which is customarily associated with a Permitted Use and is likely to ensue from normal operations.

Industrial District: Refers to the LI and IN Districts.

Industry, Heavy: See *Manufacturing, Heavy*.

Industry, Light: See *Manufacturing, Light*.

Initial User: The applicant, person, organization or corporation that originally applies to the Town of Yorktown for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Interior Lot: See *Lot, Interior*.

Junk: An automobile, truck, other motor vehicle, watercraft, large appliances, furniture or like materials which have been damaged to such an extent that they shall not be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or Town vehicle licensing or other laws or ordinances.

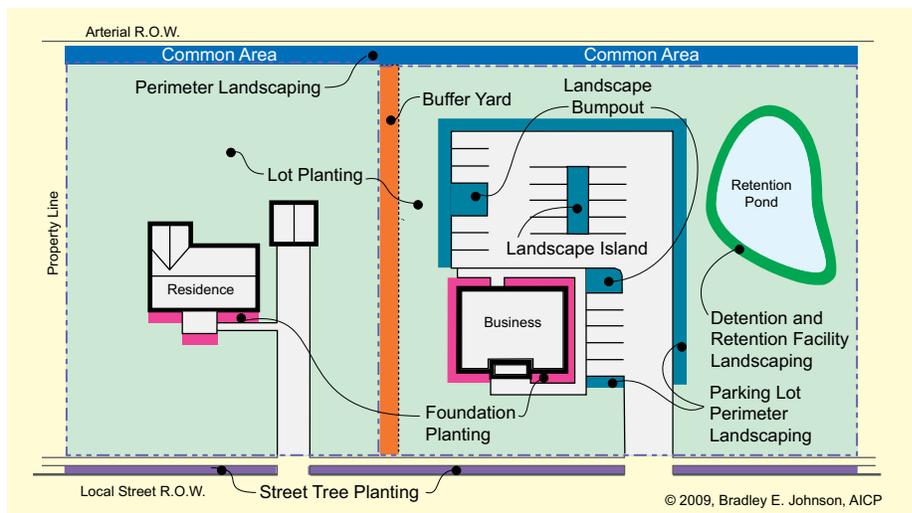
Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Jurisdiction: See *Planning Jurisdiction*.

Kenel (Commercial): A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

Kenel (Private): A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the principal use. Private kennels are not regulated in the Zoning Ordinance and are permitted in all districts.

Landscape Areas: Places on a lot or abutting right-of-way that are identified for application of landscaping standards. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, bufferyard areas, and perimeter planting areas. The below image conceptually demonstrates the general location of each landscape area.



Landscape Material: Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes, and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape Structure: Decorative fences, walls, retaining walls, edging, and the like.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Building or Structure: Any continuously occupied, lawfully established structure or building prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meets the development standards.

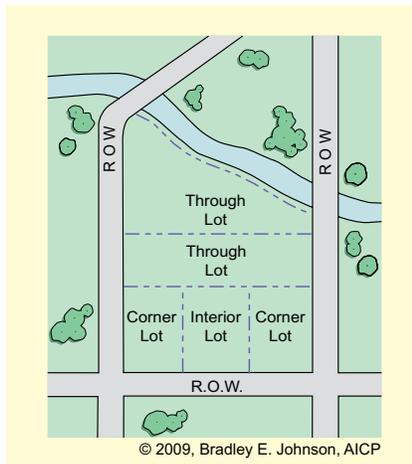
Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of the Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance and has been registered within the allotted time period as described in *Section 8.7: Registration of Nonconforming Signs*.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Zoning Ordinance or its subsequent amendments that is no longer a Permitted Use in the district where it is located.

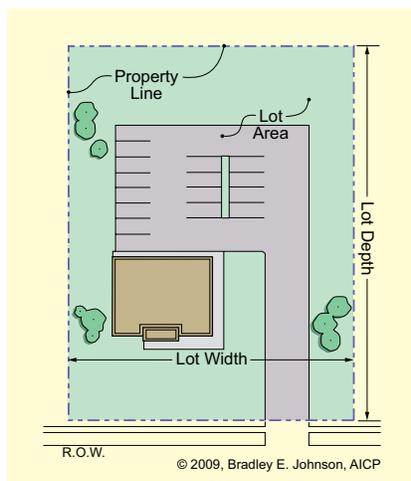
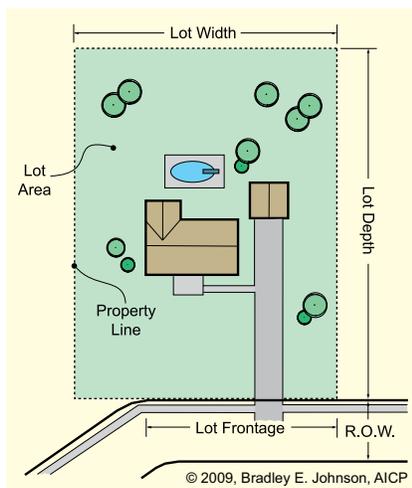
Local Street: See *Street, Local*.

Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three (3) types of lots identified in the Zoning Ordinance: Interior Lots, Corner Lots, and Through Lots. In all other Districts, a lot may only contain one (1) primary structure. In M1 and M2 Districts, a lot may contain more than one (1) primary structure.



Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.

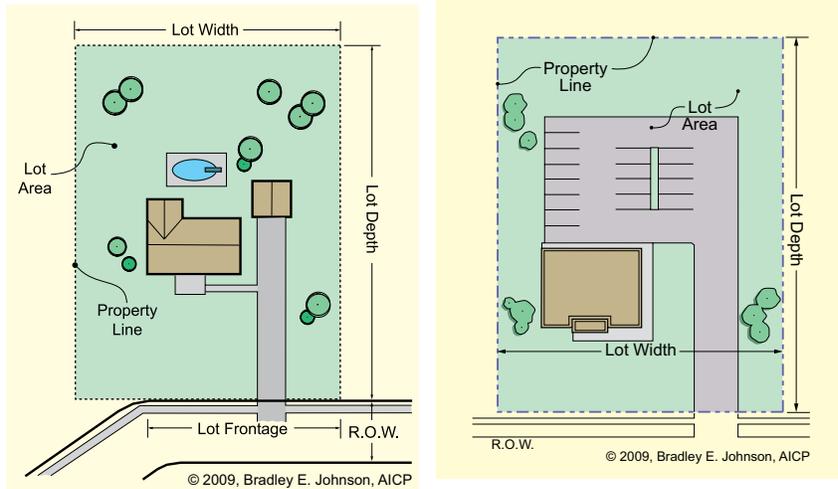
Lot Depth: The horizontal distance between the front and rear lot lines.



Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half (1/2) the distance required for standard lots.

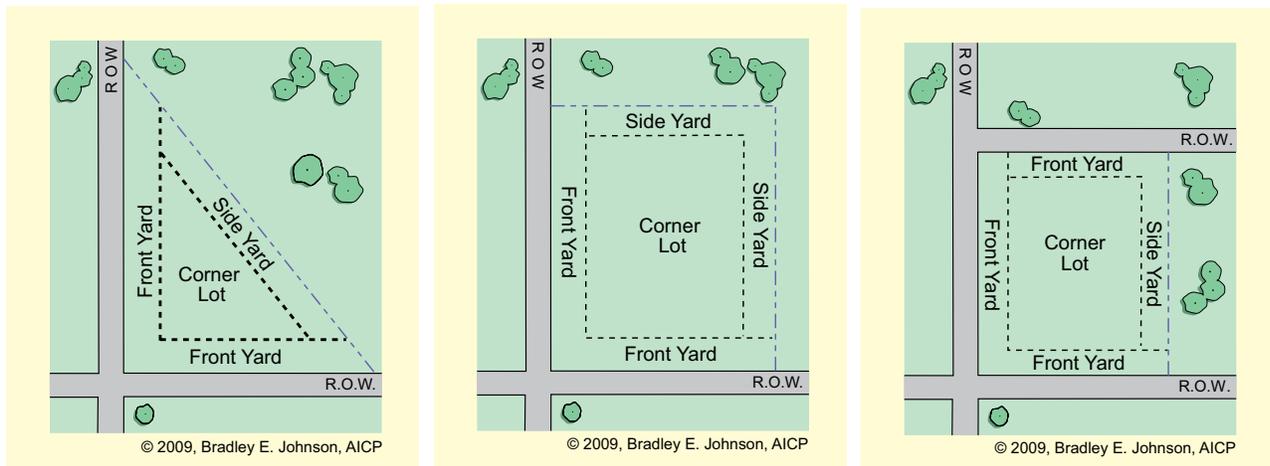
Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot Width: The distance between the side lot lines as measured on the front lot line. Cul-de-sac and irregular shaped lots shall measure their front lot widths along the front setback line from one (1) side lot line to the other.



Lot, Buildable: See *Lot, Improved*.

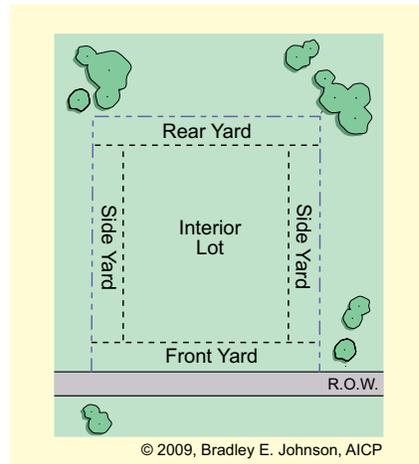
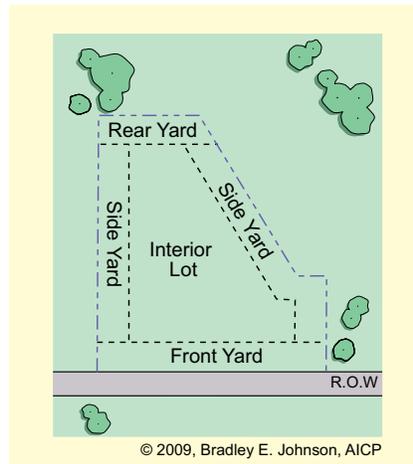
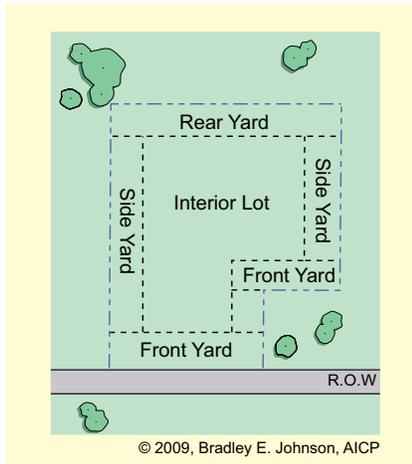
Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than 135°.



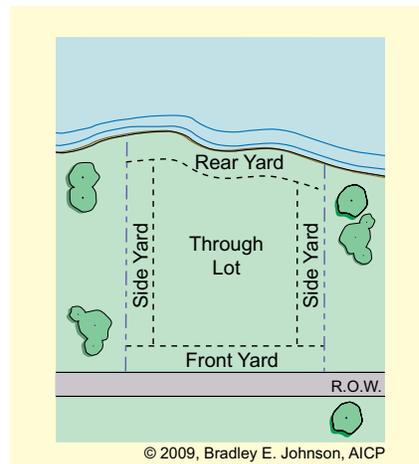
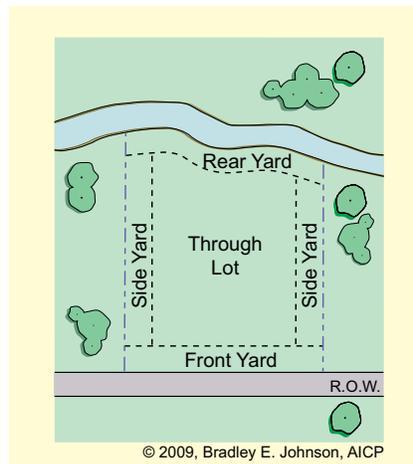
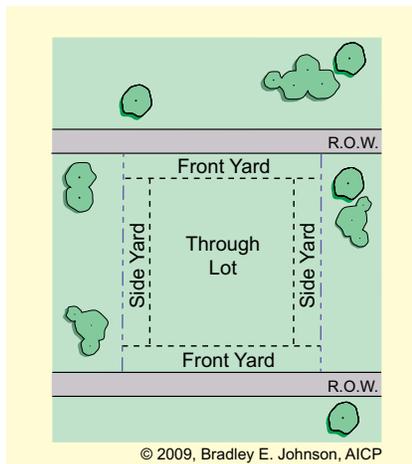
Lot, Developed: A lot with buildings or structures situated thereon.

Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

Lot, Interior: A lot other than a corner lot or a through lot.



Lot, Through: A lot fronting on two (2) parallel or approximately parallel streets (alleys do not constitute a street), or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.



Main Floor Area: See *Floor Area, Main*.

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 such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See *Dwelling, Manufactured Home*.

Manufactured Home Park: A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of mobile home dwellings and/or manufactured home dwellings, and shall include any street used or intended for use as part of the facilities of such manufactured home park. A manufactured home park does not involve the sales of mobile home dwellings or manufactured home dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a Permitted Use or Special Exception Use.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a Permitted Use or Special Exception Use.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan: See *Comprehensive Plan*.

Mobile Home: See *Dwelling, Mobile Home*.

Mobile Home Park: See *Manufactured Home Park*.

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Home: See *Recreational Vehicle*.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one (1) side to the other.

Mural: A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not contain a commercial message or imply corporate identity for a business is not regulated by the Zoning Ordinance. Murals that function as a sign are regulated in the Zoning Ordinance as a wall sign.

Nonconforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the standards of the district in which it is located.

Nonconforming Lot of Record: A lot which was created such that it does not conform to the standards of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the standards of the district in which it is located.

Nonconforming Use: A use which does not conform with the use standards of the district in which it is located.

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Occupancy Permit: A certificate stating that the occupancy and use of a building or structure complies with the provisions of all applicable Yorktown Codes and Ordinances.

Official Zoning Map: A map of the Town of Yorktown, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one (1) Official Zoning Map, and it is kept up to date by the Plan Commission and the Zoning Administrator.

Official Zoning Map Copies: A map of the Town of Yorktown, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-site Improvements: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Opaque: Screening that blocks fifty percent (50%) or more of vision from one (1) side of the screen to the other.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Ornamental Tree: A deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

Outdoor Storage: See *Storage, Outdoor*.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these standards, or their legal representative.

Parcel: See *Lot*.

Parent Tract: A lot of record as recorded on the effective date of the Zoning Ordinance. Multiple pieces (lots) owned by one (1) person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the Town which guarantees that the subdivider will perform all actions required by the Town regarding an approved plat or in other situations as stated forth in the Zoning Ordinance and/or as deemed by the Zoning Administrator that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure 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 the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Plan Commission: See *Advisory Plan Commission*.

Planned Development: A large-scale, unified development meeting the requirements for zoning approval under the provisions of *Article 7: Planned Developments* of the Zoning Ordinance. Generally a Planned Development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or types of buildings, density, lot coverage, and required open space to the standards established in any district of the Zoning Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of Planned Developments. A Planned Development requires approval through a zoning map amendment.

Planning Jurisdiction: All land within the corporate limits of Yorktown, Indiana, including the land within two (2) miles of the corporate boundaries of Yorktown, as set out on the Official Zoning Map.

Plant Material: Trees, shrubs, perennials, vegetative ground cover, and the like.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Plat, Primary: The primary plat, pursuant to *IC 36-7-4-700* series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary: The secondary plat, pursuant to *IC 36-7-4-700* series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one’s ability to improve land stemming from standards of the Zoning Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the standards within the Zoning Ordinance, but would like a variance from the development standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the development standards for a new garage location.

Primary Arterial: See *Street, Primary Arterial*.

Primary Plat: See *Plat, Primary*.

Primary Structure/Building: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one (1) primary structure shall be allowed on any one (1) lot at any time, with the exception of any recorded secondary plats involving multiple-family residential development with more than one (1) residential structure.

Principal Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a Permitted Use or a Special Exception Use.

Private Street: See *Street, Private*.

Professional Office: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and realtors or insurance agents and brokers.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, 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.

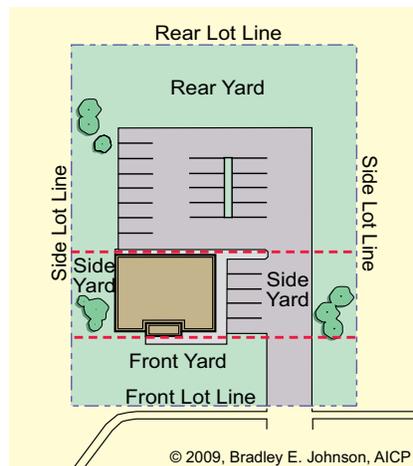
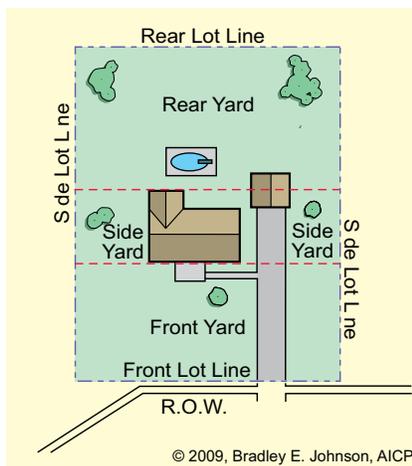
Public Street: See *Street, Public*.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Rear Lot Line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. See graphic for *Rear Yard*.

Rear Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two (2) side yards.



Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two (2) or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: A flood having a peak discharge which can be equalled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Residential District: Refers to the R1, R2, R3, R4, M1, M2 and MP Districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) residential facilities for the mentally ill shall be within 3,000 feet of one another in the Yorktown planning jurisdiction as stated in Indiana Code.

Residential Show Model: A residential unit used temporarily as a model home and/or sales office for real estate sales of properties located inside the boundaries of the subdivision in which it is located.

Re-subdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include: boat sales (small), building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales (small).

Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include: antique shop, apparel shop, art and craft supplies, auto parts sales (new), auto parts sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (small), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

Retail, Special Handling: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include: boat sales (large), construction vehicle sales, farm equipment sales, heavy equipment sales, manufactured homes sales, semi-tractor sales, and vehicle sales (large).

Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

Right-of-way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Riparian Area: Wooded or vegetated areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than ten (10) feet in width from the top of banks.

Road: See *Street*.

Root Protection Zone: Generally, eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half (½) its height or its drip line, whichever is greater.

ROW: See *Right-of-way*.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial.

Scrap Metal Yard: 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/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

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 such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Secondary Plat: See *Plat, Secondary*.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Sexual Conduct: Any of the following:

- The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;
- Ultimate sex acts, normal or perverted, actual or stimulated;
- Masturbation; and
- Excretory functions as part of or in connection with any of the activities described above.

Sexually Oriented Bookstore: An establishment having ten percent (10%) or more of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Sexually Oriented Business: Any commercial activity whether conducted intermittently or free time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Such businesses shall include while not being exclusive of:

- Sexually oriented bookstore
- Sexually oriented motion picture theater, mini motion picture theater, and motion picture arcade,
- Sexually oriented motel,
- Cabaret, and
- Massage parlor.

Sexually Oriented Entertainment: An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Sexually Oriented Mini Motion Picture Theater: means an enclosed building with a capacity of fifty (50) persons or less used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Sexually Oriented Motel: A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Sexually Oriented Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, 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 (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

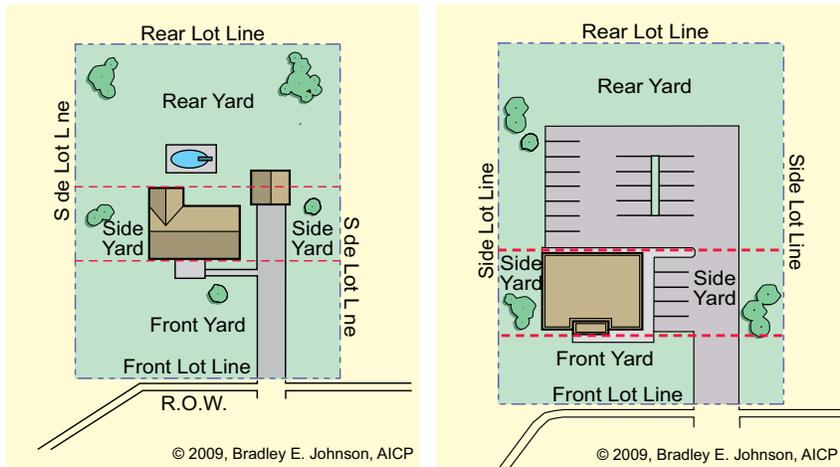
Sexually Oriented Motion Picture Theater: A facility for audio and visual productions and performing arts specifically for presenting material having as a dominant theme material distinguished or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Sexually Oriented Retail Store: An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Sexually Oriented Strip Club: A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Side Lot Line: A lot boundary line other than a front or rear lot line. See graphic for *Side Yard*.

Side Yard: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.



Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

Sign, Awning: As sign attached to or integrated into an awning, canopy or other fabric, plastic or structurally protective cover over a door, window, entrance or outdoor service area. A marquee is not an awning sign.

Sign, Ground: A sign in which at least eighty percent (80%) of the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.

Sign, Inflatable: A device that is inflated in order to draw attention to the business and/or advertise its products.

Sign, Marquee: Any permanent roof-like structure projecting beyond the building to which it is affixed, designed and constructed to provide pedestrians protection from the weather and for attachment of a sign.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Zoning Ordinances. Mural's without a commercial message are not regulated by the Zoning Ordinance. See *Mural*.

Sign, Non-commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Outdoor Advertising: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also referred to billboard or off-premise sign.

Sign, Permanent: Any sign that does not meet the definition of a Temporary Sign (see *Sign, Temporary*), or that is permanently affixed to a window, wall, pole or structure, or that is intended to be placed in a single location for an extended period of time, typically concurrently with the duration of the business or operation.

Sign, Pole: Any sign device supported by a narrow pole, structure or support that is anchored to the ground independent from a building, and that is generally intended to raise the sign surface to improve the visibility of the message.

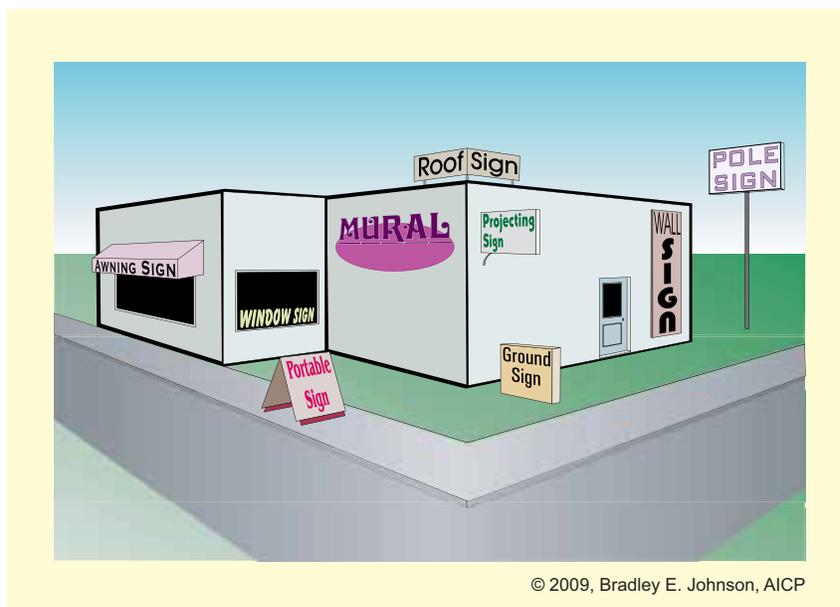
Sign, Portable: Any sign not permanently attached to the ground or other permanent structure including A or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising, and the like.

Sign, Projecting: Any sign device affixed perpendicular to a building or wall in such a manner that its leading edge extends more than one (1) foot beyond the surface of such building or wall and no message is displayed on the face parallel or generally parallel to the building or wall face.

Sign, Roof: Any sign device attached to a building or structure that projects above the height of the building or structure, whether affixed to an exterior wall or roof.

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, opinions or ideas to the public about a subject related to the activities on the premises upon which it is located. Temporary signs are inclusive of portable signs.

Signs, Types of: The graphic below depicts the primary types of signs. The standards and permissibility for each type of sign is regulated by the Yorktown Zoning Ordinance.



Signs, Vehicle: Signs attached to or upon any vehicle where said vehicle is allowed to remain parked in the same location, or in the same vicinity, for frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service, or product.

Special Exception Use: The authorization of a use that is designated as such by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Storage, Outdoor: The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular right-of-way that:

- is an existing state, county, or municipal roadway,
- is shown upon a plat approved pursuant to law,
- is approved by other official action, or
- is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Collector: A street designed primarily to provide transition between local streets and arterial streets, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Primary Arterial: A street with access control, restricted parking, and conveys large volumes of vehicles, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Street, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and that are maintained by the owner.

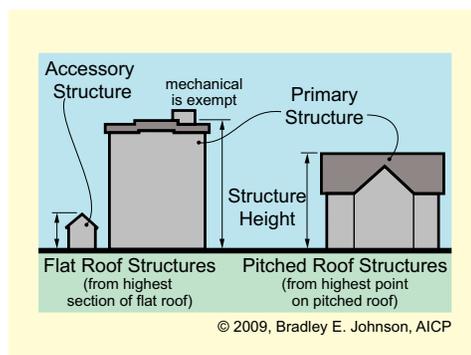
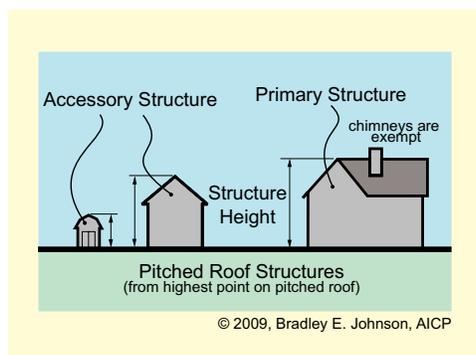
Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Street, Secondary Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan within the Comprehensive Plan.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.

Structure Height: The vertical distance measured from the average grade along the front elevation to the highest point of the roof.



Subdivision: The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Yorktown Subdivision Control Ordinance.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications Facility: A site that houses a telecommunication tower, support structure, antennas, accessory structures and/or associated radio or cellular communications equipment.

Telecommunications Tower: A monopole or lattice structure situated on a site used to support antennas and radio or cellular communications equipment.

Temporary Sales Office: A transportable and removable structure including, but limited to, a manufactured home or modular building for the purpose of a temporary sales office only for buildings and lots sold within the subdivision in which it is located.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

Temporary Zoning Compliance Permit: A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two (2) months. One (1) extension of two (2) months may be authorized by the Zoning Administrator for reason/cause.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Comprehensive Plan.

Tower: See *Telecommunications Tower*.

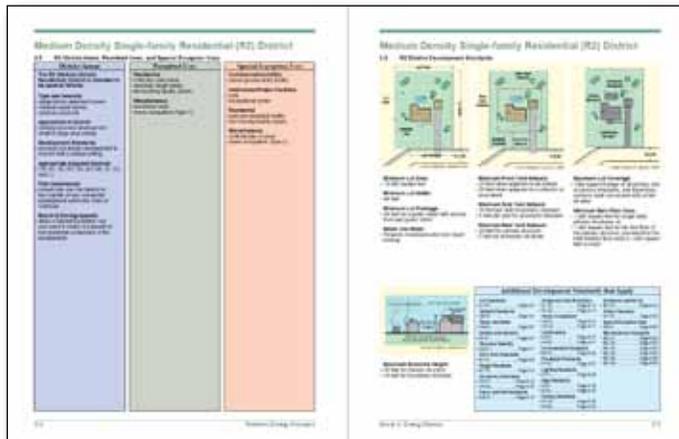
Town: The Town of Yorktown, Indiana.

Town Arborist: A certified person designated to function as a tree and plant specialist by the Town of Yorktown.

Town Council: The elected legislative body of the Town of Yorktown, Indiana.

Turf: Lawn-type grasses that are intended to be manicured and maintained at no more than six (6) inches of height.

Two-page Layout: The two-page layout accompanying each zoning district in *Article 3: Zoning Districts* of the Zoning Ordinance. The two-page layout includes Permitted Uses, Special Exception Uses, and basic zone district information. Below is an example from *Article 3: Zoning Districts*.



Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Utility Box: A cabinet used for switch gear, electronics, transformers, and the like which is permanently mounted on the ground and which does not exceed five (5) feet in height or cover a thirty square foot area. These utility boxes are often used by the power and phone company for their electronics.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: The approval of a use other than that prescribed by the Zoning Ordinance, an act granted by IC 36-7-4-918.3.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See *Motor Vehicle*.

Vision Clearance: A area near intersections and driveways that is required to be clear of obstructions that preclude visibility of potentially oncoming cars from an intersecting vehicle-way.

Wooded Lot: An area which contains trees at a rate above 250 cumulative inches DBH per acre. Trees under two and one-half (2 1/2) inches DBH are not included in the cumulative DBH calculation per acre.

Yard: A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by the Zoning Ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

Zoning Administrator: The officer appointed by and/or delegated the responsibility for the administration of the Zoning Ordinance's regulations by the Plan Commission.

Zoning Compliance Permit: A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a petitioner to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Zoning District: See *District*.

Zoning Map: See *Official Zoning Map*.