

First Reading 10/05

ORDINANCE 2005-15

AN ORDINANCE AMENDING THE TEXT OF THE CITY OF GREENCASTLE, INDIANA ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

WHEREAS, the City of Greencastle (the City) replaced its Zoning Ordinance and Subdivision Control Ordinance February 27, 2003;

WHEREAS, it is desirable, and in the City's best interests to amend the Zoning Ordinance and Subdivision Control Ordinance as indicated below.

NOW THEREFORE be it ordained by the Common Council of the City of Greencastle that it hereby amends the following sections of the Zoning Ordinance and Subdivision Control Ordinance in the Greencastle City Code to read as follows:

ZONING ORDINANCE

I. Section 2.17 Light Industrial District

A. Permitted Uses

Residential Uses

- *Aircraft Hangar Home*

Commercial Uses

- *Aviation Related Business*
- *Aircraft Hangar*

Section 2.21 Land Use Matrix

A. 2-40, Residential Uses

- **Aircraft Hangar Home, Permitted (P) in Light Industrial (LI)**

B. 2-42, Commercial Uses

- **Aviation Related Business, Permitted (P) in Light Industrial (LI)**
- **Aircraft Hangar, Permitted (P) in Light Industrial (LI)**

II. Section 6.1 General Sign Standards

Subsection B (7) shall read as follows:

“7. Signs of Expression: Political signs, *birthday and birth announcements*, and other signs of expression, provided that no such sign exceeds 6 square feet in area or 4 feet in height from ground level.

a. ~~Each sign shall be permitted on any property for a maximum of 4 months per calendar year. However, signs related to a particular event or date, such as political signs placed in anticipation of an election, may be placed no sooner than 30 days prior to the event and shall be removed a maximum of 1 week after the event.~~

b. ~~The sign shall not be illuminated.~~

c. ~~The sign shall not be located in a public right of way and shall be setback a minimum of 10 feet from any other property line as shown in the diagram below:~~

~~-Delete diagram.~~

III. Section 7.1 Site Development Plans; Authority

A. Site Development Plan Required: Site Development Plans shall be required *in all zoning districts*, for all developments for which an Improvement Location Permit is required by this Ordinance ~~and which are located in the following zoning districts: MD, MH, CB, GB1, GB2, PB, LI, GI, UN~~

B. Exemptions:

4. Residential: The construction of a single-family dwelling or a two-family dwelling.

IV. Section 10.4 Use Variances

A. Decision Criteria:

~~3. Practical Difficulty: the strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self imposed, nor be based on a perceived reduction of, or restriction on economic gain);~~ ***Condition of Property: The need for the variance arises from some condition peculiar to the property involved.***

V. Section 14.2 Definitions:

Airport: Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for the housing, *fueling*, and maintenance of aircraft.

Aircraft Hangar: A structure used for the storage and maintenance of aircraft that may be located at an airport or on adjacent private property provided that there is an

access agreement and/or easement from the hangar to an airport which has been recorded with the Putnam County Recorder.

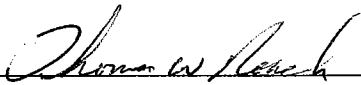
Aircraft Hangar Home: A single-family dwelling with an Aircraft Hangar incorporated therein or attached thereto.

Aviation Related Business: A business operation that may be located at an airport or on private property adjacent to the property provided that there is an access agreement and/or easement from the hangar to an airport which has been recorded with the Putnam County Recorder. Such businesses include but are not limited to aircraft fueling, sales, inspection, service, parts sales and distribution, storage, repair and maintenance, education and travel agency.

All other terms and conditions contained within the Zoning Ordinance shall remain in full force and effect.

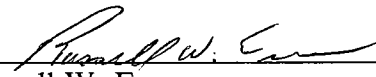
This Ordinance shall have full force and effect upon passage of the Greencastle Common Council and its approval by the Mayor.

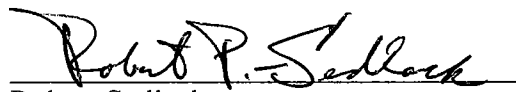
PASSED AND ADOPTED by the Common Council of the City of Greencastle, Indiana this 8 day of November, 2005.


Thomas W. Roach

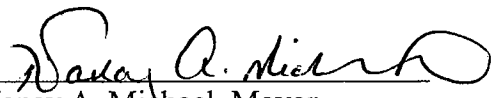

John Lanier


Mark N. Hammer



Russell W. Evans


Robert Sedlack

Approved and signed by me this 8 day of November, 2005, at 8:15 o'clock P.m.


Nancy A. Michael, Mayor

ATTEST:


Teresa Glenn, Clerk-Treasurer

GREENCASTLE CITY PLAN COMMISSION
DOCKET NO. 2005- 1

Amendment to zoning text of the City of Greencastle Code

Petitioner: City of Greencastle

WHEREAS, the Plan Commission of the City of Greencastle initiated and prepared the attached Ordinance to amend the Greencastle Planning and Zoning Ordinance by amending the zoning text; and

WHEREAS, the Greencastle Plan Commission has reported that it held a public hearing concerning this ordinance on September 26, 2005, after timely notice of the hearing was given by publication in the Banner Graphic, Greencastle, Indiana, on or about September 16, 2005; and

WHEREAS, the Greencastle Plan Commission has reported that it paid reasonable regard to the following factors enumerated in I.C. 36-7-4-603 in consideration of the ordinance and determination of a recommendation to be made to the Common Council:


1. the comprehensive plan;
2. current conditions and the character of current 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; and
5. responsible growth and development.

WHEREAS, the Greencastle Plan Commission certifies this ordinance to the Common Council with a favorable recommendation, subject to the conditions or commitments attached hereto and/or stated in the minutes of the Plan Commission, and incorporated herein and made a part of this certification.

Dated this 5th day of October, 2005.

GREENCASTLE CITY PLAN COMMISSION

BY: 
Presiding Officer

ATTEST: 
Secretary

ORDINANCE 2005-17

AN ORDINANCE AMENDING THE TEXT OF THE CITY OF GREENCASTLE, INDIANA ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

WHEREAS, the City of Greencastle (the City) replaced its Zoning Ordinance and Subdivision Control Ordinance February 27, 2003;

WHEREAS, it is desirable, and in the City's best interests to amend the Zoning Ordinance and Subdivision Control Ordinance as indicated below.

NOW THEREFORE be it ordained by the Common Council of the City of Greencastle that it hereby amends the following sections of the Zoning Ordinance and Subdivision Control Ordinance in the Greencastle City Code to read as follows:

ZONING ORDINANCE

I. Section 1.3 Interpretation and Application

B. Overlapping Regulations: When this Ordinance, is in conflict with state or federal laws, regulations and rules, the state or federal laws shall control. In no instance shall the City of Greencastle be responsible for enforcing private covenants, contracts, commitments and other agreements of a private nature. When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, Federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

II. Section 2.4 Agriculture District

A. Permitted Uses

Residential Uses

- *single family dwelling*

C. Lot & Yard Standards

Minimum Lot Area:

- ~~40~~ **5** acres (*with septic system and/or well water*)
- *At least 2 acres but less than 5 acres (with public sewer and water)*

Minimum Front Yard Setback:

- ~~100~~ **75** feet when adjacent to a Principal Arterial Street
- ~~100~~ **75** feet when adjacent to a Minor Arterial Street
- ~~75~~ **60** feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

III. Section 2.6 Single-Family Dwelling 1 District

B. Special Exception Uses

Residential Uses

- *dwelling, two-family*
- *dwelling, multi-family*

IV. Section 2.7 Single-Family Dwelling 2 District

B. Special Exception Uses

Residential Uses

- *dwelling, two-family*
- *dwelling, multi-family*

V. Section 2.10 Mixed-Density Dwelling District

B. Lot and Yard Standards

Minimum Lot Area:

- 7,200 square feet (single-family)
- 8,000 square feet (two-family)
- ~~15,000~~ **3000** square feet/unit (multi-family)

VI. Section 2.13 Central Business District

B. Special Exception Uses

Residential Uses

- *dwelling, single-family*
- *dwelling, two-family*

VII. Section 2.14 Small Scale General Business District (GB1) and Section 2.15 Large Scale General Business (GB2)

B. Special Exception Uses

Commercial Uses

- *Adult Uses*

Section 2.14 Small Scale General Business District (GB1)

C. Lot & Yard Standards

Maximum Lot Area:

—1.5 3 acres

VIII. Sections 2.4 through 2.20

D. Lot & Yard Standards

Minimum Side & Rear Yard Setback:

*Indicates setback for primary structures, setbacks for accessory structures are prescribed by ~~Chapter 5.6~~ *Section 5.3* of this Ordinance.

IX. Section 5.3 F. Incidental Use and Accessory Structure Standards

- E. Permitted Accessory Structures: The type of accessory structures, side and rear yard setbacks for accessory structures, and maximum number of accessory structures per dwelling unit or business use in each zoning district shall be consistent with the Permitted Accessory Structures Table ~~below~~ *above*.....

X. Section 5.23. Buffering and Screening Standards, Part I . B. 3. shall read as follows:

3. Buffer Yard Type 3: Buffer yard type 3 shall include *the following*:

- a. a minimum setback of 25 feet in addition to the yard setback otherwise required by this Ordinance;
- b. ~~In addition~~ a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with 1 tree placed every 20 feet along the boundary between the subject and adjoining properties; and

- c. Also, one of the following shall be placed in the buffer yard:
 - i. a 6 foot tall opaque wooden fence or brick or stone wall;
 - ii. a 5 foot tall undulating mound planted with shrubs; or
 - iii. a row of evergreen trees

XI. Section 14.2 Definitions:

Tattoo Parlor: Any room or space where tattooing is performed or the business of tattooing is conducted. Tattooing means the placement in human tissue of: 1) any indelible design, letter, scroll, figure, symbol or other mark placed with the aid of needles or other instruments; or 2) any design, letter scroll, figure or symbol done by scarring upon or under the skin. This definition does not apply to a medical facility licensed under Indiana law, or an office or clinic of a person licensed by the Indiana State Board of Medical Examiners. Tattoo Parlors are considered "Adult Uses" for purposes of this Ordinance.

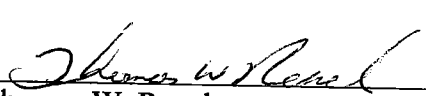
Body Piercing Salon: Any room or space where the business of body piercing is conducted. Body piercing means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. Body piercing does not include piercing an ear with a disposable single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. This definition does not apply to a medical facility licensed under Indiana law, or an office or clinic of a person licensed by the Indiana State Board of Medical Examiners. Body Piercing Salons are considered "Adult Uses" for purposes of this Ordinance.

XII. The Land Use Matrix contained in Section 2.21 shall be amended to reflect the above changes.

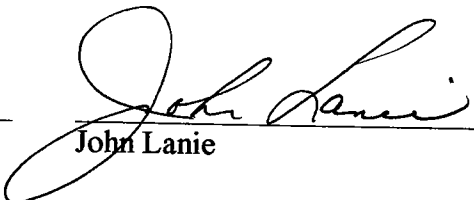
All other terms and conditions contained within the Zoning Ordinance shall remain in full force and effect.

This Ordinance shall have full force and effect upon passage of the Greencastle Common Council and its approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Greencastle, Indiana this 13 day of December, 2005.

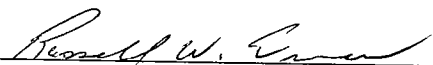


Thomas W. Roach

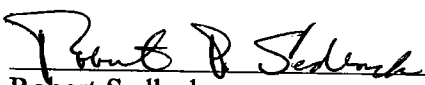


John Lanie

Mark N. Hammer

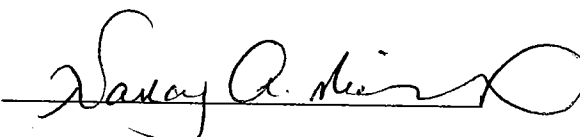


Russell W. Evans



Robert Sedlack

Approved and signed by me this 13 day of December, 2005, at
7:16 o'clock p.m.



Nancy A. Michael, Mayor

ATTEST:



Teresa Glenn, Clerk-Treasurer

ORDINANCE 2006- 13 __

AN ORDINANCE AMENDING THE TEXT OF THE CITY OF GREENCASTLE, INDIANA ZONING ORDINANCE AND SUBDIVISION CONTROL ORDINANCE

WHEREAS, the City of Greencastle (the City) replaced its Zoning Ordinance and Subdivision Control Ordinance February 27, 2003;

WHEREAS, it is desirable, and in the City's best interests to amend the Zoning Ordinance and Subdivision Control Ordinance as indicated below.

NOW THEREFORE be it ordained by the Common Council of the City of Greencastle that it hereby amends the following sections of the Zoning Ordinance and Subdivision Control Ordinance in the Greencastle City Code to read as follows:

ZONING ORDINANCE

I. Signs

A. Section 6.1 General Sign Standards

Subsection A.6., which reads: ~~“Abandoned Signs: A sign, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner or lessee of the premises upon which it is located within 30 days from the date when the business which it advertises is no longer conducted on the premises.”~~

~~Subsection A.7, Illuminated Signs~~

~~*Subsection A.6, Illuminated Signs*~~

~~Subsection A.8, Enforcement~~

~~*Subsection A.7, Enforcement*~~

B. Section 6.1 General Sign Standards

Subsection ~~A.7~~ **A.6** shall read as follows:

Illuminated Signs. All illuminated signs must meet the standards specified in the State electrical Code, as adopted and amended by the State of Indiana and the Exterior Lighting Standards of Section ~~5.4(J)~~ **5.24(J)** of this Ordinance

C. Section 6.1 General Sign Standards

Subsection B. shall read as follows:

B. Exempt Signs: The following signs are exempt from all provisions of this Ordinance, *except that no sign may be placed within the right-of-way without City permission or so as to create a visibility or other safety concern.*

D. Section 6.1 General Sign Standards

Subsection B. Exempt Signs

11. **Construction Signs:** Signs posted on construction sites, provided that such signs are not located in the right-of-way, do not exceed 32 square feet, and are removed *within 30 days of completion*—upon completion—of construction activity.

E. Section 6.1 General Sign Standards

Subsection B. Exempt Signs.

Add subsection B.12, which shall read:

12. Portable Signs. One sandwich board sign, or portable sign similar in nature, as determined by the City Planner, shall be allowed per business, provided that each side does not exceed 12 square feet and the board is placed so that it does not obstruct the flow of pedestrian traffic or limit wheelchair accessibility to businesses or use of the sidewalk. The sign shall be allowed only during business hours.

F. Section 6.2 Temporary Sign Standards

Part 2: "These business Temporary Sign Standards apply to the following *all* districts: ~~CB, GB1, GB2, PB, LI, GI, UN, ME~~

One temporary sign for each business use shall be permitted *in weekly increments for no more than 12 weeks* ~~7 consecutive days a maximum of 4 times per calendar year.~~
A permit shall be required each time a temporary sign is to be used. *Weekly and annual permits shall be available.* The sign shall meet the following requirements:

G. Section 6.2 Temporary Sign Standards

a. Types of Temporary Signs: Portable signs *and* sandwich board signs *not exceeding 12 square feet per side with a total maximum area of 24 square feet,* and inflatable signs shall be considered permitted temporary signs for the purpose of this Chapter....

H. Section 6.2 Temporary Sign Standards

F. Conversion to a Permanent Sign: No sign manufactured, designed, and otherwise intended for use as a temporary sign, ~~such as portable signs, sandwich board signs, and inflatable signs~~ shall be used as a permanent sign *unless prior written approval is obtained from the City Planner and the sign complies with the International Building Code and the development standards contained in this Ordinance.*

I. Section 6.3 Permanent Sign Standards

Part 2. B. Subdivision entry Signs

~~2. Height: No sign shall exceed 4 feet in height, measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.~~

J. Section 6.3 Permanent Sign Standards

Part 5. B. E. Directional Signs...

K. Section 6.3 Permanent Sign Standards

Part 3: Downtown signs

A. 1. Sign Area: ~~One~~ **One and one half (1 ½)** square feet of signage shall be allowed for every one linear foot of the façade of the ground floor of the building that is occupied by that use. (For example: If a use occupies a space in a commercial building and that space includes 50 feet of the buildings' frontage, then ~~50~~ **75** square feet of signage would be allowed for the use.) ~~In no instance shall the amount of signage permitted per use exceed 100 square feet.~~

4. Development Standards by Sign Type: Development standards for each type of sign are as follow:

a. Wall Sign: Wall signs shall be located on the façade of the primary structure. ~~No single wall sign or mural shall exceed 50 square feet.~~ Murals painted on structures **that are business-oriented** shall be considered wall signs for the purpose of this Chapter. **Murals that are solely for the purpose of artistic expression are exempt.**

d. Window Signs: Non-illuminated window signs not exceeding **25%** ~~10%~~ of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs and any exceeding **25%** ~~10%~~ of the window area shall be counted toward the total sign area and require a sign permit. **Temporary flyers do not constitute window signs.**

B. 2. Multiple Upper-Floor Use: If the upper-floors of the structure are occupied by multiple uses that are separate and distinct from any that is located on the ground floor, a multi-tenant joint sign may be provided. The sign shall be a wall sign, not exceeding an average of **25** ~~10~~ square feet per upper-floor business use. In no instance shall the sign exceed a total of 100 square feet.

Part 4: A. (Signs permitted in GB1, GB2, PB, LI, GI)

1. Sign Area: The total square footage of sign area allowed for each business use shall be determined by the length of the front façade of the building that is occupied by that use as specified in the table ~~above~~ **below**. Corner Properties may use **both frontage sides of the property** ~~only the largest frontage~~ for the purpose of sign area calculation; however, **signage on either side may not exceed the frontage calculations for that side** ~~signs may be placed on any building side.~~

2. Sign Types Permitted: Replace "above" with "**below**."

3. Development Standards by Sign Type:

b. Awning Sign: Awning signs shall be printed or sewn on awnings mounted

on the façade of the primary structure. *Only the portion of awning with words, copy or other advertisement shall be included in signage calculations.*

- f. **Multi-Tenant Joint Signs:** Structures and/or centers containing multiple businesses may establish no more than one (1) *free-standing* sign for the structure or center...”

Part 5: University Permanent “signs”

B. Campus Identification Signs: Signs identifying the campus shall generally be located at its entrances.

- 1. **Location:** There shall be no limit to the number of locations at which campus identification signs may be placed, however, generally no more than one (1) sign shall be placed at any one location. A maximum of 2 signs may be placed at any one location. A maximum of 2 signs may be placed at any one location if they are used to create an entrance.

II. Section 9.2 Nonconforming Signs

C. 2. Intentional Alterations: Any legal nonconforming sign which is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed. *This section does not apply to maintenance and minor repairs which do not alter the structure of the sign.*

III. Section 9.4 Nonconforming Lots

All lots legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments that no longer meet any applicable provision of this Ordinance shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met. *“Lots” for purposes of this section, shall include lot lines, setbacks, covenants and all other information contained on the recorded plat approved by the City.*

IV. Section 10.8 Denied Applications

A.—Re-filing of Denied Applications: No request for variance, special exception, or administrative appeal which has been denied may be re-filed for a period of 1 year from the date of the denial.

~~B. Re-Consideration of Applications: Either the petitioner or any interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a written request to the City Planner within 30 days of the date of Board action on the request. A variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure:~~

~~1. Public Hearing: Upon receipt of the written request for reconsideration by the City Planner the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the petition. If sufficient grounds are present, the Board shall place the petition on the agenda for its next regularly scheduled meeting at which time the petition shall be reconsidered and subsequent action taken.~~

~~2. Grounds for Reconsideration: At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.~~

~~a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provided substantial new information or clarified facts that were not known or available at the initial hearing on the petition and such new information or facts is directly related to the decision criteria established by the Ordinance.~~

~~b. In no instance shall a reconsideration be granted to allow a petitioner to modify their application.~~

~~3. Time Limitation: In no case shall the Board hear more than 1 request for reconsideration for any single petition.~~

SUBDIVISION CONTROL ORDINANCE

I. Section 1.3 Interpretation & Application

B. Application: When this Ordinance, is in conflict with state or federal laws, regulations and rules, the state or federal laws shall control. In no instance shall the City of Greencastle be responsible for enforcing private covenants, contracts, commitments and other agreements of a private nature. When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, Federal laws or other regulations apply to a structure or parcel of land, the greater restriction shall control.

G. Exemptions:

5. Condominiums: A division of land for the establishment of condominiums which are regulated by IC 32-25 IC 32-1-6 (consistent with IC 36-7-4-702(e)).

II. Section 2.4 Technical Review Committee

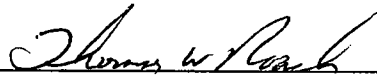
A. Authority and Approvals

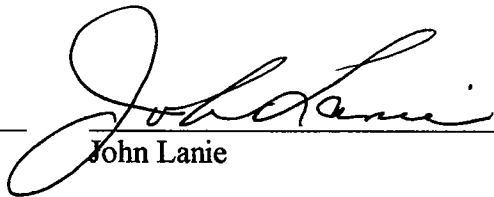
1. **Review Authority:** The Technical Review Committee shall have the authority to review major subdivision Preliminary Plats and minor subdivision Final Plats, forwarding comments to the Greencastle Plan Commission. **The Technical Review Committee shall also have authority to review petitions for Rezoning, Planned Unit Development Plans and Site Development Plans as set out in Section 11.3 of the City of Greencastle, Indiana Zoning Ordinance.**

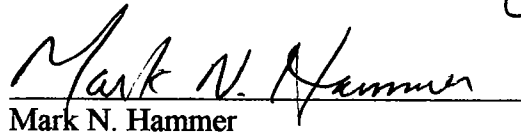
All other terms and conditions contained within the Zoning Ordinance shall remain in full force and effect.

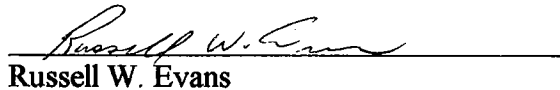
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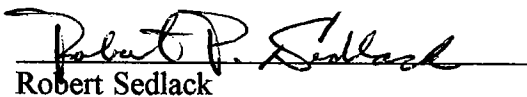
14 PASSED AND ADOPTED by the Common Council of the City of Greencastle, Indiana this day of November, 2006.


Thomas W. Roach

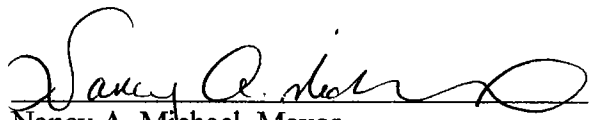

John Lanie


Mark N. Hammer


Russell W. Evans


Robert Sedlack

Approved and signed by me this 14 day of November, 2006, at 7:21 o'clock P.m.


Nancy A. Michael, Mayor

ATTEST: 
Teresa Glenn, Clerk-Treasurer

GREENCASTLE CITY PLAN COMMISSION
DOCKET NO. 2006- 09

Amendment to zoning text of the City of Greencastle Code

Petitioner: City of Greencastle

WHEREAS, the Plan Commission of the City of Greencastle initiated and prepared the attached Ordinance to amend the Greencastle Planning and Zoning Ordinance by amending the zoning text; and

WHEREAS, the Greencastle Plan Commission has reported that it held a public hearing concerning this ordinance on September 25, 2006, after timely notice of the hearing was given by publication in the Banner Graphic, Greencastle, Indiana, on or about September 15, 2006; and

WHEREAS, the Greencastle Plan Commission has reported that it paid reasonable regard to the following factors enumerated in I.C. 36-7-4-603 in consideration of the ordinance and determination of a recommendation to be made to the Common Council:


1. the comprehensive plan;
2. current conditions and the character of current 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; and
5. responsible growth and development.

WHEREAS, the Greencastle Plan Commission certifies this ordinance to the Common Council with a favorable recommendation, subject to the conditions or commitments attached hereto and/or stated in the minutes of the Plan Commission, and incorporated herein and made a part of this certification.

Dated this 2nd day of October, 2006.

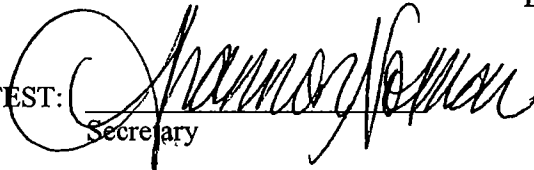
GREENCASTLE CITY PLAN COMMISSION

BY:



Presiding Officer

ATTEST:



Secretary