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UNIFIED DEVELOPMENT DOCUMENT  
ZONING ORDINANCE

FOR MONTEREY, MEDARYVILLE &  
PULASKI COUNTY, INDIANA

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SEPTEMBER 2011

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PULASKI COUNTY PLAN COMMISSION

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# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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Section I: General Information .....	6
1.1 Title .....	6
1.2 Purpose .....	6
1.3 Jurisdiction .....	6
1.4 Compliance .....	6
1.5 Severability .....	6
1.6 Amendments .....	6
1.7 Enforcement, Violation & Penalties.....	7
1.8 Administrative Officer.....	7
Section II: Definitions .....	7
Section III: Zoning Districts .....	7
3.1 Establishment .....	7
3.2 Official Zoning Map.....	8
3.3 Boundaries .....	8
Section IV: Authorized Uses .....	9
4.1 Principal Uses .....	9
4.2 Accessory Uses .....	9
4.3 Nonconforming Uses & Structures.....	9
4.4 Districts In Which Uses Are Permitted.....	13
4.5 Home Occupation.....	14
Table A: Districts In Which Primary Uses Are Permitted.....	19
Table A1: Residential Uses .....	19
Table A2: Public Facilities.....	20
Table A3: Communications / Utilities .....	21
Table A4: Business Uses / Automobile .....	22
Table A5: Business Uses / Clothing.....	23
Table A6: Business Uses / Electronics.....	24
Table A7: Business Uses / Food & Drink .....	25
Table A8: Business Uses / Office.....	26
Table A9: Business uses / Personal Services .....	27
Table A10: Business Uses / Recreation.....	28
Table A11: Business Uses / Retail Sales .....	29
Table A12: Business Uses / Miscellaneous .....	30
Table A13: Industrial Uses.....	31

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

---

Section V: Development Standards .....	32
5.1    General.....	32
5.2    General District Classifications.....	32
A.    A-1 & A-2 Agriculture.....	32
B.    R-1, R-2 & R-3 Residential.....	32
C.    Non-residential districts .....	32
5.3    Standards & Regulations By District .....	32
5.4    Lot / Yard Regulations.....	36
Table B: General Lot Requirements.....	42
5.5    Height Regulations .....	42
5.6    Loading .....	43
5.7    Parking.....	44
Table C: Minimum Parking Requirements .....	46
5.8    Entrances / Driveways.....	47
Table D: Driveway / Entrance To Intersection Requirements.....	47
5.9    Miscellaneous Restrictions.....	47
5.10   Environmental Regulations .....	49
5.11   Industrial Performance Standards.....	52
Section VI: Planned Development .....	56
6.1    Intent Of Planned Development Districts .....	56
6.2    Classifications Of Planned Developments.....	56
6.3    Origination Of Proposals .....	57
6.4    Filing Procedure .....	57
6.5    Preliminary Development Plan .....	58
6.6    Preliminary Plan Hearing .....	59
6.7    Approval Of Final Detailed Plan.....	59
6.8    Covenants & Maintenance .....	60
6.9    Recording.....	62
6.10   Permit .....	62
6.11   Construction .....	62
6.12   Extensions, Abandonment & Expiration .....	62
6.13   Rules Of Procedure.....	63
6.14   Limitation Of Rezoning .....	63
Section VII: Signs.....	63

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

---

7.1	General Provisions.....	63
7.2	Definitions.....	63
7.3	Permits Required & Fees .....	63
7.4	Inspection, Removal & Safety.....	65
7.5	Nonconforming Uses & Signs.....	66
7.6	Prohibited Signs .....	67
7.7	Exemptions.....	68
7.8	Temporary Signs .....	70
7.9	Illumination.....	71
7.10	Sign Standards By Zoning Districts .....	72
7.11	Residential Zoning Districts .....	72
7.12	Business/Commercial Districts.....	74
7.13	Industrial District .....	75
Section VIII: Board of Zoning Appeals.....		76
8.1	Membership .....	76
8.2	Terms Of Office .....	76
8.3	Jurisdiction .....	76
8.4	Rules And Procedures .....	76
8.5	Duties & Powers.....	77
8.6	Conflict Of Interest .....	77
8.7	Hearings.....	77
8.8	Appeals.....	77
Section IX: Plan Commission.....		78
9.1	Membership .....	78
9.2	Terms Of Office .....	78
9.3	Jurisdiction .....	78
9.4	Rules & Procedures .....	78
9.5	Duties & Powers.....	78
9.6	Conflict Of Interest .....	78
9.7	Meetings & Minutes.....	79
9.8	Miscellaneous .....	79
Section X: Administrative Procedures.....		79
10.1	Improvement Location Permit.....	79
10.2	Certificate Of Occupancy .....	81

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

---

10.3	Special Exceptions.....	81
10.4	Development Standard Variances.....	83
10.5	Use Variances.....	84
10.6	Schedule Of Fees .....	84
10.7	Enforcement & Penalties.....	85
10.8	Effect On Annexation Or Vacation Or Zoning .....	85
10.9	Exclusion.....	85
	Effective Date: Zoning Ordinance.....	87

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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## SECTION 1: GENERAL INFORMATION

### 1.1 TITLE

These regulations shall be known and cited as the Zoning Ordinance of Pulaski County, Indiana.

### 1.2 PURPOSE

This Ordinance is intended to encourage the growth and development of the County in accordance with the Comprehensive Plan for Pulaski County. The Comprehensive Plan and all amendments thereto are incorporated herein by reference with copies of the same maintained in the Office of the County Recorder and the Pulaski County Planning Department being open for public inspection during regular business hours.

### 1.3 JURISDICTION

This Ordinance shall apply to all lands within Pulaski County except that land within the two-mile territorial Zoning jurisdiction of the Towns of Francesville and Winamac, Indiana, unless otherwise specified.

### 1.4 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used, unless in full compliance with all provisions of this Ordinance and under the lawful issue of all permits and certificates required by this Ordinance.

### 1.5 SEVERABILITY

If any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance shall not be affected.

### 1.6 AMENDMENTS

In accordance with I.C. 36-7-4-602, the legislative body or the Plan Commission may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance.

- A. In its review of the text and zoning map amendments, the legislative body and the Plan Commission shall pay reasonable regard to:
  1. The most recently adopted Comprehensive Plan.
  2. The current conditions and the character of structures and uses in each district.
  3. The most desirable use for which the land in each district is adapted.
  4. The conservation of property values throughout the jurisdiction.
  5. Responsible development and growth.

## 1.7 ENFORCEMENT, VIOLATION & PENALTIES

- A. It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the County Attorney who may file a complaint against the person and prosecute the alleged violation.
- B. A use that violates this Ordinance shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for such nuisance, and shall be responsible for bringing the structure, land or premises into compliance with the ordinance.
- C. As to any appeal from a decision of the Board of Zoning Appeals, costs may not be allowed against the Board of Zoning Appeals unless it appears to the court that the Board acted with gross negligence or in bad faith in making the decision brought up for review.
- D. The Administrator, the Administrator's staff, or any person or persons assisting the Administrator in the application and enforcement of this Ordinance is hereby authorized to go onto private property for the purpose of conducting inspections required by the Ordinance or any order of the Plan Commission and/or Board of Zoning Appeals, or required to determine if this Ordinance is being violated, or required to enforce this Ordinance. Such inspection or inspections shall occur at reasonable times and shall be conducted in a manner not to disturb the peace.

## 1.8 ADMINISTRATIVE OFFICER

The Pulaski County Plan Commission's appointed Administrator shall have the principal responsibility for implementation and enforcement of this Ordinance.

## SECTION II: DEFINITIONS

The Pulaski County Plan Commission's appointed Administrator shall have definitions on file for anyone who request them.

## SECTION III: ZONING DISTRICTS

### 3.1 ESTABLISHMENT

The County and its jurisdictional area are divided into the following districts for purposes as stated:

Within the limits of Pulaski County, the following districts:

- A-1 Agriculture District
- A-2 Exclusive Agriculture District
- R-1 Single Family Residential District

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- R-2 Two Family Residential District
- R-3 Single Or Multi-Family Residential District
- C-1 Commercial District
- C-2 General Commercial District
- I-1 Industrial District
- L-1 Light Industrial District
- PD-R Planned Development Residential District
- PD-B Planned Development Business District
- PD-I Planned Development Industrial District

Planned Development Districts are established with the intent of providing greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of this Ordinance. Planned Development Districts shall only be established under the conditions set forth in Section VI hereof.

## 3.2 OFFICIAL ZONING MAP

The zoning map of the County of Pulaski County is hereby included as part of this Ordinance. The map shall be known as the Official Zoning Map of the County of Pulaski County, Indiana.

- A. The Zoning Map is a public document. It is available for review in many places, including upon request from the Plan Administrator.
- B. The Zoning District boundaries shall be shown on the Zoning Map. The abbreviations for the zoning districts appearing throughout this Ordinance shall be used to identify the zoning districts on the map.
- C. The Zoning Map shall be revised as the Plan Commission determines, with certified copies made thereof, to show the amendments adopted by the County Commissioners during the previous year. Such revisions may correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Zoning Map except as adopted by the County Commissioners during the previous year. Such revisions shall be necessary only to correct previous errors.
- D. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may, by resolution, adopt a new Zoning Map, which shall supersede the prior Zoning Map.

## 3.3 BOUNDARIES

District boundaries on the Zoning Maps shall meet the following standards:



# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- A. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerlines.
- B. Where existing physical or cultural features are at conflict with those shown on the Zoning Map, the Plan Commission shall interpret the district boundaries.

## SECTION IV: AUTHORIZED USES

### 4.1 PRINCIPAL USES

Principal uses are authorized in the districts as shown by a “P” in table A at the end of this section. Where designated with an “S”, the use is permitted in that district only if a special use has been approved.

### 4.2 ACCESSORY USES

Accessory uses are authorized in all districts subject to the provisions of any and all recorded restrictive covenants running with the land.

- A. Bird Baths and bird houses
- B. Accessory buildings/garages
- C. Curbs
- D. Driveways
- E. Fences and Hedges
- F. Lamp posts
- G. Name plates
- H. Parking space
- I. Private swimming pools approved as per the specifications and requirements of the Indiana Swimming Pool Code.
- J. Public utility installations for local service (such as poles, lines, hydrants, and telephone booths)
- K. Retaining walls
- L. Trees, shrubs, plants, and flowers
- M. Walks

### 4.3 NONCONFORMING USES & STRUCTURES

- A. Intent

Within the districts established by this ordinance or by amendments that may later be adopted, there may exist:

1. Nonconforming lots;
2. Nonconforming structures;
3. Nonconforming uses of land;
4. Nonconforming uses of land and structures in combination; and
5. Nonconforming characteristics of use.

These were lawful before this ordinance was passed or amended, but they are prohibited, regulated or restricted under the terms of this ordinance or may be under future amendments hereto. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. (Note: Illegal uses existing at the time this ordinance is enacted shall not be validated by virtue of its enactment.)

## B. Incompatibility of Nonconforming Uses

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

## C. Avoidance of Undue Hardship

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

## D. Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lots must be in separate ownership or included in a subdivision of record in the office of the County Recorder at the time of passage of this ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying area or width, or both, of the lots shall conform to the regulations for the district in which such lots are located. (Note: This section shall apply only to single-family residences.)

## E. Nonconforming Lots of Record in Combination

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

## F. Nonconforming Uses of Land

Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming uses shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for a continuous period of more than one year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

## F. Nonconforming Structures

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

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to the extent of more than 50 percent of the fair market value of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

### G. Nonconforming Uses of Structures and Land in Combination

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not now be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for a continuous period of more than one year (except when government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

H. Repairs and Maintenance

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement cost of the nonconforming structure and market value of real estate, or nonconforming portion of the structure, whichever the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. If a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

4.4 DISTRICTS IN WHICH USES ARE PERMITTED

- A. The permitted and non-permitted uses for each District, as well as those uses which may be considered for special exceptions, are shown in Table A.
  - 1. Permitted: Where the District column is marked with a “P”, the use corresponding with that row is permitted in the District.
  - 2. Non-Permitted: Where the District column is not marked (blank), the use corresponding with that row is not permitted in the District.
  - 3. Special Exceptions: Where the District Column is marked with an “S”, the use will be permitted if a special exception is granted from the Board of Zoning Appeals as specified in Section 8.5 of this ordinance.
- B. The Plan Commission, upon hearing a recommendation from the Administrator, shall determine into which category any use shall be placed which is not specifically listed or defined herein in Table A.
  - 1. The principal use of the land, building(s), structure(s), or operation shall determine the use. “Principal Use” is defined as being greater than fifty percent (50%), even in the event that three or more land use categories apply, or
  - 2. When no single use is greater than fifty percent (50%), the land usage category with the greatest restriction on the land, building(s), structure(s), or operation will apply.
- C. Where there are two or more land use categories that apply to one proposed development, the following should be used to determine the applicable land use category:
  - 1. The principal use of the land, building(s), structure(s), or operation shall determine the use. “Principal use” is defined as being greater than fifty percent (50%), even in the event that three or more land use categories apply, or

2. When no single use is greater than fifty percent (50%), the land usage category with the greatest restriction on the land, building(s), structure(s), or operation will apply.

## 4.5 HOME OCCUPATION

### A. Purpose and Intent

It is the purpose and intent of this Section to provide for certain types of home occupations to be conducted within a dwelling unit or accessory structure on the resident's premises. Two classes of home occupations are established based on the type and intensity of the home occupation. Accordingly, minimum standards have been established for each class of home occupation in order to assure compatibility of home occupations with other uses permitted in the applicable district and to preserve the character of residential neighborhoods.

### B. Home Occupations

Home occupations shall not be permitted except in compliance with this section and other applicable law.

### C. Application for Home Occupation

An application for an administrative Permit for a Type I Home Occupation or Special Exception for a Type II Home Occupation shall be signed by all owners and adult residents of the property in question and filed with the Department on forms provided by the Department. The Administrator shall review the application and classify the proposed Home Occupation as a Type I or Type II based upon:

1. The established standards for Type I and Type II Home Occupations described in D and E herein, and
2. General planning and zoning standards established by the Zoning Code.

### D. Type I Home Occupation

1. The following standards are applicable to all Type I Home Occupations
  - a. No person other than the residents of the dwelling unit on the subject premises named in the application shall be engaged in such home occupation.
  - b. No more than twenty (20) percent of the total gross floor area of the said dwelling unit shall be used for such home occupation. The home occupation may not utilize more than fifty (50) percent of any one floor of the dwelling unit.
  - c. No outdoor storage or display of products, equipment, or merchandise is permitted.
  - d. No retail sales shall be conducted on the premises.

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- e. No publication or advertising shall use the residential address of the home occupation
  - f. Exterior evidence of the conduct of a home occupation is not permitted.
  - g. The home occupation shall be conducted exclusively within the dwelling unit or accessory structure.
  - h. No equipment, process, or activity shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
  - i. No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected by one (1) dwelling unit in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
  - j. No specific outside entrance or exit for the home occupation shall be permitted.
  - k. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of home occupation which may be classified as a Type I:
- a. Telephone answering and solicitation
  - b. Home crafts
  - c. Computer programming, desktop publishing
  - d. Typing or secretarial service
  - e. Painting, sculpturing or writing
  - f. Dressmaking, sewing, or tailoring
  - g. Drafting, surveying service
  - h. Consulting services
  - i. Mail order business, not including retail sales from site
  - j. Sales representative, office only

### E. Type II Home Occupation

- 1. The following standards are applicable to all Type II Home Occupations:
  - a. One (1) person other than the residents of the dwelling unit on the subject premises named in the application may be engaged in such home occupation.

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- b. No more than twenty-five (25) percent of the total gross floor area of the said dwelling unit shall be used for such home occupation. The home occupation may not utilize more than fifty (50) percent of any one floor of the dwelling unit.
  - c. No outdoor storage or display of products, equipment or merchandise is permitted.
  - d. Retail sales are permitted only as an accessory use to the primary home occupation (e.g. beauty salon can sell shampoo and beauty products).
  - e. Exterior evidence of the conduct of a home occupation is not permitted except one (1) non-illuminated sign not to exceed eight (8) square feet, which must be mounted flat against the exterior wall of the dwelling unit.
  - f. The home occupation shall be conducted exclusively within the dwelling unit or accessory structure.
  - g. No equipment, process, or activity shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
  - h. No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected by one (1) dwelling unit in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
  - i. A minimum of two (2) off-street parking spaces, in addition to those required for the dwelling unit, shall be provided for use by patrons of the home occupation. The Board of Zoning Appeals may require additional off-street parking based upon the use and location of the property.
  - j. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of home occupation which may be classified as a Type II:
    - a. Attorney Office
    - b. Insurance sales or broker
    - c. Real estate sales or broker
    - d. Jewelry repair
    - e. Shoe repair
    - f. Carpentry, cabinet makers



- g. Ceramics which involve the use of a kiln
- h. Medical or Dental office
- i. Catering or food preparation
- j. Pet grooming service
- k. Barber or Beauty shop
- l. Photo developing, photo studio
- m. Appliance repair
- n. Home day care

### F. General Provisions

All home occupations shall conform to the following standards:

1. Approval of a home occupation is not transferable to a location other than that which was approved.
2. With approval a home occupation may be open to the public at times earlier than 7:00 a.m. and later than 9:00 p.m.
3. All home occupations shall be subject to periodic inspections. Reasonable notice shall be provided to the permittee prior to the time requested for an inspection.
4. The Administrator, in the case of an Administrative Permit for a Type I Home Occupation, or the Board of Zoning Appeals in the case of a Special Exception Permit for a Type II Home Occupation, may impose reasonable conditions necessary to protect the public health, safety, and welfare, or to protect against a possible nuisance condition.
5. Administrative Permits issued by the Administrator, or Special Exception Permits issued by the Board of Zoning Appeals may be revoked by the issuing authority for cause after reasonable notice to the permittee and an opportunity for hearing on the matter.
6. Home occupations shall commence only after the receipt of an Administrative Permit if classified as a Type I, or Special Exception Permit if classified as a Type II.

### G. Permit Review Process

Applications for a home occupation shall be reviewed as follows:

1. Application filed, with authorization from property owner.
2. Review of application by Administrator to determine classification as a Type I or Type II.

3. If classified as a Type I:
  - a. Administrator can approve or deny the application.
  - b. If approved, an Administrative Permit for the home occupation shall be issued.
  - c. Administrator may impose reasonable conditions as part of the approval.
  - d. Applicant may appeal to the Board of Zoning Appeals if application is denied or if conditions are unacceptable. On appeal of a condition(s), appeal must be filed within fourteen (14) days of the date of the Administrator's approval of the Administrative Permit.
4. If classified as a Type II, the application shall be reviewed and treated as a Special Exception request.
5. The standards set forth in this section shall be incorporated as minimum conditions of approval.

### H. Enforcement

In the event the Administrator determines that the operation of any home occupation is in violation of this Section or any permit condition, notice shall be provided to the permittee setting forth a description of the violation, corrective action required, and a date by which such corrective action must be accomplished. The permit may be revoked if not corrected in the manner and by the date specified in the notice in accordance with the revocation procedures applicable to Special Exceptions. In addition, violations of this Section are subject to the penalties provided for in this Ordinance.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

TABLE A: DISTRICTS IN WHICH PRIMARY USES ARE PERMITTED

TABLE A1: RESIDENTIAL USES

P=Permitted S=Special Exception X=Per Planned Development Regulations

RESIDENTIAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
DWELLING, SINGLE-FAMILY	P	P	P	P	P		S			X			1
DWELLING, TWO-FAMILY / DUPLEX					P					X			2
DWELLING, MULTI-FAMILY / APARTMENT					P					X			2
MANUFACTURED HOME			P	P	P					X			2
MOBILE HOME	P				S								2
MOBILE HOME PARK					S					X	X		2
HOME OCCUPATION	S	S	S	S	S	P	P			X	X		2
BOARDING OR LODGING HOUSE					S					X	X		13
GROUP HOME		S			S		S			X	X		13
NURSING HOME					S		P						14
CHILDREN'S HOME	S					S	S	S		X	X		14
RETIREMENT COMMUNITY	S	S				P	S			X	X		2

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A2: PUBLIC FACILITIES**

P=Permitted S=Special Exception X=Per Planned Development Regulations

PUBLIC FACILITIES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
AIRPORT	S	S						S	S				19
CHURCH / TEMPLE / MOSQUE	S			S	S	P	P						6
GOVERNMENT OFFICES						S	P						10
CHILDCARE						P	P	P					10
POLICE / FIRE STATION						P	P						10
HIGHWAY / MUNICIPAL GARAGE						S	P	P					10
MUSEUM						S	S						11
PUBLIC PARK	P		P	P	P	P	P	P		P			19
THEME / AMUSEMENT PARK							S						19
GOLF COURSE / DRIVING RANGE	S			S	S		S						21
PUBLIC OR PRIVATE SCHOOL						S	P						19
TRADE / VOCATIONAL SCHOOL / COLLEGE						S	S	P					19
ZOO						S	S						19
RECYCLING CENTER						S	S	S	S				18
COMPOSTING CENTER						S	S	S	S				18
SANITARY LANDFILL									S				10
INCINERATOR									S				10
PUBLIC OR PRIVATE PARKING AREA						P		P					-

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A3: COMMUNICATIONS / UTILITIES**

P=Permitted S=Special Exception X=Per Planned Development Regulations

COMMUNICATIONS / UTILITIES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
RADIO / TV STATION				S		S	P	P					10
UTILITY SUBSTATION	S	S	S	S		S	S	P					19
PIPELINE PUMPING STATION		S	S	S	S	S	S	P					19
ELECTRICAL GENERATOR		P		S	S	S	S	P					19
PUBLIC WELLS	S		S	S	S	S	S	P					19
ABOVE GROUND WATER STORAGE TANK			S	S				P					19
SEWAGE TREATMENT FACILITIES				S				P					19
WATER TREATMENT FACILITIES				S				P					19
COMMUNICATION RELAY TOWER	S	S		S				P					19

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A4: BUSINESS USES / AUTOMOBILE**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / AUTOMOBILE	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
AUTOMOBILE REPAIR						S	P	P					18
AUTO PARTS STORE						P	P						12
AUTO / TRUCK SALES & SERVICE						S	P	P					18
BODY SHOP						S	P	P					18
CAR WASH						S	P						18
ENGINE REPAIR						S	P	P					18
GASOLINE STATION WITH REPAIR						S	P	P					18
GASOLINE STATION WITHOUT REPAIR						S	P	P			P		10
RV / CAMPER SALES & SERVICE						S	P	P					18

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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**TABLE A5: BUSINESS USES / CLOTHING**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / CLOTHING	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
CLOTHING RETAIL						P	P				P		12
DRY CLEANING SHOP						P	P				P		12
FABRIC SHOP						P	P				P		12
SELF-SERVICE LAUNDRY						S	P						19
SHOE REPAIR SHOP						P	P						12
TAILOR / DRESSMAKER SHOP						P	P				P		12
THRIFT / SECOND HAND CLOTHING STORE						P	P				P		12

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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**TABLE A6: BUSINESS USES / ELECTRONICS**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / ELECTRONICS	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
APPLIANCE SALES & SERVICE						P	P				P		11
AUDIO / VIDEO EQUIP. SALES & SERVICE						P	P				P		11
SATELLITE DISH SALES & SERVICE						P	P				P		11
COMPUTER SALES & SERVICE						P	P				P		12
VIDEO ARCADE						P	P				P		19
BUSINESS EQUIPMENT SALES & SERVICE						P	P				P		12
VIDEO / MUSIC STORE						P	P				P		12



# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A7: BUSINESS USES / FOOD & DRINK**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / FOOD & DRINK	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
BAKERY, RETAIL						P	P				P		12
DAIRY, RETAIL						P	P				P		12
DELICATESSEN						P	P				P		12
MEAT MARKET / BUTCHER SHOP						P	P				P		12
FAST FOOD WITH DRIVE-THROUGH / IN						P	P				P		12
GROCERY STORE						P	P				P		12
CONVENIENCE STORE						P	P				P		12
LIQUOR / WINE / BEER STORE						P	P				P		12
RESTAURANT WITH ALCOHOLIC BEVERAGE						P	P				P		12
RESTAURANT WITHOUT ALCOHOLIC BEVERAGE						P	P				P		19
SIDEWALK CAFE						S	P				S		19
ROADSIDE FOOD STAND							S				S		19
ROADSIDE PRODUCE STAND							S				S		19
OTHER SIMILAR USES							S				S		19

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A8: BUSINESS USES / OFFICE**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / OFFICE	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
ACCOUNTANT OFFICE						P	P				P		10
CONTRACTOR OFFICE						P	P						10
CORPORATE OFFICE						P	P						10
DESIGN SERVICES						P	P						10
HOME OCCUPATION TYPE I	P		P	P	P								19
HOME OCCUPATION TYPE II	S		S	S	S								19
REAL ESTATE OFFICE						P	P				P		10
SECRETARIAL SERVICES OFFICE						P	P				P		10
SERVICE ORGANIZATION OFFICE						P	P				P		10
TRAVEL AGENCY						P	P				P		10
INSURANCE OFFICE						P	P				P		10

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A9: BUSINESS USES / PERSONAL SERVICES**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / PERSONAL SERVICES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
ACCOUNTING / TAX PREPARATION						P	P				P		10
BARBER SHOP						P	P				P		18
BEAUTY SHOP / SALON						P	P				P		18
BED AND BREAKFAST						S	P						13
DENTIST'S OFFICE / PRIVATE PRACTICE, GENERAL OR SPECIALIST						P	P				P		22
DOCTOR'S OFFICE / PRIVATE PRACTICE, GENERAL OR SPECIALIST						P	P				P		22
HEALTH SPA / FITNESS CENTER						P	P				P		19
HOSPITAL						S	P						17
HOTEL / MOTEL						S	P						13
LARGE ANIMAL CLINIC / VETERINARIAN	P	S											10
MEDICAL CLINIC						S	P						22
PSYCHIC / PALM READER						P	P				P		10
SMALL ANIMAL CLINIC / VETERINARIAN						S	P						10
TANNING SALON						P	P				P		18

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A10: BUSINESS USES / RECREATION**

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / RECREATION	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
ARCHERY / FIREARMS TARGET RANGE (INDOOR)							S	P					18
ARCHERY / FIREARMS TARGET RANGE (OUTDOOR)	S												18
BAIT & TACKLE SHOP						S	P						12
BILLIARD ROOM						S	P						19
BINGO PARLOR						S	P						19
BOWLING ALLEY						S	P						18
CAMPGROUND, TENT &/OR RV	S												18
DANCE / GYMNASTIC STUDIO						S	P						19
GOLF COURSE OR DRIVING RANGE							S						21
LODGE OR PRIVATE CLUB						S	S						19
NIGHT CLUB / BAR / TAVERN							P						12
PAINTBALL RECREATION FACILITY							S						19
PRIVATE CAMP	S												19
RIDING STABLE AND TRAILS	S												19
SPORTING GOODS STORE, RETAIL						S	P				P		12
THEATER, INDOOR							P						5
VIDEO ARCADE						S	P						19

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

TABLE A11: BUSINESS USES / RETAIL SALES

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / RETAIL SALES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
ANTIQUÉ SHOP						P	P				P		12
APPAREL / CLOTHING STORE						P	P				P		12
DRUG STORE						P	P				P		12
FLORAL SHOP						P	P				P		12
FURNITURE STORE						P	P				P		12
GIFT / CARD SHOP						P	P				P		12
HARDWARE STORE						P	P				P		11
JEWELRY STORE						P	P				P		12
LIQUOR / WINE / BEER STORE						P	P				P		12
LUMBER / BUILDING SUPPLY SALES						P	P						19
MUSIC STORE						P	P				P		12
NEWS / BOOK / MAGAZINE STORE						P	P				P		12
PET STORE						P	P				P		12
RETAIL SHOWROOM						P	P				P		12
SHOE STORE						P	P				P		12
SPORTING GOODS STORE						P	P				P		12
TOBACCO / CIGAR STORE						P	P				P		12
VARIETY STORE						P	P						12

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

TABLE A12: BUSINESS USES / MISCELLANEOUS

P=Permitted S=Special Exception X=Per Planned Development Regulations

BUSINESS USES / MISCELLANEOUS	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
ADULT BOOKSTORE / ENTERTAINMENT						S	S						12
BANK / CREDIT UNION						P	P				P		12
BANK MACHINE / A.T.M.						P	P				P		19
BOAT SALES / SERVICE / STORAGE						S	P						19
BUILDING TRADES CONTRACTOR							P						19
CEMETERY / CREMATORIUM							P						10
KENNEL, PET BOARDING						S	P						19
MORTUARY / FUNERAL HOME						P	P						19
OUTDOOR ADVERTISING SIGN / BILLBOARD							P						-
PHOTOGRAPHY STUDIO						P	P				P		10
PRINTING SHOP						S	P						11
SIGN PAINTING						S	P						11
TRUCK STOP							P						19
WAREHOUSE / MINI STORAGE						S	P						19
WELDING SHOP								P	P		X	X	10
MACHINE SHOP								P	P		X	X	10

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

**TABLE A13: INDUSTRIAL USES**

P=Permitted S=Special Exception X=Per Planned Development Regulations

INDUSTRIAL USES	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I	PARKING CLASS
BOTTLED GAS STORAGE / DISTRIBUTION								P	P				11
LIGHT MANUFACTURING								P					11
GENERAL MANUFACTURING								P					11
MFG. / STORAGE / USE OF EXPLOSIVES									P				11
FOOD PROCESSING									P				11
PRODUCT ASSEMBLY								P	P				11
WAREHOUSING / DISTRIBUTION CENTER								P	P				11
JUNK YARD / SCRAP METAL YARD									S				10
RECYCLING CENTER								P	P				18
COMPOSTING CENTER									P				18
RESEARCH CENTER								P	P				10
INDUSTRIAL / COMMERCE PARK								P	P				19
GRAVEL / SAND / MINING OPERATIONS								P	P				19
GENERAL CONTRACTING								P	P				10
COMMUNICATION RELAY TOWER						S	S	S	S				
MACHINE SHOP								P	P				10
WOOD SHOP								P	P				10

## SECTION V: DEVELOPMENT STANDARDS

### 5.1 GENERAL

The purpose of this section is to set forth in detail the development standards and restrictions for permitted uses. Such development standards have been developed to promote the goals, policies, and objectives set forth in the Comprehensive Plan of Pulaski County.

### 5.2 GENERAL DISTRICT CLASSIFICATIONS

Territory under the jurisdiction of the Plan Commission is divided into the following general land use classifications.

#### A. A-1 & A-2 AGRICULTURE

The primary use of land throughout much of the unincorporated area of Pulaski County is agricultural in nature. The A-land A-2 agriculture districts are hereby established to protect prime farmland and encourage agricultural industries for the purpose of preserving the local economy. All residential development within the agricultural districts should be limited in scale and density.

#### B. R-1, R-2 & R-3 RESIDENTIAL

Conventional residential zoning districts are intended for residential dwellings and related recreational, religious, and educational facilities as these related land uses are typically viewed as providing a balanced and attractive residential neighborhood. Residential areas are typically defined so as to be protected from the encroachment of non-residential uses that are not conducive to a residential environment. Consideration is given to the proper functional relationship and arrangement of each residential district. The R-1, R-2 and R-3 residential districts are intended to protect the integrity, value, and enjoyment of use of the dwellings in each district, while also providing a variety of housing types throughout the county.

#### C. NON-RESIDENTIAL DISTRICTS

Conventional non-residential districts are intended to provide for commercial and industrial uses to provide for a balanced and prosperous community. The C-1, C-2, I-1 and L-1 non-residential, non-agricultural districts are intended to broaden the tax base and further support community services, while creating jobs and providing goods and services to the residents and businesses of Pulaski County.

### 5.3 STANDARDS & REGULATIONS BY DISTRICT

Included on the following pages are descriptions of the intent of each zoning district governed by this Ordinance and any additional regulations and/or standards that apply to parcels within a given district.

#### A. A-1 Agricultural District



## Purpose and Intent

1. Pulaski County is a crop producing county. The purpose of the A-1 Agriculture District is to provide for and protect substantial areas of contiguous land where little or no urbanization has occurred or is planned to occur. It is the intent of this district to limit residential uses, thereby discouraging the development of residential subdivisions, in order to provide for adequate land which is necessary to protect the farming industry and overall economy of Pulaski County.
2. For subdivision of a parcel into new parcels, lots or tracts refer to the Subdivision Ordinance.

## B. A-2 Exclusive Agriculture District

### Purpose and Intent

1. The purpose of the A-2 Exclusive Agriculture District is to provide adequate land for more intense agricultural uses and agricultural related industries. This includes, but is not limited to: confined feeding operations, and wind farms. Residential subdivisions are prohibited in order to prevent conflicts with the otherwise intense uses intended for an A-2 District. Physical separation between an A-2 District and other residential and non-residential districts may also be necessary in order to further reduce conflicts between otherwise incompatible land uses, to the extent that all future A-2 Districts will require a rezoning to provide for an additional layer of review for the purposes of adequately addressing any issues specific to a proposed use.
2. Those structures used in confined feeding operations, livestock auction yards, shall have a setback of:
  - a. Minimum setback requirement is one thousand three hundred twenty (1,320) feet from any other non-agricultural district, residence or business, unless located on the same property.
  - b. Major drainage system and water wells shall be in compliance with IDEM standards.
  - c. This setback shall not apply to fences for areas where animals graze.
3. Confined Feeding Operations shall have Indiana Department of Environmental Management (IDEM) approval within IDEM's rules for CFOs.
4. The District cannot be located within one (1) mile of an incorporated municipality.
5. For subdivision of parcels into new parcels, lots or tracts refer to the Subdivision Ordinance.

## C. R-1 Single-Family Residential District

The purpose of the R-1 Single-Family Residential District is to provide adequate land for low-density single-family residential uses. Uses within an R-1 District should primarily consist of relatively low-density single-family dwellings, accessory structures, and related recreational, religious, and educational facilities. Any subdivisions that have more than 25 lots within a subdivision shall provide at least twenty-five (25) percent open space. Refer to the Subdivision Ordinance.

### D. R-2 Two-Family Residential District

The purpose of the R-2 Single and Two-Family Residential District is to provide adequate land for single-family and two-family residential uses. It is anticipated that, like the R-1 District, the majority of R-2 Districts will be located within an incorporated municipality near existing residential areas. Uses within an R-2 District should primarily consist of relatively small to medium sized single-family and two-family dwellings, accessory structures, and related recreational, religious, and educational facilities. Any subdivisions that have more than 25 lots within a subdivision shall provide at least twenty-five (25) percent open space. Refer to the Pulaski County Subdivision Control Ordinance.

### E. R-3 Single or Multi-Family Residential District

The purpose of the R-3 Single or Multi-Family Residential District is to provide adequate land for high-density residential uses. It is anticipated that because of the relatively higher residential density and the requirement that all multi-family development be connected to public sewer and water utilities, all R-3 Districts will be located within an incorporated municipality. Uses within an R-3 District should primarily consist of multi-family dwellings, which may include apartments, condominiums and townhouses. There are no additional standards or regulations for properties located with R-3 Single and Multi-family Residential districts governed by this Ordinance.

### F. C-1 Commercial District

The purpose of the C-1 Commercial District is to provide adequate land which will accommodate a mix of uses. It is anticipated that all C-1 Districts will be located and otherwise make up the downtowns of the incorporated municipalities. Uses within a C-1 District are typically centered on personal service needs, local retail needs and institutional/governmental uses, although each downtown is encouraged to identify its niche market. Residential uses located above ground floor uses are also appropriate uses for a C-1 District. There are no additional standards or regulations for properties located with C-1 Commercial districts governed by this Ordinance.

### G. C-2 General Commercial District

The purpose of the C-2 General Commercial District is to provide adequate land for medium to larger scale business and service establishments that provide for the everyday shopping needs of the community. It is anticipated that C-2 Districts will be located near a C-1 District, or at the intersections of primary thoroughfares within or near a

municipality. Uses within a C-2 District will vary; however, such uses typically serve the local population as opposed to travelers and motorists. There are no additional standards or regulations for properties located with C-2 General Business districts governed by this Ordinance.

## H. I-1 Industrial District

The purpose of the I-1 Industrial District is to provide adequate land for more intense industrial uses. This includes, but is not limited to: the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or are engaged in the storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. It is anticipated that all I-1 Districts will be located so as to be buffered from any adjacent district. There are no additional standards or regulations for properties located with I-1 Industrial districts governed by this Ordinance.

## I. L-1 Light Industrial District

The purpose of the L-1 Light Industrial District is to provide adequate land for less intensive industrial uses. It is anticipated that L-1 Districts will be located so as not to impede residential development. Uses within an L-1 District may include warehousing, office parks, bio-technology research and light manufacturing processes. The processing or manufacturing of materials or products from extracted or raw materials is strongly discouraged. To the extent possible, uses within an L-1 District should not be noxious or injurious to the surrounding areas by reason of emission or creation of noise, vibrations, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire, explosive hazard, glare or heat. There are no additional standards or regulations for properties located with L-1 Light Industrial districts governed by this Ordinance.

## J. RR-1 Recreational District

### Purpose and Intent

1. The purpose of the Recreational District is to provide adequate land which will accommodate a mix of intensive recreation, resort and entertainment uses in one district with the intent of preserving the tourist benefit of the AED District. The overall size, hours of operation, the wide range of uses and associated activities has the potential to negatively impact surrounding properties. The Recreational District accommodates these activities and provides flexibility in the expansion and continued use of the land. The standards set forth in the Recreational District apply only to new amusement and entertainment attractions and structures constructed after the effective date of the Pulaski County Zoning Ordinance.
2. The district shall have frontage on and access to a federal or state highway or primary county or municipal street, provided that the highway authority with jurisdiction over the street may approve alternative access. All new lots that are created within

this district shall have frontage on and access to a federal or state highway or a primary county or municipal road.

3. All signage located outside the Recreational District is subject to the regulations in the Zoning Ordinance.
4. All lighting shall be reflected away from adjacent districts. Downward lighting shall be used on all lights used for signs, pathway and general lighting.
5. Uses in this district shall comply with any and all federal and state regulations.

## 5.4 LOT / YARD REGULATIONS

### A. Conflicts

All conflicts concerning lot/yard regulations specified in this section in existence prior to the time of adoption of this ordinance shall be considered legal nonconforming lots or structures and are subject to Section 4.3 of this ordinance.

### B. Setbacks

No building or structure shall be erected, altered, enlarged, or reconstructed unless such improvement conforms to the yard regulations of the District in which it is located as follows:

#### 1. A-1 Agriculture

##### a. Minimum front yard.

- i. There shall be provided a front yard along every front lot line. A front yard shall be not less than 75 feet, unless 40 percent or more of the foot frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard line so established, but this regulation shall not be interpreted to require a front yard of more than 25 percent of the depth of the lot.
- ii. On a through lot, the required front yard shall be provided on both streets.

##### b. Minimum side yard.

A side yard shall be provided along each side lot line. Each side yard shall be not less than fifteen (15) feet.

##### c. Minimum rear yard.

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than 30 feet. Rear yards shall not apply to through lots.

- d. Minimum lot area shall be one acre.
- e. Minimum lot width shall be 100 feet.
- f. Maximum lot coverage shall be 10 percent.

## 2. A-2 Exclusive Agriculture

- a. Minimum front yard.
  - i. There shall be provided a front yard along every front lot line. A front yard shall be not less than 75 feet, unless 40 percent or more of the foot frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard line so established, but this regulation shall not be interpreted to require a front yard of more than 25 percent of the depth of the lot.
  - ii. On a through lot, the required front yard shall be provided on both streets.

### b. Minimum side yard.

A side yard shall be provided along each side lot line. Each side yard shall be not less than fifteen (15) feet.

### c. Minimum rear yard.

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than 30 feet. Rear yards shall not apply to through lots.

- d. Minimum lot area shall be 40 acres.
- e. Minimum lot width shall be 500 feet.
- f. Maximum lot coverage shall be 5 percent.

## 3. R-1 Single Family Residential

- a. Minimum front yard.
  - i. There shall be provided a front yard along every front lot line. A front yard shall be not less than 40 feet, unless 40 percent or more of the foot frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard line so established, but this regulation shall not be interpreted to require a front yard of more than 25 percent of the depth of the lot.

ii. On a through lot, the required front yard shall be provided on both streets.

b. Minimum side yard

A side yard shall be provided along each side lot line. Each side yard shall be not less than fifteen (15) feet.

c. Minimum rear yard

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than 30 feet. Rear yards shall not apply to through lots.

d. Minimum lot area.

Minimum lot area shall be 7,500 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be one acre.

e. Minimum lot width shall be 70 feet.

f. Maximum lot coverage shall be 35 percent.

4. R-2 Two Family Residential

a. Minimum front yard.

i. There shall be provided a front yard along every front lot line. A front yard shall be not less than 25 feet, unless 40 percent or more of the foot frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard line so established, but this regulation shall not be interpreted to require a front yard of more than 25 percent of the depth of the lot.

ii. On a through lot, the required front yard shall be provided on both streets.

b. Minimum side yard

A side yard shall be provided along each side lot line. Each side yard shall be not less than ten (10) feet.

c. Minimum rear yard

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than six (6) feet. Rear yards shall not apply to through lots.

d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be 20,000 square feet per dwelling unit.

- e. Minimum lot width shall be 65 feet.
- f. Maximum lot coverage shall be 40 percent.

## 5. R-3 Single or Multi-Family Residential

### a. Minimum front yard.

- i. There shall be provided a front yard along every front lot line. A front yard shall be not less than 25 feet, unless 40 percent or more of the foot frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more than ten feet, in which case no building shall project beyond the average front yard line so established, but this regulation shall not be interpreted to require a front yard of more than 25 percent of the depth of the lot.
- ii. On a through lot, the required front yard shall be provided on both streets.

### b. Minimum side yard

A side yard shall be provided along each side lot line. Each side yard shall be not less than ten (10) feet.

### c. Minimum rear yard

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than six (6) feet. Rear yards shall not apply to through lots.

### d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be 20,000 square feet per dwelling unit.

- e. Minimum lot width shall be 65 feet.
- f. Maximum lot coverage shall be 40 percent.

## 6. C-1 Commercial

### a. Minimum front yard.

There shall be provided a front yard along every front lot line. A front yard shall be not less than 25 feet.

b. Minimum side yard

If the entire block is Commercial, none required. If adjoining residential district, a side yard shall be provided of not less than five (5) feet.

c. Minimum rear yard

There shall be provided a rear yard along every rear lot line. A rear yard shall not be less than six (6) feet. Rear yards shall not apply to through lots.

d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be one acre.

e. Minimum lot width shall be 65 feet.

f. Maximum lot coverage shall be 75 percent.

7. C-2 General Commercial

a. Minimum front yard.

The regulations governing rear yards in the A-1 district apply.

b. Minimum side yard

The regulations governing side yards in the A-1 district apply.

c. Minimum rear yard

The regulations governing rear yards in the A-1 district apply.

d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be one acre.

e. Minimum lot width shall be 65 feet.

f. Maximum lot coverage shall be 75 percent.

8. I-1 Industrial District

a. Minimum front yard.

The regulations governing rear yards in the A-1 district apply.

b. Minimum side yard

The regulations governing side yards in the A-1 district apply.

c. Minimum rear yard



The regulations governing rear yards in the A-1 district apply.

- d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be one acre.

- e. Minimum lot width shall be 65 feet.
- f. Maximum lot coverage shall be 75 percent.

## 9. L-1 Light Industrial

- a. Minimum front yard.

The regulations governing rear yards in the A-1 district apply.

- b. Minimum side yard

The regulations governing side yards in the A-1 district apply.

- c. Minimum rear yard

The regulations governing rear yards in the A-1 district apply.

- d. Minimum lot area.

Minimum lot area shall be 8,000 square feet if on a public sewer system. If not on a public sewer system the minimum lot area shall be one acre.

- e. Minimum lot width shall be 65 feet.
- f. Maximum lot coverage shall be 50 percent.

## 10. PD-R Planned Development Residential

- a. Minimum front yard as per PUD Ordinance.
- b. Minimum side yard as per PUD Ordinance.
- c. Minimum rear yard as per PUD Ordinance.
- d. Minimum lot area as per PUD Ordinance.
- e. Minimum lot width as per PUD Ordinance.
- f. Maximum lot coverage as per PUD Ordinance

## 11. PD-B Planned Development Business

- a. Minimum front yard as per PUD Ordinance.
- b. Minimum side yard as per PUD Ordinance.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

- c. Minimum rear yard as per PUD Ordinance.
- d. Minimum lot area as per PUD Ordinance.
- e. Minimum lot width as per PUD Ordinance.
- f. Maximum lot coverage as per PUD Ordinance

## 12. PD-I Planned Development Industrial

- a. Minimum front yard as per PUD Ordinance.
- b. Minimum side yard as per PUD Ordinance.
- c. Minimum rear yard as per PUD Ordinance.
- d. Minimum lot area as per PUD Ordinance.
- e. Minimum lot width as per PUD Ordinance.
- f. Maximum lot coverage as per PUD Ordinance

**TABLE B: GENERAL LOT REQUIREMENTS**

REGULATION / DISTRICT	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1	PD-R	PD-B	PD-I
MINIMUM LOT AREA (UNLESS OTHERWISE NOTED, IN SQUARE FEET)	One Acre	40 Acres	7,500 – One Acre	8,000 – 20,000	8,000 – 20,000	8,000 – One Acre	8,000 – One Acre	8,000 – One Acre	8,000 – One Acre	As Per PUD Ordinance	As Per PUD Ordinance	As Per PUD Ordinance
MINIMUM LOT WIDTH	100'	500'	70'	65'	65'	65'	65'	65'	65'			
MAXIMUM LOT COVERAGE	10%	5%	35%	40%	75%	75%	75%	75%	50%			

## 5.5 HEIGHT REGULATIONS

- A. Except as otherwise provided by this section, no structure may be erected or changed so as to make its height greater than thirty-five (35) feet if it is in an R-1, R-2, R-3, C-1 or C-2 District or seventy-five (75) feet if it is in an I-1, L-1 or A-1-F District.

- B. In a C-1, C-2, I-1 or L-1 District, a business or industrial structure may be erected or changed to any height pre-approved by the Plan Commission. This height exception does not extend to signs permitted for these uses.
- C. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, penthouses for mechanical equipment, stacks, tanks, water towers, wind turbines, transmission towers for electric lines, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited elsewhere in this ordinance.

## 5.6 LOADING

### A. General

There shall be provided off-street loading berths not less than the minimum requirements specified in this ordinance in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

### B. Location

All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets, nor shall it be located in a required front yard, or side yard adjoining a street.

### C. Size

Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least fourteen (14) feet.

### D. Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.

### E. Surfacing

All open off-street loading berths shall be improved with a compacted base not less than six (6) inches thick, or equal, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather, dustless material.

### F. Space Allowed

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.

## G. Off-Street Loading Berth Requirements

Minimum Number Required	Gross Floor Area
1	up to 40,000 square feet
2	40,001 – 80,000 square feet
3	80,001 – 120,000 square feet
4	120,001 – 160,000 square feet
5	160,001 – 240,000 square feet
6	240,001 - 320,000 square feet

One additional off-street loading space shall be required for each additional 80,000 square feet of Gross Floor Area, after 320,000 square feet.

## 5.7 PARKING

### A. General

To reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided by this Ordinance. Parking spaces or bays contiguous to the street, required by subdivision or other ordinances, are in addition to and not in place of the spaces so required.

### B. Parking Spaces

As used in this Ordinance, the term “parking space” means an area, not including any part of a street or alley, designed or used for the temporary parking of a motor vehicle, with each parking space laid out in each of the following designs having the following minimum dimensions:

1. Accessible 12 feet wide by 20 feet long
2. Parallel 10 feet wide by 20 feet long
3. Right Angle (90°) 9 feet wide by 18 feet long
4. Sixty Degree (60°) 9 feet wide by 18 feet long
5. Forty-Five Degree (45°) 9 feet wide by 22 feet long

The length for the right angle, sixty degree, and forty-five degree parking space shall be measured at right angles to the edge of usable parking area forming the angles, exclusive

of passageway. All uses which are required to provide handicapped parking areas shall be required to (a) provide the minimum number of handicapped parking spaces required for said use, with each parking space conforming to the dimensions shown above; (b) show the proposed dimensions and location of all such handicapped parking spaces on all site plans, plats, and other plans which will be reviewed by the Commission or BZA; and (c) comply with all appropriate parking, traffic, safety, and handicapped accessibility codes.

Except for providing for the minimum number of off-street parking spaces required in this Ordinance for residential uses (exclusive of any commercial or lodging operations associated with residential uses), parking spaces shall not be located in required front yards except in business and industrial districts.

Parking spaces for any commercial or lodging operations associated with a residential use shall be provided either in one of the side yards or the rear yard of such dwelling, substantially out of public view from (a) the street fronting the front yard or an interior lot (or both street frontages on a through-lot), and (b) both streets which front the side and front yards on a corner lot (or all street frontages on corner lots which run the entire length of a block).

Off-street parking shall be provided as shown in Table C. Refer to Table A in Section 4 to determine which parking classification shall be met. (*Example: if parking class is "3" for a use listed on Table A, the parking requirement found on Table C for the use "3" shall apply*).

## C. Parking Areas

As used in this Ordinance, "parking area" means a group of parking spaces or an open area not including any part of a street or alley, designed or used for the temporary parking of motor vehicles.

Parking areas prescribed in this section for commercial and industrial uses must be located either on the premises of such commercial or industrial use or on a site approved by the Commission. Said off-street parking, however, must be located within three hundred (300) feet of the respective commercial or industrial site.

All parking lots for commercial, industrial, business, public and private employee parking, offices, and places of assembly, and all interior drives for commercial and light industrial developments must be paved with an impervious hard surface. In addition, all parking lots must also conform to all the following requirements:

1. Be striped so as to show each parking space;
2. Meet all of the parking space requirements in Table C;
3. Be constructed to allow proper drainage;
4. Be designed to prevent vehicles from having to back into public streets; and

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

5. No point of ingress or egress shall be allowed closer than twenty-five (25) feet of any right-of-way line of any intersecting street or alley.

A group of business and/or industrial uses may provide a joint parking area if the number of spaces required for all uses is adequate, and at least eighty percent (80%) of the total sum required for each use. The Administrator shall approve aggregate parking lots such as mentioned above.

A church or temple or like uses may request to the Commission a down-sizing of parking requirements if adequate parking is located near the use and which is available during the times of use by the church or temple.

All parking areas are encouraged to be located in the rear and side yards for all uses of property. The Commission shall hear requests for variations from this Ordinance's requirements only if the parking areas are located in the side or rear lots; front lot parking shall have no flexibility.

**TABLE C: MINIMUM PARKING REQUIREMENTS**

PARKING CLASS *	REQUIRED MINIMUM NUMBER OF SPACES	PARKING CLASS *	REQUIRED MINIMUM NUMBER OF SPACES
1	2 PER HOUSEHOLD / DWELLING UNIT	13	1 PER SLEEPING ROOM
2	2 PER HOUSEHOLD / DWELLING UNIT	14	1 PER 2 SLEEPING ROOMS
3	1 PER HOUSEHOLD / DWELLING UNIT	15	1 PER 5 BEDS PLUS ONE FOR EACH EMPLOYEE
4	1 PER 6 SPECTATOR SEATS	16	1 PER SLEEPING ROOM PLUS 1 PER 2 EMPLOYEES
5	1 PER 3 SPECTATOR SEATS	17	1 PER 4 HOSPITAL BEDS PLUS 1 PER 2 EMPLOYEES
6	1 PER 2 SPECTATOR SEATS	18	2 PER BAY / BOOTH / TABLE / ALLEY
7	1 PER 4 EMPLOYEES	19	PER BOARD OF ZONING APPEALS RECOMMENDATION
8	1 PER 3 EMPLOYEES	20	ADD ONE ADDITIONAL SPACE
9	1 PER 2 EMPLOYEES	21	3 PER GOLF HOLE
10	2 PER 1 EMPLOYEES	22	2 PER TREATMENT ROOM
11	1 PER 300 SQ. FT. (UP TO 9,000 SQ. FT.) 1 PER 500 SQ. FT. (9,001 TO 50,000 SQ. FT.) 1 PER 1,000 SQ. FT. (OVER 50,001 SQ. FT.)	23	(Reserved)
12	1 PER 200 SQ. FT. (UP TO 1,000 SQ. FT.) 1 PER 4200 SQ. FT. (OVER 1,000 SQ. FT.)	24	(Reserved)

\* As established in Section IV, Table A

5.8 ENTRANCES / DRIVEWAYS

A. Spacing

Entrances and driveways must be spaced away from intersections for vehicular and pedestrian safety and to reduce traffic congestion. Spacing should be as follows in Table D.

TABLE D: DRIVEWAY / ENTRANCE TO INTERSECTION REQUIREMENTS

ROAD CLASS / DISTRICT	A-1	A-2	R-1	R-2	R-3	C-1	C-2	I-1	L-1
PRIMARY ARTERIAL	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	80 ft.	80 ft.
SECONDARY ARTERIAL	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	60 ft.	60 ft.
COLLECTOR (FEEDER)	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	50 ft.	50 ft.
LOCAL STREET	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	40 ft.	40 ft.

B. Width

Driveway width shall be a minimum of twenty-four (24) feet for commercial and multi-family housing uses and thirty-four (34) feet for industrial uses. There are no minimum driveway widths for single-family residential uses.

5.9 MISCELLANEOUS RESTRICTIONS

A. Through-Lots

In the case of a through-lot, the area at each end of the lot between the setback line and the right-of-way line shall be considered as if it were a part of the front yard.

B. Access to Public Streets

Every principal building hereafter erected shall be on a zoning lot or parcel of land which adjoins a public street or a permanent easement of access to a public street; such

easement to be at least twenty (20) feet wide unless a lesser width was duly established and received prior to the effective date of this ordinance.

## C. Satellite and Digital Dish Systems

All satellite receiving systems having a diameter greater than four (4) feet shall be located within the rear or side yard of any residential zoned lot.

1. In the case of a corner lot, the satellite receiving system shall not be placed in either yard adjacent to a street.
2. All satellite receiving systems shall be placed a minimum of five (5) feet inside the property line of the owner's lot.
3. No satellite system, if elevated, shall exceed a height of 20 feet.
4. If affixed to a structure, digital dish systems shall be attached to a side or rear of the structure when possible and shall not be visible to the traveling public.
5. A permit shall be obtained prior to the placement of any satellite or digital dish system and, a fee paid as specified in the official fee schedule maintained in the Office of the Clerk-Treasurer.

## D. Fences

Fences, latticework screens, hedges, or walls, not more than six (6) feet in height shall be set back to the front line of the house, and district rear yard setbacks shall not apply. This restriction shall also apply to corner lots. Such fences, latticework screens, hedges or walls may be placed on the property line of the owner's lot. No residential fence may be constructed of barbed wire, nor may it be electrified. Fences, latticework screens, hedges, or walls in front yards are prohibited.

## E. Awnings

Fixed awnings conforming to the provisions of this section shall be permitted on all buildings.

1. Every fixed awning shall be located as to not interfere with the operation of any exterior standpipe, stairway, or exit from any building.
2. No fixed awning shall be used as a landing for any fire escape or exterior stair.
3. Fixed awnings, including supporting frames, arms, brackets, and other devices shall be constructed throughout of incombustible material, except that glass or fragile material shall not be used in any part of the awning.
4. No part of a fixed awning projecting over a public way shall be less than seven (7) feet above the existing or finished grade under that awning where pedestrian traffic is a consideration.



5. No part of a fixed awning projecting over a public way shall be less than fourteen (14) feet above the existing grade where vehicular traffic is a consideration.
6. The Administrator shall have the right to compel the removal of any awning erected, altered, or repaired in violation of this section.

## 5.10 ENVIRONMENTAL REGULATIONS

### A. General

No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition, the following standards must be met:

### B. Surface Water

It shall be the responsibility of the owner of any lot or parcel of land developed for any use to provide for adequate surface water drainage. When possible, existing natural surface drainage may be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When the surface drainage is adequate, an easement for such surface drainage shall be provided. On-site detention shall be required where necessary to prevent harm to adjoining properties.

### C. Drainage

Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the County Highway Department, the Pulaski County Drainage Board, Pulaski County Department of Stormwater Management, Town Street Department, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.

### D. Permanent Structures

No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the centerline of any legal tile ditch, or within seventy-five feet of the existing top edge of any legal open ditch or tile unless approved by the Pulaski County Drainage Board and the Pulaski County Plan Commission.

### E. Preservation of Natural/Historic Features

Existing natural and historic features which would add value to development of natural or manmade assets of the Town such as trees, streams, vistas, lakes, historical landmarks, and similar irreplaceable assets, shall be preserved through harmonious and careful

design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize stormwater runoff, and conserve the natural cover and soil.

### F. Landscaping

Any part or portion of a parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, they shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.

### G. Cut/Fill Grade

No cut or fill grade shall exceed a slope of 3:1 or 33 1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3:1 in slope.

### H. 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 a reasonable time of such activity to prevent erosion.

### I. Alterations to Shoreline

No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one-half mile of a water body.

### J. Code Compliance/Hazardous Waste

All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable ordinances of said Title.

### K. Code Compliance/Environmental Quality

All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable ordinances of said Title.

### L. Waste Disposal

No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm

the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to run off, seep, or wash into surface or groundwaters.

### M. Fuel Storage

No highly flammable or explosive liquids, solids, or gases specified by the State Fire Marshal shall 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 except for permitted uses in an I District.

### N. Debris/Refuse

Debris and refuse shall not accumulate on any property, in any zoning district.

### O. Treatment of Fill

Bricks, concrete, lumber, and other material used for fill where permitted by this ordinance and/or by the IDEM, DNR, or other governmental agency, shall be promptly covered and seeded.

### P. View Requirements

Where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Administrator so that the fifty percent (50%) view or exposure may be maintained.

### Q. Improvement Location Permit Requirements

Requirements for Improvement Location Permits can be found in Section 10.1 of this Ordinance. The following activities are permitted, however, with no Improvement Location Permit required, provided all other applicable standards are met:

1. Normal excavation for structural foundations, driveways, utility installations, and similar preparation activities.
2. Normal plowing and preparing the land for gardens and yards.
3. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
4. Public and private road construction.
5. Drain tile laying and ditch cleaning.
6. Top soil removal, other than Mineral Extraction.

### R. Health and Safety

No use shall be permitted which is injurious in health and safety of humans, animals, or vegetation, or which is noxious by reason of the emission of odor, visual pollution, or

other undesirable nuisances which effects extend beyond the lot line where the use exists. For purposes of this ordinance, any junkyard, whether a non-conforming use, or a conforming use, contained or existing on any lot or lots adjacent to or within five hundred (500) feet of a public street, road, highway or right-of-way is deemed to be noxious, constitutes visual pollution, and shall be abated, terminated, removed and evacuated within one year from the date of signing of this amendatory ordinance unless such junk yard shall be fenced or screened on each side visible from any public street, road, highway or right-of-way with natural objects, plantings, fences, or other appropriate means, the top of which shall be not less than eight (8) feet and which fence shall be sufficient to remove the junk yard and all contents of the junk yard from sight so as not to be visible from the main-traveled way of any street, road, highway of right-of-way. If the fencing cannot be completed within one year, the owner may obtain a one year extension by filing specifications and a surety bond sufficient to guarantee the completion of said fencing within one year after the Board of Zoning Appeals approves said specifications and surety bond.

## 5.11 INDUSTRIAL PERFORMANCE STANDARDS

### A. General

No Light Industrial use shall be located within the jurisdiction of the Pulaski County Advisory Plan Commission which is injurious to the health or safety of humans or animals, injurious to vegetation, or which is noxious or offensive, by reason of the omission of smoke, particulate matter, dust, odor, gas and fumes, glare, vibration or noise and sound beyond the confines of the building in which such industry is conducted.

### B. Exceptions

The restrictions of this section shall not apply to:

1. The activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings.
2. The operation of motor vehicles or other facilities for the transportation of personnel, materials or products.
3. Conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown or equipment or facilities of emergencies.
4. Safety or emergency warning signals or alarms necessary for the protection of life, limb or property, or
5. Processes for which there are no known means of control. Research shall be promptly conducted to discover methods of control leading to installation of corrective equipment.

### C. Interpretation

For the purpose of this section, certain terms and words shall be interpreted and defined as follows:

**Decibel** - A unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

**Flash Point** - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

**Free Burning** - A rate of combustion described by a material which burns actively and easily supports combustion.

**Intense Burning** - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**Moderate Burning** - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**Particulate Matter** - Finely divided liquid or solid material which is discharged and carried along in the air.

**Ringelmann Number** - The number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann No. 0.

**Slow Burning Or Incombustible** - Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of 1,200 degrees F.

**Smoke** - Small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently or the presence of other solids.

**Vibration** - Oscillatory motion transmitted through the ground.

## D. Application

The following general performance standards shall apply to all Light Industrial uses:

**Smoke** - In any 24-hour period, visible emissions and malfunctions shall not exceed forty percent (40%) of No. 2 of the Ringelmann's Scale for more than an accumulated fifteen (15) minutes.

**Dust** - No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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**Odor** - No noxious odor of any kind shall be permitted to extend beyond the lot lines.

**Gases And Fumes** - No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

**Glare** - No bright dazzling light produced by the industry shall be seen from any street or any residential area.

**Water Pollution** - No industrial operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the provisions of the Stream Pollution Control Law of the State of Indiana (Ordinance 214, Acts of 1943, as amended) and the regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the Stream Pollution Control Board of the State of Indiana.

**Fire Hazards** - The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with State and Federal statutes and regulations.

**Particulate Matter** -

Boiler-Generated - No particulate matter from a flue or stack leading from a boiler shall exceed .8 pounds per million BTU's.

Foundry-Generated - No particulate matter resulting from a foundry process shall exceed the following:

<u>Rate of Process</u>	<u>Pounds of Particulate Matter Per Hour (Pounds Per Hour)</u>
1,000	3.00
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.65
6,000	11.30
7,000	12.90
8,000	14.00
9,000	15.50
10,000	16.65

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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12,000	18.70
16,000	21.60
18,000	22.80
20,000	24.00
30,000	30.00
40,000	36.00
50,000	42.00
60,000	48.00
70,000	49.00
80,000	50.50
90,000	51.60
100,000	52.60

Incinerator-Generated - No particulate matter resulting from an incinerator with a capacity to process 200 or less pounds per hour shall exceed .3 pounds per thousand pounds of dry gas at standard conditions. All other incinerators shall not exceed five (5) pounds per thousand pounds of dry gas at standard conditions. Further, all incinerators shall have a primary and secondary combustion chamber.

All other processes - For all other processes, no particulate matter from any stack or flue shall exceed a level determined by the following formulae:

Process under 60,000 pounds per hour \_\_\_\_\_ .67

$$E = 4.1P$$

Process over 60,000 pounds per hour \_\_\_\_\_ .11

$$E = 55P - 4P$$

Where:

E = Rate of emissions in pounds per hour

P = Rate of process in pounds per hour

**Explosive Materials** - No activity involving the storage, utilization or manufacture of materials or products, which decompose by detonation, shall be permitted unless specifically licensed by the Council. Such activity shall be conducted in accordance with

the rules promulgated by the State Fire Marshal and the State Administrative Building Council. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminated, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof; such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

**If the State or Federal government shall adopt more restrictive environmental controls, those requirements shall apply to the provisions of this ordinance.**

## SECTION VI: PLANNED DEVELOPMENT

### 6.1 INTENT OF PLANNED DEVELOPMENT DISTRICTS

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedures may apply to the development of existing developed lands, or vacant lands, and may apply to small and large scale parcels and their relationship with other surrounding uses and the overall characteristic of the area in which it is located.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

Planned Development projects should also encourage a more efficient use of land, which reflects the changes in the technology of land development, 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 and the inclusion of recreation areas within new subdivisions.

### 6.2 CLASSIFICATIONS OF PLANNED DEVELOPMENTS

#### A. PD-R Residential Planned Development

Any development consisting of not less than five (5) acres in which more than eighty percent of the interior floor area of all buildings to be included in the development is



used for residential purposes or those accessory purposes customarily related to residential use.

B. PD-B Business Planned Development

Any development consisting of not less than two (2) acres in which eighty percent of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

C. PD-I Industrial Planned Development

Any development consisting of not less than ten (10) acres in which eighty percent of the total interior and exterior area of all sites and structures is to be used for manufacturing, warehousing, or other light to medium intensity industrial use.

D. PD-E Planned Development - Extraordinary

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

## 6.3 ORIGINATION OF PROPOSALS

Any person or group of persons united in interest, acting jointly, and in pursuance to an agreement to carry out a proposal may propose a Planned Development District in accordance with the procedures hereinafter established. Such person or group of persons making such proposal, however, must demonstrate the requisite capabilities to carry out such a proposal.

A parcel or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Commission.

## 6.4 FILING PROCEDURE

The authorization of a Planned Development (PD) shall be subject to the following procedures:

A petition for rezoning to an appropriate PD classification shall be submitted, which shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development. Said petition shall have attached thereto letters of consent of all such owners prior to the filing of such petition, to the request to change to a PD classification of the real estate included.

The petition, which shall include a Preliminary Development Plan and plat for any area proposed for development as a Planned Development, shall be filed with the Plan Commission.

## 6.5 PRELIMINARY DEVELOPMENT PLAN

The following shall be included in the Preliminary Development Plan.

- A. A separate location map, to scale, shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- B. The use categories within the area, including proposed densities of said uses;
- C. 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;
- D. General description of, location of, and types of structures on the site;
- E. Proposed layout of streets, open space and other basic elements of the plan;
- F. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
- G. A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase; and,
- H. The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 100'-1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment:
  1. Plat Committee
  2. Pulaski County Sheriff's Department
  3. Volunteer Fire Department
  4. Pulaski County Drainage Board
  5. All public utilities having jurisdiction in the area

Within twenty-five (25) days after filing, the Administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation, the petitioner may make modifications to the petition.

After the meeting described above and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:

- A. Include all documents included in the preliminary plan.
- B. Include an index identifying all documents included in the preliminary plan.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- C. Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and zoning case number.
- D. Be bound or stapled together and all documents therein reduced to a size no larger than 8 ½ x 14 inches except for the maps, sketches and plat (if any).

Such final proposed preliminary plan shall be filed with the Administrator at least ten (10) days prior to the preliminary plan hearing.

## 6.6 PRELIMINARY PLAN HEARING

- A. The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall not be certified to the Pulaski County Commissioners. If approval is recommended, the preliminary plan shall be stamped “Approved Preliminary Planned Development” and be signed by the President and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the petitioner, and one copy and all conditions shall be certified as described in (B) below.
- B. The approved preliminary Planned Development shall then be certified to the Pulaski County Commissioners for adoption as a Planned Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.

## 6.7 APPROVAL OF FINAL DETAILED PLAN

- A. Before any development takes place; the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan. Said plan shall specify the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declarations and/or the creation of a homeowners’ association. The petitioner shall also file financial assurance for the satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Pulaski County Subdivision Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the approved Preliminary Planned Development as adopted and passed by the Pulaski County Commissioners upon rezoning. Having so once approved the final detailed plan, the Plan Commission shall have no further authority to review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- B. The approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Development.
- C. The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation as specified in Section 6.9.
- D. Unless extended by the Plan Commission pursuant to Section 6.12, approval of the first phase of the final detailed plan shall be obtained within two (2) years. Approval of the balance of the final detailed plan shall be obtained within five (5) years after the date of adoption of the Planned Development District by the Pulaski County Commissioners.
- E. In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map relating to said land.
- F. In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in type of use, or any change in access points.
- G. Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is fifty percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation of the Administrator. Following expiration of the final detailed plan, the Pulaski County Commissioners shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

### 6.8 COVENANTS & MAINTENANCE

- A. All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission in addition to the property owners.
- B. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the

petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.

- C. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:
1. Lot area.
  2. Floor area.
  3. Ratios of floor space to land space.
  4. Area in which structures may be built ("buildable area").
  5. Open space.
  6. Setback lines and minimum yards.
  7. Building separations.
  8. Height of structures.
  9. Signs.
  10. Off-street parking and loading space.
  11. Design standards (including landscaping requirements).
  12. Phasing of development.
- D. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.
- E. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

- F. All private streets 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.

## 6.9 RECORDING

All approved Final Detailed Planned Development Plans and Plats and modifications thereof shall be recorded in the Office of the Pulaski County Recorder within two (2) years after approval, but before any development takes place.

Failure to so record shall automatically void the approval of the Final Detailed Planned Development.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Development to the Administrator as an amended approved Final Detailed Planned Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Planned Development, shall reapprove, date and sign said amended approved Final Detailed Planned Development, which the developer shall then record.

## 6.10 PERMIT

An Improvement Location Permit shall be issued for a Planned Development District upon full compliance with the approved Final Detailed Planned Development.

## 6.11 CONSTRUCTION

- A. No construction or installation work shall be done on any public improvements until the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Inspector(s) of intention to begin such work, in order that inspections may be made as the work progresses.
- B. All development shall be in conformity with the approved and recorded Final Detailed Planned Development and any material deviations from the approved and recorded Final Detailed Planned Development shall be subject to appropriate enforcement action as provided for in this Ordinance.

## 6.12 EXTENSIONS, ABANDONMENT & EXPIRATION

- A. Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown.

- B. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Detailed Planned Development for twenty-four [24] consecutive months), or upon the expiration of five (5) years from the approval of a Final Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

## 6.13 RULES OF PROCEDURE

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein.

## 6.14 LIMITATION OF REZONING

The Plan Commission shall not initiate any amendments to the zoning map concerning the property involved in a Planned Development before completion of the development as long as the development is in conformity with the approved Final Detailed Planned Development and is proceeding in accordance with the time requirements imposed herein.

Approval of a Planned Development does not exempt the petitioner(s) from following the rules, procedures and guidelines of the Subdivision Control Ordinance.

## SECTION VII: SIGNS

### 7.1 GENERAL PROVISIONS

This Section of the Pulaski County Zoning Ordinance shall be known as the “Sign Regulations” of Pulaski County.

### 7.2 DEFINITIONS

All terms used in this Section, not otherwise defined herein, shall have the definitions provided in Section II of this Ordinance.

### 7.3 PERMITS REQUIRED & FEES

#### A. Permits Required

Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Pulaski County Plan Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Administrator.

#### B. Application

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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Application for a permit shall be made to the Administrator upon a form provided and shall be accompanied by such information as may be required to assure compliance with the laws and regulations of the County, including:

1. Name and address of the property owner of the premises on which the sign is located or is to be located.
2. Name and address of the owner of the sign.
3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when such signs are on the same premises.
4. Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register in writing, a statement that they have all necessary licenses and/or approvals from the other affected governmental agencies.
5. Permission in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.

### C. Permit Fees

The application, including all required documentation shall be filed with the Administrator together with a permit fee as specified by the Official Fee Schedule. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be trebled. Payment of such treble fee shall not relieve any person from compliance with other provisions of this Ordinance and penalties prescribed herein.

### D. Effect of Sign Permit Issuance

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

### E. Nullification

A sign permit shall become null and void if the work authorized thereunder has not been started within a period six (6) months following the date of the permit and completed within six (6) months thereafter.

### F. Permit Exceptions

The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless otherwise specified.



1. **Changeable Copy** - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
2. **Maintenance** - Painting, repainting, cleaning, or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved. The changing of logo or verbiage on a sign to update or modernize an existing business's sign without changing ownership or company name is permitted.
3. **Temporary or Exempt Sign** - Temporary sign as listed per Section 7.8 and exempt signs per Section 7.7 of this Ordinance are exempt from permit requirements unless specified elsewhere.

## G. Variances

A variance from the sign regulations of this Ordinance may be granted through the procedures established in Section 10.4 of this Ordinance.

## 7.4 INSPECTION, REMOVAL & SAFETY

### A. Inspection

Signs for which a permit is required may be inspected periodically by the Administrator for compliance with this Ordinance and other codes of the County.

### B. Removal of Sign

The Administrator may order the removal of any sign erected or maintained in violation of this Article. S/he shall give thirty (30) days' written notice to the owner of a permanent sign or place a notice of such violation on the building, structure, premises, or sign in violation to remove the sign or to bring it into compliance. S/he shall give a three (3)-day notice for temporary or portable signs. The Administrator may remove a sign immediately and without notice if, in the Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Any sign removed by the Administrator and/or an agent acting on the Administrator's behalf, pursuant to the provisions of this Section shall be held by the County for redemption by the owner. To redeem, the owner shall pay all costs incurred by the County for removal. Should said sign not be redeemed within thirty (30) days of its removal, it may be disposed of in any manner deemed appropriate by the County. The cost of removal shall include any and all incidental expenses incurred by the County in connection with the sign's removal.

### C. Maintenance

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Failure to comply will automatically revoke the permit after such noncompliance has been determined by the Administrator and notice has been given to the owner of the sign as reflected by the records of the Administrator.

D. Abandoned Signs

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 it, the Administrator shall give the owner ten (10) days' written notice to remove it. Upon failure to comply with this notice, the Administrator or the Administrator's duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign(s) as provided in this Article, this removal requirement shall not apply. The new sign user shall forthwith notify the Administrator's office, in writing, of this change. No new sign permit is required unless the sign is altered or relocated. The Administrator shall be notified in any matters relating to sign relocations.

E. Street Improvement Projects

Any sign projecting over a roadway right-of-way at the time of the effective date of this Ordinance which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the County, shall be removed by the owner, or altered at the owner's expense to comply with the regulations of this Section if, as the result of or after completion of a roadway improvement project, said sign does not or would not comply with the provisions of this Ordinance.

F. Assurance of Discontinuance

As an additional means of enforcement, the Administrator may accept an assurance of discontinuance of any act or practice deemed in violation of any rule or regulation adopted pursuant thereto, from any owner or person engaging in such act or practice. Such assurance shall be in writing and shall specify a time limit during which said discontinuance is to be accomplished. Failure to perform the assurance shall constitute prima facie proof of a violation of this Ordinance or any rule or regulation adopted pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

## 7.5 NONCONFORMING USES & SIGNS

Signs which existed prior (nonconforming) to the time this Ordinance was passed and were in conformance with previous ordinances will be legally nonconforming (grandfathered) until such time a major change is made to the sign. Major changes include changing the name, changing the size, adding lights, refurbishing, and/or relocation.

All signs shall be kept in good repair and safe, neat, clean and attractive condition. In the event signs are not kept in said condition or are demolished by any force whatsoever to the extent of thirty percent (30%) or more of the fair market value of the sign structure, said signs shall then conform to this Ordinance.

Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance. Nothing in this Ordinance shall be construed to give a legal status to any sign without a sign permit.

## 7.6 PROHIBITED SIGNS

The following type signs are expressly prohibited in all Zone Districts:

**“A” Frame Signs** - “A” frame signs or sandwich board, sidewalk or curb signs are prohibited if it is deemed hazardous to pedestrian traffic by the Administrator.

**Abandoned Signs** - Such business signs that advertise an activity, business, product or service no longer conducted or available.

**Animated and Intensely Lighted Signs** - No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other device or means not providing constant illumination. Public service information signs and other electronic message centers classified as “changing signs” are permitted.

**Lights and Balloons** - Search lights, “twirling signs”, balloons or other gas-filled figures shall be prohibited except as set forth below. Such signs shall be permitted at the opening of a new business in a commercial or industrial district for a period not to exceed ten (10) days and will be permitted in residential districts in conjunction with an open house or model home demonstration conducted by a real estate agent for two (2) days after and not to exceed a total period of ten (10) days.

**Miscellaneous Signs and Posters** - The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless otherwise permitted by this Ordinance.

**Moving Signs** - No sign or any portion thereof shall be permitted which moves or assumes any motion or gives the illusion of moving.

**Off-Premise Signs** - Off-premise signs shall be prohibited except as expressly permitted in this Ordinance.

**Projecting Signs** - No privately owned sign shall project over or into the street cartway.

**Public Areas** - No sign shall be permitted which is placed on any post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or roadway except as otherwise expressly authorized by this Ordinance.

**Towers (Water, Radio, Etc.)** - No sign shall be placed on any tower or tank without the approval of the Plan Commission.

**Unclassified Signs** - The following signs are prohibited which:

1. Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or will offend public morals or decency; or

2. Are painted on or attached to any fence or any wall which is not structurally a part of a building except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address; or
3. Operate or employ any motion picture projection or media in conjunction with any advertisements, or have visible moving parts of any portion of which moves or gives the illusion of movements except as permitted in this Ordinance; or
4. Emit audible sound, odor or visible matter; or
5. Signs which purport to be or are in imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words, except as permitted in Section 7.7 of this Ordinance, or
6. Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or which hide from view any traffic or roadway sign, signal or device; or
7. Obstruct any door, fire escape, stairway, or any opening intended to provide air, egress or ingress for any building or structure; or
8. Are not included under the types of signs permitted in this Ordinance.
9. Small, free-standing signs shall be prohibited unless otherwise permitted in this Ordinance.

### 7.7 EXEMPTIONS

The following types of signs are exempted from all provisions of this Ordinance except for construction and safety regulations and the following requirements.

**Business Identification Sign** - An identification sign on or near (above or beside) a public entrance or service entrance to a business in a business, commercial, or industrial zone is permitted provided such signs state only the street address number and name of the business or building, that such sign shall be mounted flush against the wall, and that such sign shall not exceed 25% of the front of the building.

**Damaged Signs** - A sign erected under a legally obtained permit which is damaged or destroyed fifty percent (50%) or more of the fair market value of the sign structure by wind, weather, or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape, and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign or different size or location from the original sign shall require a permit.

**Integral Signs** - Names of building, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**Parking Signs** - Signs for public and private parking shall be permitted. Such signs shall be subject to a three- (3) foot setback from right-of-way and shall not be used for advertising purposes. Signs shall be no higher than six (6) feet and no greater than six (6) square feet in area. Such signs shall be installed so as to not present a hazard to traffic entering or leaving the premises.

**Private Traffic Direction Signs** - Signs directing traffic movement onto or within a premise. Illumination of these signs shall be permitted in accordance with Section 8 of this Article - Illumination. The leading edge of such signs shall be a minimum of three (3) feet from any curb or traffic movement aisle, the sign shall be no higher than three (3) feet and no greater than six (6) square feet in area.

**Public Signs** - Signs of a noncommercial nature and in the public interest erected by or on the order of public officer(s) in the performance of public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, signs directing the traveling public and quasi-public facilities, or signs on public buildings or structures and the like.

**Small Signs** - A nameplate which shall not exceed two (2) square feet in area is permitted for each dwelling unit of a single-family or multi-family dwelling; such nameplate shall state nothing other than the name and/or address of the occupant and/or legal customary home occupation. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house number plate for identification. Signs on the premises announcing rooms, apartments, or house for sale or rent shall not exceed six (6) square feet in area. Also provided that the signs are located ten (10) feet from the street right-of-way.

**Social or Charitable Organizations** - Signs indicating the names and locations of churches, charitable organizations, and community service organizations are permitted provided that the sign area shall not exceed six (6) square feet, shall be located off the street right-of-way, and shall in no way obstruct the view of pedestrians or vehicular traffic. Such signs shall be permitted as "off-premises" signs; providing, however, such signs have a minimum spacing of five hundred (500) feet between any two (2) signs in this category, except where there is a community service central display.

**Vehicle Signs** - Signs on vehicles are permitted provided the sign is painted or attached directly to the body of the original motor-powered vehicle and does not project or extend beyond the original manufactured body proper of the motor-driven vehicle. Such vehicles and/or semi-trailers shall be parked a minimum distance of ten (10) feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Trucks and/or trailers may be used as signs for special events or sales for a maximum period of thirty (30) days.

**Window Signs** - Window signs are permitted provided such signs conform to the construction, illumination, and safety regulations of this Ordinance.

## 7.8 TEMPORARY SIGNS

The following signs shall be permitted at any location within Pulaski County and shall be required to have a permit unless otherwise specified:

**Construction Signs** - Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended during the construction period to a maximum of thirty-two (32) square feet for each firm. The minimum setback shall be ten (10) feet from any street right-of-way. The sign shall be confined to the site of construction and shall be removed within thirty (30) days after the end of construction. No permit shall be required, and the maximum time limit shall be two (2) years, or the duration of construction, whichever is shorter.

**Garage Sale Signs** - Signs advertising the sale of miscellaneous household items for the purpose of a residential “garage” or “yard” sale shall not exceed four (4) square feet in area. Such signs may be erected on the premises one week in advance of the sale and shall be removed within forty-eight (48) hours after the sale. No permit shall be required. Per I.C. 35-43-1-2, garage sale signs are strictly prohibited from being posted on utility poles.

**Political Campaign Signs** - Political campaign signs announcing the candidates seeking public political office shall be confined within private property and not within the street right-of-way. They shall be permitted no more than ninety (90) days prior to the scheduled election and shall be removed within fourteen (14) days after the election for which they were made. Such signs shall not be required to obtain a permit.

**Portable Signs** - Signs placed upon wheels or lightweight frames for convenient moving and with changeable letter boards for convenient changing of sign copy, shall be prohibited with only one (1) exception as noted below:

Portable signs shall be permitted for a period of up to thirty (30) days provided that such sign shall:

1. Be located not less than five (5) feet from any public right-of-way; and
2. Be located not more than seven (7) feet from ground level; and
3. Not obstruct the flow or sight pattern of vehicular traffic on any established right-of-way; and
4. Not be less than ten (10) feet from adjoining residential lots; and
5. Have a face not exceeding thirty-two (32) square feet; and
6. Not have blinking lights or arrows; and
7. First obtain a permit from the Administrator.

8. Service and charitable organizations shall be permitted the use of these portable signs four (4) times per calendar year for a maximum of fourteen (14) days each time.

**Real Estate Signs** - One (1) real estate sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed shall not exceed six (6) square feet in residential Districts; and thirty-two (32) square feet in business, commercial or industrial districts. Such sign shall be removed within fourteen (14) days of the sale, rental, or lease. The minimum setback from street right-of-way shall be ten (10) feet. Signs shall reflect no advertising or promotional material other than to indicate the party listing the property for sale, rental, or lease. Such sign shall not be required to obtain a permit. "A" frame real estate directional signs shall be permitted for a period of forty-eight (48) hours in a seven- (7) day period.

**Subdivision or Multi-Family Sign** - One (1) temporary subdivision or multiple-family project identity sign indicating only the name and/or address of the premises and/or the name of the management. Such a sign shall not exceed thirty-two (32) square feet of area and shall be located a minimum distance of ten (10) feet from any street right-of-way. Excepting, however, for each additional foot beyond ten (10) feet that the setback distance is increased, the face area of the sign may be increased by one (1) square foot up to a maximum allowable size of one hundred (100) square feet. The maximum time period will be twelve (12) months from the date the sign permit is issued. Such sign may be extended for another twelve (12) months by the Plan Commission or until the project is eight-five percent (85%) completed or is occupied. Temporary project signs shall be removed within ten (10) days of the erection of any permanent or temporary project identity sign.

## 7.9 ILLUMINATION

All signs must meet the illumination criteria listed below:

- A. All illuminated signs must meet the standards as specified in the National Electric Code, as adopted and amended by the State of Indiana.
- B. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or give such illusion.
- C. The full number of illuminating elements thereof shall be kept in satisfactory working condition or be immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements of external streets in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.
- D. The direct non-reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- E. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding areas. No light shall shine directly onto adjacent property or the roadway.

## 7.10 SIGN STANDARDS BY ZONING DISTRICTS

- A. The following sign standards by districts are intended to apply to every zoning district within the jurisdiction of Pulaski County. The zones are as defined in Section 3.1 of this Ordinance and are shown on the Official Zone Map. Only signs as described herein and as may be described under Sections 7.7 and 7.8 shall be permitted in each particular zone.
- B. If any zone is omitted from this Ordinance, or if a new zone is created after enactment of this Ordinance, no sign shall be permitted therein until this Ordinance is amended to include the new zone.

## 7.11 RESIDENTIAL ZONING DISTRICTS

These regulations shall apply to all zones designated by the Zoning Ordinance as Single-Family, Apartment, Multiple-Family, Cluster Housing, Condominiums, High-Rise Apartments, or any combination of residential uses.

### A. Residential

The following signs shall be permitted in an R-1, R-2, R-3 or PDR district.

1. One (1) nameplate not exceeding a combined area of one (1) square foot in area is permitted. Said nameplate shall not be subject to the permit requirements of this Ordinance.
2. Signs in conjunction with home occupations, not exceeding one (1) square foot shall not be illuminated.
3. A church, school, golf course, lodge, or public building bulletin board or sign, not exceeding thirty-two (32) square feet in area, may be illuminated but shall conform to Section 7.9 of this Ordinance. A wall sign not exceeding one hundred (100) square feet, stating only the name of the church, school, golf course, lodge, or public building may be approved by the Plan Commission not to exceed one hundred (100) square feet.
4. Any sign as permitted under Sections 7.8 and 7.7 of this Ordinance.
5. One (1) subdivision identity sign as permitted under Section 7.8 of this Ordinance. Such sign shall not be illuminated. In the event the subdivision has entries from more than one (1) street, additional identity signs may be permitted by the Plan Commission.
6. Permanent or temporary subdivision identity signs shall be permitted. In the event the subdivision has entries from more than one (1) street, additional signs may be permitted by the Plan Commission. Any temporary signs as provided in Section 7.7 of this Ordinance shall be removed before a permanent sign may be erected. A maximum of two (2) signs shall be permitted for the main entryway. Said signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way. Maximum size shall be one hundred (100) square feet in area.



## B. Medium and High Density Residential

The following signs shall be permitted in an R-2, R-3, or PD-R district:

1. For each duplex and/or multiple-family building, one (1) nameplate per occupancy not to exceed one (1) square foot in area is permitted. Such nameplate shall not be subject to the permit requirements of this Ordinance. No illumination shall be permitted.
2. Home occupation signage as provided in Section 7.11 A 2 may be utilized.
3. A church, school, golf course, lodge, or public building ground sign, not exceeding thirty-two (32) square feet in area is permitted at each major entrance and may be illuminated but shall conform to Sections 7.9 and 7.10 of this Ordinance. A wall sign stating only the name of the church, school, golf course, lodge, or public building may be approved by the Plan Commission not to exceed one hundred (100) square feet.
4. Any sign as permitted under Sections 7.8 or 7.7 of this Ordinance is permitted. Only the multi-family project identity sign may be illuminated but shall conform to Section 7.9 of this Ordinance.
5. For funeral homes or mortuaries, an illuminated nameplate or ground sign shall be permitted, provided it is not greater than thirty-two (32) square feet in area.
6. A maximum of two (2) permanent or temporary multi-family project identity signs shall be permitted for the main entryway. In the event the project has entries from more than one (1) street, additional identity signs may be permitted by the Plan Commission. Any temporary sign, as provided in Section 7.8 of this Ordinance shall be removed before a permanent sign may be erected. Project identity signs shall not exceed six (6) feet in height and shall be located at least ten (10) feet from any street right-of-way. Maximum size shall be one hundred (100) square feet in area.

## C. Location

1. A permanent or temporary identity sign for a single-family subdivision or for a multi-family project shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed one hundred (100) square feet in area.
2. Building-mounted signs shall be flush mounted. There shall be no projection of any sign above the roof line.
3. All signs shall be placed a minimum of ten (10) feet from any street right-of-way.
4. Permitted signs shall not be placed on utility easements or drainage easements as defined on recorded plats or site plans without the express consent of the Plan Commission and all applicable utilities or other agencies.
5. Signs shall not be placed as to interfere with the sight path of vehicular traffic.

6. Permanent or temporary identity signs for residential projects shall not exceed six (6) feet in height and may be constructed as free-standing ground signs or placed on decorative walls or fences.

## 7.12 BUSINESS/COMMERCIAL DISTRICTS

### A. General

The regulations described in this Section shall apply to all uses in C-1, and C-2, Districts.

### B. Free-Standing Single Use Buildings

Permitted signs for free-standing buildings having a single occupant are as follows:

1. **Ground or Pole Signs** - Either one (1) ground sign or one (1) pole sign (but not both) indicating only the name and nature of the occupancy shall be permitted for each business parcel. Such sign shall not exceed one hundred (100) square feet in area and a pole sign shall not exceed thirty-five (35) feet in height. Such sign shall be installed in accordance with location criteria as explained in Section 7.11 of this Ordinance. Such ground sign may be illuminated as provided in Section 7.9 of this Ordinance. Such ground or pole signs should be adequately landscaped.
2. **Wall Signs** - Signage on the wall of a building shall not exceed twenty percent (20%) of the total area of the wall, up to a maximum of two hundred (200) square feet per wall. In computing wall area for the purposes of this Section, the areas covered by doors or windows shall be excluded.
3. **Marquee Signs** - Marquee signs are permitted on the face of marquees subject to approval of the Plan Commission. The lower edge of the marquee sign shall be no less than eight (8) feet above the sidewalk at any point. Unless otherwise approved by the Commission, no part of such sign shall project above the roof line.
4. **Bench Signs** - Bench signs which are located for the convenience of the public may be permitted upon receipt of a variance from the Board of Zoning Appeals.

### C. Shopping Centers

Permitted signs for shopping centers and other multi-occupant commercial/office buildings are as follows:

1. **Pole Signs** - Pole signs at shopping centers may be made a part of the site development plan or erected at a later date, subject to the approval of the Plan Commission and shall meet the following requirements:
  - a. One (1) pole sign shall be permitted; and
  - b. Such sign shall indicate only the name and location of such business or businesses; and

- c. Such sign shall have a maximum surface area not exceeding two hundred (200) square feet;
  - d. Where a strip shopping center or developed parcel in an industrial zone has in excess of two hundred (200) feet of street frontage; one (1) additional free-standing pole sign may be approved by the Plan Commission; and
  - e. Where a strip shopping center or developed parcel in an industrial zone is authorized by the Plan Commission to have more than one (1) free-standing pole sign, the distance between each sign shall be not less than one hundred (100) feet; and
  - f. Such signs may be illuminated as provided in Section 7.9 of this Ordinance, or as approved by the Plan Commission.
  - g. Such pole signs should be adequately landscaped.
2. **Wall Signs** - Signage on the wall of a building shall not exceed twenty percent (20%) of the total area of the wall up to a maximum of two hundred (200) square feet per wall. In computing wall area, the areas covered by door or windows shall be excluded.
  3. **Marquee Signs** - Marquee signs as provided in Section 7.12 B 3 of this Ordinance shall be permitted.
  4. **Bench Signs** - Bench signs as provided in Section 7.12 B 4 of this Ordinance shall be permitted.

### 7.13 INDUSTRIAL DISTRICT

Signs permitted in an industrial district are as follows:

#### A. Ground Signs

1. **Limit of One (1):** One (1) ground sign indicating the name and nature of the business shall be permitted for each business parcel.
2. **Height** - The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of six (6) feet.
3. **Size and Location** - A ground sign shall be placed a minimum distance of ten (10) feet from any street right-of-way. The face of any such sign shall not exceed fifty (50) square feet in area.
4. **Illumination** - All permitted signs in this district may be internally or externally lit, but shall not shine directly or indirectly into adjacent residential areas.
5. **Landscaping** - All permitted ground signs should be adequately landscaped.

#### B. Wall Signs

One wall sign shall be permitted on each building. Maximum sign area shall be one and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed two hundred (200) square feet for a single business. Wall signs shall be mounted flush against the building.

## C. Entrance Signs

Two (2) on-site entrance signs are permitted at each entrance to an industrial or commerce park. Such signs are subject to the provisions of Section 7.12 D of this Ordinance and may be internally or externally lit, but shall not shine directly or indirectly into adjacent residential areas.

## SECTION VIII: BOARD OF ZONING APPEALS

### 8.1 MEMBERSHIP

The Board of Zoning Appeals shall consist of and continue as a five- (5) member Board. Members shall be appointed pursuant to I.C. 36-7-4-902, as amended.

### 8.2 TERMS OF OFFICE

Each Board member shall be appointed for a term of four (4) years. Each term shall expire on the first Monday of January following the fourth year of the four- (4) year term; however, members of the Board of Zoning Appeals shall serve until their successor is appointed and seated.

### 8.3 JURISDICTION

The Board of Zoning Appeals shall have jurisdiction over all lands subject to the provisions of this Ordinance as specified in Section 1.3 herein.

### 8.4 RULES AND PROCEDURES

- A. The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms of applications, filing requirements, procedures, notices for and conduct of meetings and public hearings.
- B. Pulaski County shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.
- C. All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the Board of Zoning Appeals and in the form prescribed by said Board.

## 8.5 DUTIES & POWERS

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variances from Development Standards (dimensional variances);
- B. Variances of use (use variances);
- C. Special exceptions; and
- D. Administrative appeals as identified in IC 36-7-4-918.1.

## 8.6 CONFLICT OF INTEREST

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

## 8.7 HEARINGS

- A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. Public notice in accordance with I.C. 5-3-1-2 and I.C. 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.
- C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties.
- D. The Board may, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
- E. Other persons may appear and present relevant evidence at such public hearing.
- F. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

## 8.8 APPEALS

- A. Any decision of the Administrator or an administrative board in the enforcement of this Ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.
- B. Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in I.C. 36-7-4-1000 series. Such appeals shall be presented to a court of jurisdiction within thirty (30) days of the Board's decision and not thereafter.

## SECTION IX: PLAN COMMISSION

### 9.1 MEMBERSHIP

The Pulaski County Advisory Plan Commission shall consist of membership as specified in I.C. 36-7-4-207, as amended.

### 9.2 TERMS OF OFFICE

Members of the Pulaski County Advisory Plan Commission shall be appointed for terms of office as specified in I.C. 36-7-4-217 .... 220, as amended.

### 9.3 JURISDICTION

The Pulaski County Advisory Plan Commission shall have jurisdiction over all lands subject to the provisions of this Ordinance as specified in Section 1.3 herein.

### 9.4 RULES & PROCEDURES

The Pulaski County Advisory Plan Commission shall have the sole authority to adopt any and all rules for the administration of the affairs of the Commission per I.C. 36-7-4-401.

### 9.5 DUTIES & POWERS

The Pulaski County Advisory Plan Commission shall:

- A. Keep complete records of all Commission proceedings.
- B. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission.
- C. Prepare, publish and distribute reports, ordinances, or other materials relating to authorized activities.
- D. Adopt a seal and certify to all official acts.
- E. Supervise the fiscal affairs of the Commission and prepare, submit, and abide by an annual budget.
- F. Make recommendations to the legislative body per I.C. 36-7-4-405.

### 9.6 CONFLICT OF INTEREST

Pursuant to I.C. 36-7-4-223, a member of the Plan Commission may not:

- A. Participate as a member of the Plan Commission in a hearing or decision of that Commission concerning a zoning matter in which the member has a direct or indirect financial interest. The Commission, in such cases, shall enter in its records the fact that its member has such a disqualification.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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- B. Directly or personally represent another person in a hearing before that Commission concerning a zoning matter.
- C. Receive any mileage or compensation under I.C. 36-7-4-222.5 for attendance at a meeting if the member is disqualified under Item A above during any part of the meeting.

## 9.7 MEETINGS & MINUTES

- A. The Plan Commission shall fix the time for holding regular meetings each month or as necessary.
- B. The Commission shall keep and file minutes for each meeting as a matter of public record.
- C. Special meetings of the Plan Commission may be called and held in accordance with the provisions of I.C. 36-7-4-307.

## 9.8 MISCELLANEOUS

The Pulaski County Advisory Plan Commission may enact, establish, or enforce any other powers, duties, or appointments as allowed under I.C. 36-7-4-200.. 499.

## SECTION X: ADMINISTRATIVE PROCEDURES

### 10.1 IMPROVEMENT LOCATION PERMIT

#### A. Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without an Improvement Location Permit issued by the Administrator in accordance with Commission policies and procedures. No Improvement Location Permit shall be issued by the Administrator except in conformity with the provisions of this Ordinance, unless by written order from the Board of Zoning Appeals in the form of an administrative appeal review, special exception, or variance as provided by this Ordinance.

#### B. Application for an Improvement Location Permit

All applications for Improvement Location Permits shall be accompanied by plans accurately drawn, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Plan Commission or its staff to determine conformance with and provide for the enforcement of this Ordinance including: existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and building setback distances from property lines. The department shall endeavor to review, and make a determination on all permit applications within three (3) working days of filing.

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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The review period may extend beyond that time where circumstances require additional review. The approved plans shall be retained by the Commission.

### C. Expiration of Permits

#### 1. Initiation of Work:

If the work described in any Improvement Location Permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Commission or Administrator, and written notice thereof shall be given to the persons affected.

#### 2. Completion of Work:

If the work described in any Improvement Location Permit has not been completed within eighteen (18) months of the date of issuance thereof, said permit shall expire and be cancelled by the Commission or Administrator and written notice thereof shall be given to the persons affected, together with notice that future work as described in the cancelled permit shall not proceed unless and until a new Improvement Location Permit has been obtained.

### D. Construction According to Plans

Improvement Location Permits issued on the basis of plans and applications approved by the Commission or its staff authorize only the use, arrangement, and construction set forth in such approved plans and applications; and any other use, arrangement, or construction not authorized shall be deemed as a violation of this Ordinance.

### E. Schedule of Permits

Pulaski County hereby requires that an Improvement Location Permit be obtained for the following:

1. All residential dwellings
2. Mini-barns (without foundation)
3. Other detached residential accessory buildings (with foundation)
4. Detached and attached garages and carports
5. Signs
6. Swimming pools
7. All commercial, industrial, and institutional buildings
8. Structures other than buildings (including satellite dishes, towers, antennas)
9. Conversions of occupancy classification (as per State Building Code)



10. Manufactured or mobile homes
11. Parking lots
12. Any exterior construction that adds to or alters the existing host structure
13. Awnings

## F. Schedule of Petition

1. Pulaski County hereby requires that a formal petition and filing fee be submitted for the following:
  - a. Zoning Amendments (zoning map change)
  - b. Variances (dimensional or use)
  - c. Special Exceptions
  - d. Subdivision Plats
  - e. Administrative Appeals
  - f. Non-Subdivided Site Development Plans
2. Any petition submitted to the Plan Commission or the Board of Zoning Appeals shall contain, in addition to the legal description of said property, a statement of the common address or general location description, whichever is appropriate, as well as a site location map showing the precise boundary lines and dimensions thereof.

## 10.2 CERTIFICATE OF OCCUPANCY

- A. It shall hereby be declared unlawful and in violation of the provisions of this Ordinance for any builder or property owner to allow any structure (for which an Improvement Location Permit has been legally obtained) to become occupied or utilized prior to the following:
  1. Passing a final inspection; and
  2. Receiving an Occupancy Permit from Pulaski County.
  3. For the purpose of this paragraph, the term “builder” shall mean the person or firm who obtained the Improvement Location Permit.
- B. The penalty for such a violation shall be as provided in Section 10.7 of this Ordinance.

## 10.3 SPECIAL EXCEPTIONS

- A. There shall be no cases or application therefore, nor any particular situation in which this Ordinance authorizes special exceptions without a recommendation by the Plan Commission and approval of the Board of Zoning Appeals. Further, no previous

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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applications shall set a precedent for any other application before the Board of Zoning Appeals.

- B. The Board may grant a special exception for a use in a district if, after a hearing, it makes findings of facts in writing, that:
  - 1. The requirements and development standards for the requested use as prescribed by this Ordinance will be met; and
  - 2. Granting the exception will not subvert the general purposes served by this Ordinance and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially and/or permanently injure other property or uses in the same district and vicinity.
- C. The Board may impose such reasonable conditions upon its approval, as it deems necessary to find that (2) above will be served.
- D. The Board 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 I.C. 36-7-4-921.
- E. The granting of a special exception is unnecessary for a use if that use existed on the date this Ordinance, or pertinent amendments to it, were passed. However, this subsection shall not authorize the expansion of such a use if it involves the enlargement of a building, structure, or land area.
- F. A use authorized by special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Ordinance for granting a special exception.
- G. A special exception, granted for a specific use ceases to be authorized and is void if that use is not established within a twelve-month period of the date the special exception was granted, or if that use is discontinued at that site for a twelve-month period during which time it is not succeeded by the same use specifically authorized as a special exception.
- H. A special exception may be terminated by the Board of Zoning Appeals, upon filing of an application therefore by an interested person or a member of the staff, or Administrator, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance, or conditions of approval or commitments have not been complied with.
- I. To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Administrator that a special exception is required for the intended use or for the expansion, extension, or enlargement of a use. The Administrator shall file a report of determination (in a form prescribed by the Board) with the Commission. The Commission shall determine how the granting of the special exception would affect the purposes served by this Ordinance in furtherance of the Comprehensive Plan. Within thirty (30) days of the date on which it received the

application, the Commission shall report its determination to the Board, for action by it as authorized. If the Board grants the special exception, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with this Ordinance and all other applicable codes or ordinances, the Administrator shall issue the Improvement Location Permit for the use authorized by special exception.

### 10.4 DEVELOPMENT STANDARD VARIANCES

- A. The Board may grant a variance from the development standards (such as height, bulk, area) of the Zoning Ordinance 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 area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3. The strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction on economic gain.
- B. To be eligible for the granting of a variance under this section, a person must first receive a determination from the Administrator that a variance is required for the intended use or for the expansion, extension, or enlargement of a use. The Administrator shall file a report of determination (in a form prescribed by the Board) with the Commission. The Commission shall determine how the granting of the variance would affect the purposes served by this Ordinance in furtherance of the Comprehensive Plan. Within thirty (30) days of the date on which it received the application, the Commission shall report its determination to the Board, for action by it as authorized. If the Board grants the variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with this Ordinance and all other applicable codes or ordinances, the Administrator shall issue the Improvement Location Permit for the use authorized by variance.
- C. A Board may permit or require the owner of a parcel of property to make written commitment concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- D. A variance granted by a Board shall run with the parcel until such time as: (1) the use of the variance ends, or (2) the property conforms to the Ordinance as written.
- E. Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of variance, the Board may authorize such action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of this Ordinance in the same manner as if the variance had not been granted.

## 10.5 USE VARIANCES

- A. The Board may grant a use variance from the terms of the Zoning Ordinance 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 area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3. The need for the variance arises from some condition peculiar to the property involved; and
  - 4. The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - 5. The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.
- B. The Board may impose reasonable conditions as part of its approval.
- C. The Board may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- D. A variance granted by a Board shall run with the parcel until such time as: (1) the use of the variance ends, or (2) the property conforms to the Ordinance as written.
- E. Where an owner has failed to comply with any condition and/or commitment permitted or required by the grant of variance, the Board may authorize such action as it may deem appropriate to obtain compliance by the owner with the condition or commitment of the grant, or with the terms of this Ordinance in the same manner as if the variance had not been granted.

## 10.6 SCHEDULE OF FEES

- A. The Plan Commission shall maintain the official schedule of fees, charges, and expenses and a collection procedure for permits, appeals, and other petitions pertaining to this ordinance. The schedule of fees shall be available to the public in the office of the Clerk-Treasurer and may be altered or amended only by resolution of the Town Council.
- B. 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.
- C. Any person or persons who shall initiate construction of a structure prior to obtaining an Improvement Location Permit or any other required permit shall pay twice the amount of the current permit fee as established by the Town Council.

**10.7 ENFORCEMENT & PENALTIES**

- A. Any person may, by suit in a circuit or superior court of the county, enjoin the violation of this Ordinance.
- B. The Board of Zoning Appeals, by mandatory injunction in the circuit court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance or the removal of any use or condition in violation of this Ordinance.
- C. A use that violates this Ordinance or duly made commitment shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for such nuisance.
- D. Any person whether owner or possessor, who shall violate, or who permits or allows a violation, of any of the provisions of this Ordinance or duly made commitment, or who fails to comply therewith or with any requirements thereunder, or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this Ordinance, shall, upon complaint filed in any court of the county and upon judgment finding such violation, be fined not less than twenty-five dollars (\$25.00) and not more than two thousand five hundred dollars (\$2,500.00), and each day that such violation or noncompliance exists shall constitute a separate violation.

**10.8 EFFECT ON ANNEXATION OR VACATION OR ZONING**

- A. After the effective date of this Ordinance, territory which may hereafter be annexed to Pulaski County shall be zoned as provided in the annexation ordinance. In determining the zoning to be provided in the annexation ordinance, the Town Council shall give due regard to all relevant factors, including but not limited to any change requested in a petition for annexation, the current use of the territory to be annexed, the current uses and probable future uses of territory adjacent and/or near to the territory to be annexed, and the comprehensive plan.
- B. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of the street, alley, public way, railroad right-of-way, or similar areas shall be extended automatically to the center of the vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

**10.9 EXCLUSION**

Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, plan commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any

## PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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state agency, or the use of property owner or occupied by the State of Indiana or any state agency. As used in this section, the term “state agency” shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

# PULASKI COUNTY UNIFIED DEVELOPMENT DOCUMENT

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## EFFECTIVE DATE: ZONING ORDINANCE

The Zoning Ordinance shall be in full force and effect as of \_\_\_\_\_ after its passage, approval and publication according to law.

Passed and adopted by the County Commissioners of the County of Pulaski County, Indiana on \_\_\_\_\_, 20\_\_\_\_\_.

County Commissioners Of The County Of Pulaski County, Indiana

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Attest:

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County Auditor