

Effective Date: October 1, 2008

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THE HENDRICKS COUNTY QUALITY GROWTH STRATEGY

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# ZONING ORDINANCE



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Prepared with the assistance of:

RATIO Architects Inc.

The Planning Workshop

## THE HENDRICKS COUNTY VISION STATEMENT:

Hendricks County is experiencing significant growth and urban expansion. If managed properly, we can benefit from this and use it to the community's advantage. Building on a belief in the benefits of a strong, growing, diverse, and balanced economy, Hendricks County will plan for healthy urban expansion. At the same time, we believe that the core values of small town and rural America are central to the community's quality of life. Through strong management of growth, Hendricks County will maintain its traditional identity while enhancing its vital, progressive, and dynamic community.

Effective Date: October 1, 2008

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QUALITY GROWTH STRATEGY: ZONING ORDINANCE

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# 1.1 Title

## CHAPTER 1: GENERAL PROVISIONS

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### 1.1 TITLE

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- A. This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance of Hendricks County, Indiana,” and shall be referred to as “this Ordinance.”

### 1.2 PURPOSE

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- A. This Ordinance is hereby enacted by Hendricks County, Indiana, for the purpose of:
1. Promoting the public health, safety, comfort, and general welfare;
  2. To conserve and protect property and property values;
  3. To secure the most adequate and economical provisions for public improvement, paying due regard to with the Comprehensive Plan and any changes made thereto as reflected in the Zoning Map and documents and records of Hendricks County for the desirable future development of the County; and
  4. To provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described: all as authorized by the provisions of the Chapters and the Sections applicable under the Indiana Code.

### 1.3 TERRITORY UNDER THE ZONING ORDINANCE

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- A. This Ordinance shall be effective in the unincorporated areas and those portions of the County participating in the Area Plan Commission of Hendricks County.

This Ordinance shall not apply within municipal corporations, unless they participate in the Area Plan Commission. If the County territory subject to this Ordinance is incorporated, then this Ordinance shall apply therein and be enforced by Hendricks County until the election and qualification of officials for the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations controlling over the incorporated territory.

Upon annexation of County territory to an existing municipal corporation, the County zoning regulations then in effect on that territory shall become null and void.

See Also:

[Chapter 3:  
Nonconformities](#)

### 1.4 APPLICABILITY AND COMPLIANCE

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- A. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations, changes in site or site flow, and relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing legally conforming uses exceeding thirty-five percent (35%) of the existing site or structure occurring hereafter as determined by the Planning and Building Director (“Director”) shall be subject to all the regulations of this Zoning Ordinance as they apply to the zoning districts in which such buildings or uses of land shall be located.
1. Exception. Existing CAFOs and CFOs may expand operations onto adjacent property without rezoning the adjacent property.



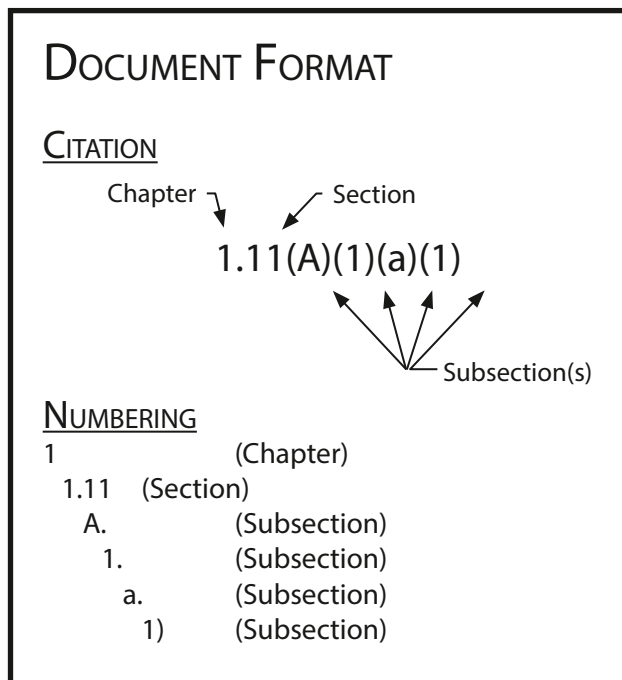
- B. This Ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of Hendricks County under any section or provision existing at the time of the effective date of this Ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of Hendricks County, except as shall be expressly provided for in this Ordinance.

## 1.5 TRANSITION RULES

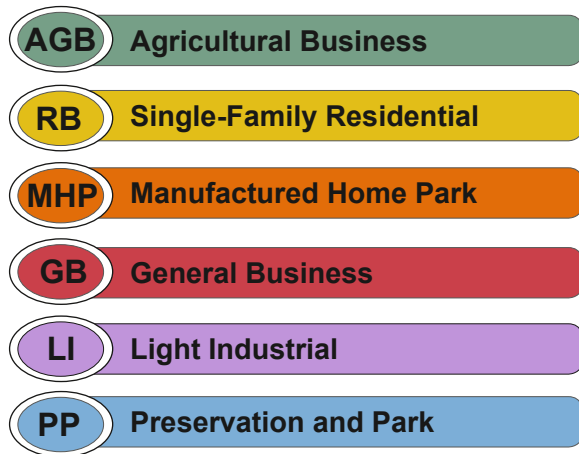
- A. Any application that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Zoning Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures shall follow those set forth by this Zoning Ordinance.

## 1.6 HOW TO USE THIS DOCUMENT

- A. STRUCTURE. The structure of the text of this Ordinance is as follows: Chapter (indicated by 1, etc.), Section (indicated by 1.1, etc.), and subsequent Subsections (indicated by A, 1, a, etc.). Below is an example of this format:



- B. **APPLICABLE DISTRICTS.** Zoning district designation identifiers are located in various places throughout the document. If one of these identifiers appears within a section, then that section will apply to the corresponding zoning district. Samples of district identifiers follow:



## 1.7 INTERPRETATIONS

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum or maximum requirements, adopted for the promotion of the public health, safety, and the general welfare.

## 1.8 INTERPRETATION OF TERMS OR WORDS

- A. For the purpose of this Ordinance, certain terms or words are defined, and the words or terms used shall be interpreted as follows:
1. The word “person” includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual;
  2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular;
  3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
  4. The words “used” or “occupied” include the words “intended, designed, constructed, converted, altered or arranged to be used or occupied”; and
  5. The word “lot” includes the words “plot, tract, or parcel.”



## 1.9 ZONING MAP

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See Also:

[Section 12.5 Zoning Map and Text Amendments](#)

- A. OFFICIAL ZONING MAP. The County is divided into zones or districts as shown on the official Zoning Map as amended, which, together with all explanatory matter, is adopted by reference and declared to be a part of this Ordinance.
- B. LOCATION AND MAINTENANCE OF THE OFFICIAL ZONING MAP
1. Regardless of the existence of copies of the official Zoning Map which, from time to time may be published, the official Zoning Map shall be located in the office of the Planning and Building Department. It shall be the final authority as to the current zoning status of land and water areas in the County. Current copies may be obtained from the Planning and Building Department.
  2. The official Zoning Map may be maintained in electronic form, and depicted in various formats and scales as appropriate to the need, under the direction of the Planning and Building Director.
  3. No changes of any nature shall be made on the official Zoning Map or shown except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of any kind by a person or persons shall be considered a violation of this Ordinance and punishable as provided under [Chapter 13: Violations and Enforcement](#).
- C. REPLACEMENT OF THE OFFICIAL ZONING MAP. In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions or loss of electronic information, the Board of County Commissioners may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment.
- D. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of thoroughfares or highways, street lines or highway right-of-way lines, or alleys shall be construed to follow the centerlines;
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot line;
  3. Boundaries indicated as approximately following town limits shall be construed as following the town limits;
  4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
  5. Boundaries indicated as approximately following shorelines shall be construed to follow the shore lines; and in the event of change in the shoreline shall be construed as moving with the actual shoreline;
  6. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow the centerlines;

7. Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines;
8. Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map by the Planning and Building Director;
9. Where physical features existing on the ground are at variance with those shown as the official Zoning Map, or in other circumstances not covered by the subsections above, the Planning and Building Director shall interpret the boundaries. The Board of Zoning Appeals shall hear appeals to the decision of the Planning and Building Director; and
10. When a zoning district boundary line divides a lot or parcel, the Director shall determine the applicable zoning district. The Director may require a rezone or replat of the site if any portion of a construction or development proposal overlaps two (2) or more zoning districts. The petitioner shall be responsible for filing the appropriate forms and for paying the appropriate filing fees to rezone or replat the lot or parcel. If a portion of a lot or parcel is in an overlay district, the entire lot or parcel shall be deemed as being within the overlay district.

## 1.10 CONFLICT OF LAW

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- A. Whenever the regulations of this Ordinance require a greater width or size of setbacks or other open space, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of development, a more restrictive use of land, or impose other higher standards than are required in any other lawfully adopted rules, regulations, ordinances, private deed restrictions or private covenants, these regulations shall govern.

## 1.11 SEVERABILITY CLAUSE

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- A. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the Zoning Ordinance as a whole, or any part other than the part declared to be unconstitutional or invalid.

## 1.12 REPEAL OF CONFLICTING ORDINANCE

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- A. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

## 1.13 EFFECTIVE DATE

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- A. This Ordinance shall become effective from and after the date of its approval and adoption.

# Chapter 2: Administration



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See Also:

[Chapter 13: Violations and Enforcement](#)

## 2.1 ENFORCEMENT

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- A. The Director of the Planning and Building Department, or his/her designee, shall effect proper administration and enforcement of this Zoning Ordinance.

## 2.2 DUTIES AND POWERS OF THE PLAN COMMISSION

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- A. **AUTHORITY.** The Plan Commission (“Commission”) is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 et seq., and other applicable sections of Indiana law and such other responsibilities as may be assigned to it from time to time by the County Commissioners or Board of Zoning Appeals. For the purposes of this Zoning Ordinance, the duties of the Plan Commission include:
  1. **Rules of Procedure.** The Commission shall adopt written rules of procedure for the administration of the affairs of the Commission and its staff for filing, noticing and hearings. Refer to the Hendricks County Plan Commission Rules of Procedures, as amended;
  2. **Record Keeping.** Maintain a complete record of all proceedings;
  3. **Meeting Time and Records.** Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission;
  4. **Certification.** Adopt a seal and certify all official acts;
  5. **Recommendations.** Make recommendations to the participating legislative bodies concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the Zoning Map), the Subdivision Control Ordinance, and Planned Unit Development district ordinances;
  6. **Decisions.** Approve or deny plats, re-plats, and amendments to plats consistent with the IC 36-7-4-700 series;
  7. **Surety.** Assume responsibility for the custody and preservation of all Commission documents and papers;
  8. **Publications.** Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Indiana Code;
  9. **Fiscal Supervision.** Supervise the fiscal affairs of the Commission;
  10. **Budgeting.** Prepare and submit an annual budget to the County Commissioners;
  11. **Employees.** Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the County Commissioners;
  12. **Street Names and Addresses.** Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments in conjunction with the County Sheriff’s office;
  13. **Board of Zoning Appeals Facilities.** Provide suitable facilities for the holding of BZA hearings and for the preserving of records, documents, and accounts;
  14. **Designation of the Director.** The Plan Commission shall designate a Director of the Planning and Building Department (referred to as the “Director” for the purposes

of this Ordinance) assigned to administer and enforce the Zoning Ordinance. The Director shall be appointed in accordance with the provisions of the rules of procedure of the Plan Commission;

15. Designation of a Hearing Officer. The Plan Commission may appoint a hearing officer for the expedient disposition of certain matters. When authorized by the Plan Commission, a hearing officer has the power of a board of zoning appeals to approve or deny variances or special exceptions, in accordance with IC 36-7-4-923 and IC 36-7-4-924;
16. Establish Advisory and Review Committees. The Plan Commission shall establish advisory and review committees as necessary, including but not limited to the Administrative and Plat Committee, a Technical Advisory Committee, Historic Preservation Committee, and an Architectural Review Committee. Each established subcommittee shall adopt rules to govern its procedures.
  - a. The appropriate committee shall consider whether or not proposed planning documents are consistent with the intent of this Ordinance and any other applicable adopted requirements of Hendricks County including but not limited to design guidelines and utility standards.
  - b. The membership of the Committee shall be at the request of the Planning and Building Director. The Director may request the assistance of members of public and semi-public local and state departments, agencies, and organizations, including but not limited to: the Planning and Building Department and other County departments, incorporated jurisdictions, school district officials, a professional Landscape Architect, a professional Architect, Hendricks County utility providers, emergency and public safety services, the Hendricks County Park Board, the Indiana Department of Transportation, the Natural Resources Conservation Service, the Indiana Department of Natural Resources, and towns within two (2) miles of the subject property.
17. Modification. The Plan Commission may make reasonable modifications to the standards of this Zoning Ordinance in response to:
  - a. unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations, or
  - b. an alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.
18. Other Duties. All additional duties as established by Indiana Code.

### 2.3 PLANNING AND BUILDING DIRECTOR

- A. ENFORCEMENT. The Director of the Planning and Building Department (referred to as the "Director" for the purposes of this Ordinance), including his/her designee(s), will have the principal responsibility for the administration and enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The authority to perform inspections, review applications, and issue permits may be delegated to other officials by the Director. In the performance of these functions, the Director and his/her appointed officials shall

be responsible to the Plan Commission and the Board of Zoning Appeals. The duties delegated by the Plan Commission to the Director, or his/her designee shall include, but not be limited to the following.

B. BASIC DUTIES

1. Interpretation. Provide interpretation of the "Hendricks County Zoning Ordinance" when necessary and provide such technical and clerical assistance as the Plan Commission and Board of Zoning Appeals may require.
2. Maintenance. Provide and maintain a public information service relative to all matters of the Plan Commission and arising out of the "Hendricks County Zoning Ordinance."
3. Improvement Location Permits. Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;
4. Inspections. Conducting inspections of structures and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Board of Zoning Appeals, Plat Committee, or other body in the execution of its duties as established by this Ordinance and the Indiana Code;
5. Record Keeping. Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;
6. Plan Commission Applications. Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications and other matters upon which it is authorized to act under this Ordinance and Indiana Code;
7. Board of Zoning Appeals Applications. Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, and special exceptions;
8. Administrative and Plat Committee. Receiving, processing, docketing, and referring to the Administrative and Plat Committee all appropriate applications;
9. Clerical & Technical Assistance. Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Administrative and Plat Committee, Legislative Bodies, or other body in the execution of its duties as established by this Ordinance and Indiana Code.
10. Provide Information. Provide information to the Plan Commission and the Board of Zoning Appeals and maintain permanent and current records arising from the administration of the "Hendricks County Zoning Ordinance," including but not limited to, all maps, amendments, Improvement Location Permits, Certificates of Occupancy, Certificates of Completion, Variances, Special Exceptions and appeals, and applications thereof, and records of hearings thereon.
11. Research and Analysis. Conduct research and collect and analyze, on a continuing basis, all pertinent data on the growth and development of the County and its environs in order to provide a foundation for a planning program.
12. Fee Schedule. The Director shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.
  - a. Fee Basis. All fees shall be intended to reimburse the Plan Commission for the time



and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.

- b. **Public Access.** The fee schedule shall be made available to the public by the Director.
  - c. **Establishment and Revisions.** The fee schedule shall be prepared by the Director and adopted by the Plan Commission or Board of Commissioners as applicable.
  - d. **Payment Required.** Until all applicable fees have been paid in full, no action shall be taken on any application or petition.
  - e. **Fines for Failing to Obtain a Permit.** The Director may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to three (3) times the amount of the normal permit fee listed on the fee schedule as a penalty. In addition to any other enforcement action, the Director may recover a reasonable attorney fee incurred in the enforcement of any provision of this Ordinance.
13. **Schedule of Meeting and Filing Dates.** The Director shall maintain an annual Calendar of Meeting and Filing Dates for the Administrative and Plat Committee, Plan Commission, Board of Zoning Appeals, and other established advisory/review committees. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committees, Commission, or Board.
- a. **Coordination of Calendars.** The calendars of the Administrative and Plat Committee, other established advisory/review committees, and Plan Commission shall be coordinated to ensure the efficient processing of applications.
  - b. **Conformance with Indiana Code.** All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.
  - c. **Approval of Dates.** The Calendar of Meeting and Filing Dates shall be prepared by the Director and approved by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for approving a coordinated calendar for the Administrative and Plat Committee or other advisory/review committees). The calendar of meeting and filing dates shall be reviewed and updated annually by the Director.
- C. **APPEALING A DECISION OF THE DIRECTOR.** Recourse from the decision of the Director shall be to the Board of Zoning Appeals on matters pertaining to zoning and shall be made in accordance with Section 12.9 Administrative Appeals Procedure and the Board of Zoning Appeals Rules of Procedure. Recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law.
1. **Exception.** Recourse from the decision of the Director regarding administrative review of Development Plans shall be appealed to the Plan Commission.

### 2.4 DUTIES OF THE FLOODPLAIN ADMINISTRATOR

- A. Refer to Chapter 10: Floodplain Management for the duties of the Floodplain Administrator.

## 2.5 BOARD OF ZONING APPEALS

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### A. BOARD OF ZONING APPEALS ESTABLISHMENT AND PROCEDURES

1. Refer to IC 36-7-4-900 et seq and the Hendricks County Board of Zoning Appeals Rules of Procedure, as amended, for regulations and rules.

### B. DUTIES OF THE BOARD OF ZONING APPEALS

1. For the purpose of this Ordinance the Board has the following specific responsibilities:

- a. Development Standards Variances

- 1) A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the Zoning Ordinance in accordance with IC 36-7-4-918.5. A variance may be approved only upon a determination in writing that:

- a) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- b) 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
- c) the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

- 2) Variance procedures can be found in Chapter 12: Petitions, Permits, and Procedures and the Board of Zoning Appeals Rules of Procedure.

- b. Appeals. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action in the administration or enforcement of the Zoning Ordinance. The Board of Zoning Appeals shall hear and determine all appeals from the refusal to issue Improvement Location Permits. The Board may decide appeals by reversing or affirming, wholly or in part, or by modifying such decision, action or refusal.

- c. Special Exceptions. To grant, approve or deny all Special Exception permits as specified in each zoning district and under the procedures per Section 12.7 Special Exception Procedure and the Board of Zoning Appeals Rules of Procedure.

### C. SUPPLEMENTARY CONDITIONS OF APPROVAL

1. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions of approval in conformity with this Ordinance. Violation of the conditions, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 13: Violations and Enforcement.

# Chapter 3: Nonconformities



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## 3.1 INTENT

---

- A. This Ordinance allows legally established nonconforming uses based on the fact that within the districts established by this Ordinance or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed and amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments; and
- B. It is the intent of this Ordinance to permit legally established nonconforming uses, buildings, sites, and structures to continue until they are removed, abandoned, or fully conform with this Ordinance, but not to encourage their survival in nonconforming status. It is further the intent of this Ordinance that legal nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district without approval from the Board of Zoning Appeals in accordance with [Section 2.5 Board of Zoning Appeals](#).

## 3.2 NONCONFORMING STATUS

---

- A. The determination of status of Illegal Nonconforming and Legal Nonconforming (“Grandfathered”) uses, buildings, structures, or lots shall be based on the definition for each type of nonconforming use as they appear in [Chapter 15: Definitions](#).
  - 1. Illegal Nonconforming. An illegal nonconforming use, structure, or lot shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance and all other applicable County ordinances.
  - 2. Legal Nonconforming (“Grandfathered”). Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to a Zoning Ordinance (including the official Zoning Map). Legally established nonconforming use of structures and/or land may continue operation or use in conformance with this Chapter.

## 3.3 INCOMPATIBILITY OF A NONCONFORMING USE

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- A. Legally established nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which the use is located. A legally established 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, expanded or enlarged after passage of this Ordinance.

## 3.4 AVOIDANCE OF UNDUE HARDSHIP

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- A. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building 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.

## 3.5 NONCONFORMING LOT OF RECORD

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- A. Any legally established lot, as defined by this Ordinance, having less than the required minimum lot area or minimum lot width and frontage required by the applicable zoning district regulations of this Ordinance, may be deemed to be an exception to such minimum lot area or minimum lot width and frontage. This provision may apply even though such lots fail to meet the requirements for area, width, frontage, or any combination required by the applicable zoning district regulations of this Ordinance.
- B. All other development standards for the applicable zoning district must be met unless property is determined to be an infill development.

See Also:

[Chapter 5:  
Infill Development  
Standards](#)

## 3.6 NONCONFORMING USE OF LAND

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- A. 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. a nonconforming use shall not 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. a nonconforming use shall not be moved in whole or in part to any portion of the lot other than that occupied by the uses at the effective date of adoption or amendment of this Ordinance;
  - 3. a nonconforming use may be extended throughout any parts of an existing structure which was plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy land outside of the structure;
  - 4. if a nonconforming use of land is discontinued or abandoned for more than one (1) year, the subsequent use of the land shall conform to the regulations specified by this Ordinance for the zoning district in which the land is located; and
  - 5. no additional building or structure not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land.

- B. Exception. Any legally established lot, as defined in [Section 3.5 Nonconforming Lot Of Record](#) above, which exists in a residential neighborhood, located in a district in which single- and two-family dwellings are no longer permitted by this Ordinance, shall be permitted to erect a single- or two-family dwelling with permitted accessory buildings in compliance with the developments standards of this Ordinance.

### 3.7 NONCONFORMING BUILDING OR STRUCTURE

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- A. CONTINUANCE OF LEGAL NONCONFORMING USE/STRUCTURE. Where a lawful building or structure exists, at the effective date of adoption or amendment of this Ordinance, that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, location on the lot, bulk, or other requirements concerning the building or structure, the building or structure may remain so long as it remains otherwise lawful, subject to the following provisions:
1. A nonconforming building or structure may not be enlarged or altered in a way which increases its nonconformity, but any building or structure may be altered to decrease its nonconformity;
  2. A legally established nonconforming building or structure may be restored to its original dimensions if it was required to be altered or removed due to government action or was damaged or destroyed resulting from fire or other disaster. All reconstruction must comply with all current state and local building code and all other applicable Hendricks County codes and ordinances; and
  3. If a nonconforming building or structure is altered or moved for any reason for any distance or replaced, it shall thereafter conform to the regulations for the zoning district in which it is located and the discontinued legal nonconforming features shall not be resumed.
- B. EXCEPTION. A legal nonconforming single-family or two-family residence and/or its accessory structures which are located in a non-residential zoning district, but within an area that has developed primarily as a residential neighborhood, may be expanded and the expansion shall be for the purpose of continuing the residential use of the property. The residential structure shall comply with the current setbacks required in the zoning district which most resembles the existing residential development in the area.

### 3.8 REPAIR AND MAINTENANCE

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- A. On any legally established building or structure, or portion of a building or structure, or a building or structure containing a legally established nonconforming use, work may be done on ordinary repairs, or on repair or replacement of bearing and non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic area 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 structure or portion of any building or structure declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- B. If a legally established building or structure or portion of a building or structure or a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure shall not thereafter be rebuilt or used except in conformity with the regulations of the zoning district in which it is located.

### 3.9 DETERMINATION OF A NONCONFORMING USE

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- A. In circumstances where there is question whether or not a legal nonconforming use exists, it shall be decided by the Planning and Building Director.

# Chapter 4: Zoning Districts



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#### 4.1 ESTABLISHMENT OF DISTRICTS

##### A. ZONING DISTRICTS ESTABLISHED. The following zoning districts are established:

1. Agricultural Districts
  - a. "AGB" Agricultural Business District
  - b. "AGI" Agriculture, Intense District
  - c. "AGR" Agriculture, Residential District
2. Residential Districts
  - a. "RA" Single-family Residential District
  - b. "RB" Single-family Residential District
  - c. "RC" Single-family Residential District
  - d. "RD" Single-family Residential District
  - e. "RE" Multi-Family Residential District
  - f. "MHP" Manufactured Home Park District
3. Commercial Districts
  - a. "NB" Neighborhood Business District
  - b. "GB" General Business District
  - c. "HB" Highway Business District
  - d. "PB" Planned/Flex Business District
4. Industrial Districts
  - a. "LI" Light Industrial District
  - b. "MI" Major Industrial District
5. Other Districts
  - a. "PP" Preservation and Park District
  - b. "AD" Airport Development District

See Also:

[Chapter 6: Planned Unit Developments](#)  
and [Chapter 14: Overlay Districts](#)

- B. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT ESTABLISHED. The PUD District is hereby established. This Ordinance allows for any zoning district(s) to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of [Chapter 6: Planned Unit Developments](#).
- C. OVERLAY DISTRICTS ESTABLISHED. The following overlay districts have been established in order to provide additional enhancements to highly visible corridors and to protect fragile natural environments or unique character within the County. The overlay districts are detailed in [Chapter 14: Overlay Districts](#) and include:
  - a. Ronald Reagan Parkway Corridor,
  - b. US 36 Corridor,
  - c. Town Center, and
  - d. Airspace Overlay District.
  - e. Wind Energy Facility Overlay District. (Amended Ordinance 2009-29)

D. SUBDIVISION OF LAND. The subdivision of land in every zoning district shall be consistent with the provision and requirement of the Hendricks County Subdivision Control Ordinance, as amended.

## 4.2 ZONING DISTRICT TRANSITION

A. The zoning districts, as established by this Ordinance, differ from previously established zoning districts in the Hendricks County Zoning Ordinance dated 2001. Each of the districts has either been combined with other districts, removed, remains the same, or is a newly added district. Table 4.1: Agricultural and Residential Transitional Districts and Table 4.2: Non-Residential/ Non-Agricultural Transitional Districts shall apply for all district interpretations regarding previously and newly established zoning districts.

Table 4.1: Agricultural and Residential Transitional Districts	
Previously Established Zoning Districts	Newly Established Zoning Districts
AG Agricultural District	(Remove)
AG-B Agricultural Business District	AGB Agricultural Business District
(New)	AGI Agriculture, Intense District
R-A Rural Residential District	AGR Agriculture, Residential District
R-AA Single-family (15,000) Residential District	RA Single-family Residential District
R-B Single-family (12,500) Residential District	RB Single-family Residential District
R-C Single-family (10,000) Residential District	RC Single-family Residential District
R-D Single-family (7,500) Residential Districts	RD Single-family Residential Districts
R-E Multi-Family (6) Residential District	RE Multi-Family Residential District
R-F Multi-Family (12) Residential District	
MHP Mobile Home Park District	MHP Manufactured Home Park District

Table 4.2: Non-Residential/ Non-Agricultural Transitional Districts	
Previously Established Zoning Districts	Newly Established Zoning Districts
NB Neighborhood Business District	NB Neighborhood Business District
TC Town Center District	
OTC Old Town Center District	
GB General Business District	GB General Business District
HB Highway Business District	HB Highway Business District
RSS Regional Support Services District	PB Planned/Flex Business District
OB Office Business District	
RDD Research and Development District	
WI Wholesale Industrial District	LI Light Industrial District
MI Major Industrial District	MI Major Industrial District
AD Airport Development District	AD Airport Development District
(New)	PP Preservation and Park District
PUD-R, PUD-RC, PUD-CI Planned Unit Development Districts	PUD Planned Unit Development District

## 4.3 PERMITTED AND SPECIAL EXCEPTION USES

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### A. PERMITTED AND SPECIAL EXCEPTION USE TABLE

1. Within [Table 4.3: Permitted and Special Exception Land Uses](#), specific uses located in the left column are designated as either permitted uses "P" or special exceptions "S." If there is no designation, the use is not permitted within that district.
2. A Development Plan may be required as per [Section 12.3 Development Plan Review And Approval](#).

### B. USE CLASSIFICATIONS

1. [Permitted Uses](#). Permitted uses are those uses allowed without special permission of the Board of Zoning Appeals, given that they follow the standards and requirements set forth in this Ordinance.
2. [Special Exceptions](#). Special exceptions are those uses that, because of potential incompatibility and negative impact on surrounding land uses, require additional review in order to determine compliance with Hendricks County standards and to determine their suitability in a given location. In order to achieve balance between the public benefit and the local impact, special exceptions are only permitted following a public hearing and approval by the Board of Zoning Appeals, as per [Section 2.5 Board of Zoning Appeals](#) and [Section 12.7 Special Exception Procedure](#).
3. [Unlisted or Questionable Land Uses](#). Any use listed within [4.3 Permitted And Special Exception Uses](#) but not designated as either permitted or special exception within a specific zoning district on the table shall be not permitted within the specific zoning district. If a use is not listed on the table, the requirements of the most similar use may be imposed according to a determination by the Director. This determination may be appealed to the Board of Zoning Appeals consistent with the provisions of [Section 12.9 Administrative Appeals Procedure](#) for Administrative Appeal Applications.

### C. USES PERMITTED PER LOT. Only one (1) principal use (whether a permitted or special exception use) of a lot shall be permitted. All other uses occurring on a lot shall be accessory to or a subordinate component of the principal use (e.g. a shopping center would be considered the principal use).

### D. ACCESSORY USES. Accessory uses and structures shall be incidental to, and commonly associated with the operation of, the principal use of the lot. Accessory use standards and requirements are listed in [Section 7.12 Accessory Use and Structure Standards](#).

Table 4.3: Permitted and Special Exception Land Uses  Permitted Uses = P Special Exceptions = S	Zoning Districts																
	AGB	AGI	AGR	RA	RB	RC	RD	RE (MF)	MHP	NB	GB	HB	PB	LI	MI	PP	AD <sup>1</sup>
<b>Agricultural</b>																	
<b>Low Intensity Uses</b>																	
agricultural use, low intensity	P	P	P	P	P	P	P	P								P	P
<b>Medium Intensity Uses</b>																	
agricultural chemical sales, distribution, & storage	S	P													P		P
agricultural entertainment	P		P														P
agricultural processing, minor	P	P	P														P
animal boarding/stables (excluding kennels)	P	P	S													P	P
farm co-op. facility	P	P															P
farm equipment sales and service	P										S						P
farmer's market	P	P	S							P							P
greenhouse (on-site plant sales)			P														P
winery	P	P	S								P	P					P
<b>High Intensity Uses</b>																	
agricultural processing, major	P	P															
CAFO		P															
CFO (confined feeding operation)		P															
livestock auction/sales facility	S	P															P
<b>Residential</b>																	
bed and breakfast establishments			S	S	S	S	S			P							
boarding house			S	S	S	S	S										
day care home (child / adult)				S	S	S	S										
dwelling, accessory apartment			S	S	S	S	S										
dwelling, manufactured housing (single unit)			S						P								
dwelling, multi-family								P									
dwelling, part of mixed-use structure										P	P						
dwelling, single-family	S <sup>2</sup>	P <sup>2</sup>	P	P	P	P	P										P <sup>2</sup>
dwelling, two-family				P	P	P	P	P									
group home / residential facility			P	S	S	S	S										
home business			S	S	S	S	S	S									P
home occupation			P	P	P	P	P	P	P								P
kennel, private			S														
manufactured home parks									P								
nursing home, assisted living, or retirement facility				S	S	S	S	S		S	P	P					

<sup>1</sup> In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.

<sup>2</sup> Excluding major residential plats.

<sup>3</sup> Special exception required if outside runs exist

<sup>4</sup> In urban areas as defined by IC 36-7-4-1103

# 4.3 Permitted and Special Exception Uses

Table 4.3: Permitted and Special Exception Land Uses	Zoning Districts																
	AGB	AGI	AGR	RA	RB	RC	RD	RE (MF)	MHP	NB	GB	HB	PB	LI	MI	PP	AD <sup>1</sup>
<b>Permitted Uses = P</b>																	
<b>Special Exceptions = S</b>																	
<b>Communications / Utilities</b>																	
essential services, minor	P	P	P	S	S	S	S	S	S	P	P	P	P	P	P	P	P
essential services, major	S	S	S	S	S	S	S	S		S	P	P	P	P	P		P
wind energy conversion systems, noncommercial	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
wireless communications facilities	S	S	S												S		
<b>Institutional</b>																	
<b>Education</b>																	
educational inst, excluding p-12, public			S	S	S	S	S	S				P					
educational inst, p-12 only, public			S	S	S	S	S	S									
educational inst, excluding p-12, private										P	P	P					
educational inst, p-12 only, private			S	S	S	S	S	S			P						
<b>Transportation</b>																	
airport, commercial																	P
airport, private			S														
airport-related uses																	P
bus/train terminal	S	S	S	S	S	S	S	S		S	P	P	P	P	P		
parking lot or structure (as a primary use)											P						
<b>Other</b>																	
animal shelter														P			
cemeteries			S	S													S
clinic										P	P	P	P				
community center			S	S	S	S	S			S	S						
funeral home / mortuary / crematory										S	S						
health care facilities, medical and emergency										S	P	P	P				
lodge or private club										P	P	P					
penal or correctional institution, private			S	S	S	S	S	S		S	P	P	P	P	P		
places of worship			S	S	S	S	S	S		P	P	P					
publicly-owned buildings and facilities	S	S	S	S	S	S	S	S		S	P	P	P	P	P		P
<b>Parks &amp; Recreation</b>																	
campground / rv park			S	S								P					
driving range (as a primary use)			S								P					S	P
golf course			S	S	S	S	S	S			P					S	P
nature preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
recreation (active)			S	S	S	S	S	S	S	S						P	P
recreation (passive)			P	P	P	P	P	P	P	P						P	P
shooting/archery range indoor	S															S	

<sup>1</sup> In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.

<sup>2</sup> Excluding major residential plats.

<sup>3</sup> Special exception required if outside runs exist

<sup>4</sup> In urban areas as defined by IC 36-7-4-1103

Table 4.3: Permitted and Special Exception Land Uses	Zoning Districts																
	AGB	AGI	AGR	RA	RB	RC	RD	RE (MF)	MHP	NB	GB	HB	PB	LI	MI	PP	AD <sup>1</sup>
shooting/archery range outdoor	S															S	
<b>Commercial</b>																	
<b>Adult Uses</b>																	
sexually oriented businesses																S	
<b>Motor Vehicle Services</b>																	
car wash											P	P					
filling station									S	P	P						
impound facility										S					P		
motor vehicle parts sales (without on-site repair)										P	P						
motor vehicle repair and service, major										S							
motor vehicle repair and service, minor										P	P						
motor vehicle sales, small										P	S						
motor vehicle sales, large											S			P			
storage, rv and boat										S				P			P <sup>1</sup>
truck stop / travel center											P						
<b>Entertainment / Recreation</b>																	
banquet or assembly hall			S								P	P					
conference / convention center											P	P	P				
entertainment, commercial outdoor			S														
entertainment complex			S						S	S	P						
retreat center			S							P							
<b>Services</b>																	
commercial services										P	P	P					
day care center (child / adult)										P	P	P	P				
fitness center										P	P	P	P				
hotels / motels											P	P	P				
kennel											P <sup>3</sup>	P <sup>3</sup>					
lawncare/landscaping business	P										P						
storage, contractor											S			P	P		
storage, self-service										S	P	P		P			
<b>Professional / Office</b>																	
administrative/professional office										P	P	P	P	S			P
bank / financial/ investment institution										P	P	P	P				P
data processing / call center											P	P	P				P
employment service											P	P	P				P
medical and dental laboratories											P	P	P	P			P
radio / tv station											P	P	P	P	P		
veterinarian clinics and animal hospitals	P		S								P/S <sup>3</sup>	P					

<sup>1</sup> In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.

<sup>2</sup> Excluding major residential plats.

<sup>3</sup> Special exception required if outside runs exist

<sup>4</sup> In urban areas as defined by IC 36-7-4-1103

# 4.3 Permitted and Special Exception Uses

Table 4.3: Permitted and Special Exception Land Uses	Zoning Districts																
	AGB	AGI	AGR	RA	RB	RC	RD	RE (MF)	MHP	NB	GB	HB	PB	LI	MI	PP	AD <sup>1</sup>
Permitted Uses = P Special Exceptions = S																	
<b>Restaurant / Food Preparation</b>																	
bar / tavern										S	P	P					
coffee shop										P	P	P	P	S			S
microbrewery / brew-pub										P	P	P					
restaurants										P	P	P	P	S			
restaurants, fast food										S	P	P	P	S			
<b>Retail</b>																	
retail small-scale (less than 15,000sf)										P	P	P	P				
retail medium-scale (greater than 15,000sf, less than 35,000sf)											P	P					
retail large-scale (greater than 35,000sf)											P	P					
<b>Light and Heavy Industrial</b>																	
agricultural products terminal																P	
animal & animal products processing, packaging																P	
auction facility (excluding livestock)	P											S	S	P			
bottle gas storage & distribution														P			
composting facility	P		S													S	
concrete / asphalt production facility																P	
explosive manufacturing and storage																S	
food & beverage production													P	P			
junk / scrap metal yard																S	
lumber yard														P			
manufacturing (heavy)																P	
manufacturing (light)													P	P	P		P
mineral extraction operations <sup>4</sup>			S													S	
petroleum and chemical processing and storage																P	
power generation facility (commercial)																P	
printing / publishing facility													P	P	P		
recycling center														S	P		
research and testing laboratories													P	P			P
salvage yard																S	
solid waste transfer station														S	P		
sanitary landfill																S	
tool and die shop											P		P	P			
truck freight terminal													P		P		
warehouse & distribution facility													P	P	P		P
waste incinerator																S	

<sup>1</sup> In addition to permitted uses listed here, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.

<sup>2</sup> Excluding major residential plats.

<sup>3</sup> Special exception required if outside runs exist

<sup>4</sup> In urban areas as defined by IC 36-7-4-1103



#### 4.4 LOT STANDARDS

- A. **PURPOSE.** Lot Standards for each district dictate the minimum and/or maximum standards that apply to lots within certain zoning districts. These regulations for property developed within Hendricks County jurisdiction are shown on [Table 4.4: Residential Lot Standards](#) and [Table 4.5: Non-Residential Lot Standards](#).
- B. **INTERPRETING THE LOT STANDARDS TABLES.** The following explanations of terms should be consulted when interpreting [Table 4.4: Residential Lot Standards](#) and [Table 4.5: Non-Residential Lot Standards](#). For more information on the meaning of terms in this Ordinance, see [Chapter 15: Definitions](#).
1. **Minimum Lot Size.** The smallest area established by this Ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.
  2. **Minimum Lot Width.** This refers to the minimum width a lot must have in order to be considered developable by this Ordinance. The minimum lot width is the minimum allowable horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.
  3. **Minimum Lot Frontage.** The frontage of a lot shall be construed to be the portion nearest the street. For the purpose of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontages. The minimum length of a lot frontage shall be measured between side lot lines at the street right-of-way or private street easement. Lots that have more than one frontage may combine the width of both frontages to meet the minimum lot frontage standard.
  4. **Maximum Building Height.** The maximum allowable vertical distance of a building or structure. Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Certain height exceptions are permitted according to the provisions of [Section 7.7 Height Standards](#).
  5. **Front Setback.** The horizontal space between the Front Lot Line and the Front Setback Line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way. The setback is usually based on the classification of the road on which the building is located, as determined by the Thoroughfare Plan of the Hendricks County Comprehensive Plan.
  6. **Side Setback.** The horizontal space between the Side Lot Lines and the Side Setback Lines, extending to the Front and Rear Lot Lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.
  7. **Rear Setback.** The horizontal space between the Rear Lot Line and the Rear Setback Line, extending to the side lines of the lot, generally parallel with and measured from

the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. For through lots, the rear of the structure facing a street shall meet front setback requirements. Rear Setbacks for Corner Lots will apply to the portion of the lot that is furthest in the opposite direction of the general orientation of the structure.

8. Agricultural Adjacency Setback (Major Plat or Horizontal Property Regime). This minimum setback line shall be applied to major residential subdivision plats within residential zoning districts adjacent to an existing agricultural use, along the portions of the property line that are directly adjacent to the agricultural use. Planting within this setback may be subject to agricultural products and chemicals and is placed there at the non-agricultural property owner's risk. This setback shall overlap front, side, and rear setbacks. The largest required setback distance shall apply.
  9. Naturally Sensitive Areas Setback. This minimum setback distance shall exist when structural development occurs on a lot that is adjacent to naturally sensitive areas including but not limited to riparian areas and wetlands. The Plan Commission, Director, TAC, or designee may determine if a features constitutes a naturally sensitive area. This setback shall overlap front, side, and rear setbacks. The setback with the largest width shall apply.
  10. Minimum Distance Between Structures on Same Lot. This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.
  11. Minimum Ground Floor Living Area (Per Unit). The sum of the livable horizontal areas on the ground level of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.
  12. Total Minimum Living Area (Per Unit). The sum of the livable horizontal areas on all levels of a building measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.
  13. Minimum Living Area Facade Width. The minimum width required for the front facade of a residential structure, exclusive of garages, porches, decks, or terraces. This requirement may apply to a continuous facade for multi-family or single-family attached units.
  14. Maximum Lot Coverage (structures and buildings). The maximum amount of enclosed ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.
  15. Maximum Lot Coverage (all impervious surfaces). The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.
- C. LOT STANDARDS TABLE. Lot Standards are listed in the following tables under each district heading. Additional development standards including but not limited to parking, sign, and landscaping standards are set forth in [Chapter 7: Development Standards](#).

Table 4.4: Residential Lot Standards

		Residential										
		RA Single-family		RB Single-family		RC Single-family		RD Single-family		RE Multi-family	MHP Manufactured Home Park	
		without sewer/ water	with sewer/ water	Res	Other	Res	Other	Res	Other		park	home site
Minimum Lot Size		1.5 acres	15,000 sf.	12,500 sf.	1 ac.	10,000 sf.	1 ac.	7,500 sf.	1 ac.	1 ac.	15 acres	6,200 sf.
Minimum Lot Width		150 ft.	100 ft.	85 ft.	100 ft.	75 ft.	100 ft.	60 ft.	150 ft.	100 ft.	150 ft.	30 ft.
Minimum Lot Frontage		50 ft.		50 ft.		50 ft.		50 ft.		50 ft.	150 ft.	--
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.		Res: 40 ft. Other: 50 ft.		Res: 40 ft. Other: 50 ft.		Res: 40 ft. Other: 50 ft.		Res: 40 ft. Other: 50 ft.	25 ft.	
	Accessory	24 ft.		24 ft.		24 ft.		24 ft.		24 ft.	18 ft.	18 ft.
Front Setback <sup>1,10</sup>	Urban Roads	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.									60 ft.	10 ft.
	Rural Roads	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.										
Side Setback <sup>2</sup>	Principal	15 ft.		7.5 ft.		7.5 ft.		7.5 ft.		40 ft.	50 ft.	12.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		10 ft.	5 ft. / 10 ft. <sup>6</sup>	
Rear Setback <sup>2</sup>	Principal	15 ft.		15 ft.		15 ft.		15 ft.		40 ft.	50 ft.	12.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		5 ft. / 10 ft. <sup>6</sup>		10 ft.	5 ft. / 10 ft. <sup>6</sup>	
Projection into setbacks: fire escapes, open stairways, balconies, soffits, canopies and other similar architectural features may extend up to three (3) feet into a side or rear setback. (Amended Ordinance 2009-29)												
Agricultural Adjacency Setback (major plat or horizontal property regime)		30 ft.		30 ft.		30 ft.		30 ft.		40 ft.	40 ft.	
Naturally Sensitive Areas Setback		60 ft.		60 ft.		60 ft.		60 ft.		100 ft.	100 ft.	
Minimum Distance Between Structures on Same Lot		5 ft.		5 ft.		5 ft.		5 ft.		20 ft.	25 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,500 sf.		1,260 sf.		1,040 sf.		950 sf.		950 sf. avg.	720 sf.	
	2+ story	900 sf.		700 sf.		650 sf.		650 sf.		650 sf. avg.	--	
Total Minimum Living Area (Per Unit)		1,500 sf. / 1,100 sf. <sup>3,7</sup>		1,260 sf. / 1,100 sf. <sup>3,7</sup>		1,040 sf. / 950 sf. <sup>3,7</sup>		950 sf. / 950 sf. <sup>3,7</sup>		950 sf. avg.	720 sf.	
Minimum Living Area Facade Width		24 ft.		24 ft.		24 ft.		24 ft.		24 ft.	--	
Maximum Lot Coverage (structures and buildings)		35% <sup>11</sup> *Acc: 7% or 720 sf. (whichever is greater)				40% <sup>11</sup> *Acc: 7% or 720 sf. (whichever is greater)				40%		
Maximum Lot Coverage (all impervious surfaces)		50% <sup>12</sup>									50% excluding sites	

<sup>1</sup> See accessory structure location restrictions [Section 7.12 Accessory Structure Standards](#)

<sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths

<sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.

<sup>4</sup> when adjoining the same or a more intense district / when adjoining a less intense district

<sup>5</sup> for residential uses / all other uses adjoining the same or a more intense district / all other uses when adjoining a less intense district

<sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.

<sup>7</sup> single-family residential / two-family residential

<sup>8</sup> minimum size of multi-tenant development = 5 acres

<sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

<sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

<sup>11</sup> Permitted non-residential uses shall not exceed 50%

<sup>12</sup> Permitted non-residential uses shall not exceed 60%

<sup>13</sup> Major platting is not permitted within the AGB, AGI, or AGR districts, except for conservation subdivisions and estate subdivisions in the AGR district.

(UPA) urban principal arterial  
(UMA) urban minor arterial  
(UC) urban collector  
(ULR) urban local road  
(RPA) rural principal arterial  
(RMA) rural minor arterial  
(RC) rural collector  
(RLR) rural local road

\*Amended TZA 01/19

# 4.4 Lot Standards

## CHAPTER 4: ZONING DISTRICTS

# 4

Table 4.5: Non-Residential Lot Standards

	Agricultural				Commercial				Industrial		Other	
	AGB Business <sup>13</sup>	AGI Intense <sup>13</sup>	AGR Residential <sup>13</sup>		NB N'hood	GB General	HB Highway	PB Planned/Flex	LI Light	MI Major	PP Preservation and Park	AD Airport Development
			without sewer/water	with sewer/water								
Minimum Lot Size	1.5 acre	10 acres	1.5 acres	20,000 sf.	0.5 acre	1 acre	2.5 acre <sup>8</sup>	1 acre <sup>8</sup>	2 acre <sup>8</sup>	5 acre	10 ac.	Res: 1.5 ac. Other: 1 acre
Minimum Lot Width	150 ft.	150 ft.	150 ft.	100 ft.	100 ft.	125 ft.	150 ft.	250 ft.	125 ft.	125 ft.	100 ft.	Res: 150 ft. Other: 100 ft.
Minimum Lot Frontage	50 ft.	50 ft.	50 ft.		50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	100 ft.	50 ft.
Maximum Building Height <sup>9</sup>	Principal	40 ft.	40 ft.	Res: 40 ft. Other: 50 ft.	35 ft.	50 ft.	45 ft.	60 ft.	60 ft.	60 ft.	35 ft.	Res: 40 ft. Other: 60 ft.
	Accessory	40 ft.	40 ft.	24 ft.	24 ft.	26 ft.	26 ft.	26 ft.	40 ft.	40 ft.	24 ft.	Res: 24 ft. Other: 40 ft.
Front Setback <sup>1</sup>	Urban Roads	UPA: 50 ft. UC: 45 ft.		UMA: 50 ft. ULR: 35 ft.	UPA: 50 ft. UC: 45 ft.		UMA: 50 ft. ULR: 35 ft.	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.		100 ft.	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.	
	Rural Roads	RPA: 80 ft. RC: 45 ft.	RMA: 50 ft. RLR: 35 ft.		RPA: 80 ft. RC: 45 ft.	RMA: 50 ft. RLR: 35 ft.		RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.	100 ft.	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.		
Side Setback <sup>2</sup>	Principal	30 ft.	30 ft.	15 ft.	10 ft.	10 ft.	30 ft.	30 ft.	40 ft.	50 ft.	100 ft.	15 ft. / 20 ft. / 40 ft. <sup>5</sup>
	Accessory	30 ft.	30 ft.	5 ft. / 10 ft. <sup>6</sup>	10 ft.	10 ft.	10 ft. / 30 ft. <sup>4</sup>	10 ft. / 30 ft. <sup>4</sup>	20 ft. / 40 ft. <sup>4</sup>	30 ft. / 50 ft. <sup>4</sup>	100 ft.	15 ft. / 20 ft. / 40 ft. <sup>5</sup>
Rear Setback <sup>2</sup>	Principal	50 ft.	50 ft.	15 ft.	20 ft.	20 ft.	45 ft.	45 ft.	50 ft.	75 ft.	100 ft.	15 ft. / 20 ft. / 40 ft. <sup>5</sup>
	Accessory	50 ft.	50 ft.	5 ft. / 10 ft. <sup>6</sup>	15 ft.	15 ft.	15 ft. / 45 ft. <sup>4</sup>	15 ft. / 45 ft. <sup>4</sup>	20 ft. / 40 ft. <sup>4</sup>	30 ft. / 60 ft. <sup>4</sup>	100 ft.	15 ft. / 20 ft. / 40 ft. <sup>5</sup>
Projection into setbacks: fire escapes, open stairways, balconies, soffits, canopies and other similar architectural features may extend up to three (3) feet into a side or rear setback. (Amended Ordinance 2009-19)												
Agricultural Adjacency Setback (major plat or horizontal property regime)	N/A	N/A	N/A		--	--	--	--	--	--	--	--
Naturally Sensitive Areas Setback	40 ft.	40 ft.	40 ft.		60 ft.	60 ft.	80 ft.	80 ft.	100 ft.	100 ft.	10 ft.	Res: 30 ft. Other: 40 ft.
Minimum Distance Between Structures on Same Lot	20 ft.	20 ft.	5 ft.		10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	--	Res: 5 ft. Other: 10 ft.
Minimum Ground Floor Living Area (Per Unit)	1 story	1,260 sf.	1,260 sf.	1,500 sf.	--	--	--	--	--	--	--	--
	2+ story	750 sf.	750 sf.	900 sf.	--	--	--	--	--	--	--	--
Total Minimum Living Area (Per Unit)	1,260 sf.	1,260 sf.	1,500 sf. <sup>3</sup>		750 sf. avg.	750 sf. avg.	750 sf. avg.	--	--	--	--	1,260 sf.
Minimum Living Area Facade Width	24 ft.	24 ft.	24 ft.		--	--	--	--	--	--	--	Res: 24 ft. Other: none
Maximum Lot Coverage (structures and buildings)	--	--	35% <sup>11</sup> *Acc: 7% or 720 sf. (whichever is greater)		60%	50%	50%	40%	50%	60%	10%	35% <sup>11</sup> Res Acc: 5% or 600 sf. (whichever is greater)
Maximum Lot Coverage (all impervious surfaces)	50%	50%	35%		75%	75%	80%	60%	75%	80%	15%	Other: 75%

## A. DISTRICT INTENT:

The Agricultural Business (AGB) District serves to provide adequate and appropriate locations for establishments offering agricultural supplies, goods and services to the community.

## B. PERMITTED USES

### Agricultural

agricultural use, low intensity  
 agricultural entertainment  
 agricultural processing, minor  
 animal boarding/stables  
 (excluding kennels)  
 farm co-op. facility  
 farm equipment sales and  
 service  
 farmer's market  
 winery  
 agricultural processing, major

### Communications / Utilities

essential services, minor  
 wind energy conversion systems

### Parks & Recreation

nature preserve

### Commercial

lawncare/landscaping business  
 veterinarian clinics and animal  
 hospitals

### Light and Heavy Industrial

auction facility (excluding  
 livestock)  
 composting facility

## C. SPECIAL EXCEPTION

### Agricultural

agricultural chemical sales,  
 distribution, & storage  
 livestock auction/sales facility

### Residential

dwelling, single-family  
 (excluding major residential  
 plats)

### Communications / Utilities

essential services, major  
 wireless communications  
 facilities

### Institutional

bus/train terminal  
 publicly-owned buildings and  
 facilities

### Parks & Recreation

shooting/archery range indoor  
 shooting/archery range outdoor

## NOTES:

1. With the exception of handicapped parking spaces, the AGB District may be exempt from paving requirements per [Subsection 7.2\(E\)\(1\)](#).
2. Applicants for a special exception use in this district shall be required to sign the following agricultural clause and record it as a deed restriction to bind successive owners:
 

“Grantee and their successors in title are on notice and understand that this residence is being built in a predominantly agricultural area and agricultural operations will occur in the vicinity. With this understanding, the grantee and successors in title forgo their right to bring claim against any agricultural operator in the area who has not been negligent.”
3. All agricultural structures shall require an Improvement Location Permit and shall submit a plot plan as described in [Subsection 12.10\(C\)](#) to ensure that encroachment into designated floodplains, easements, public right-of-way, or other non-buildable areas does not occur.

## D. LOT STANDARDS

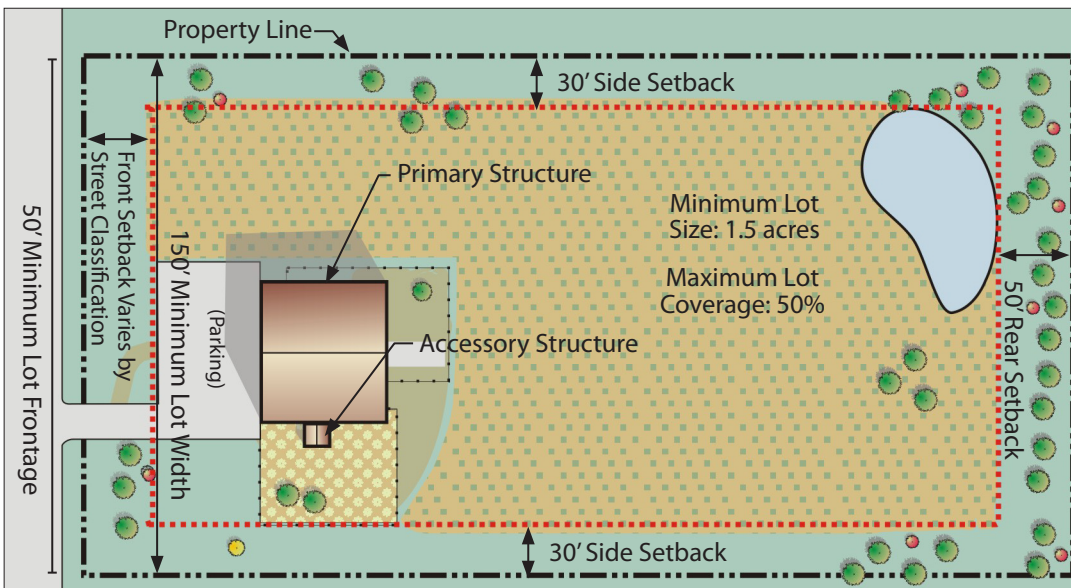
Minimum Lot Size	1.5 acre	
Minimum Lot Width	150 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	40 ft.
	Accessory	40 ft.
Front Setback <sup>1</sup>	Principal	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Accessory	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	30 ft.
	Accessory	30 ft.
Rear Setback <sup>2</sup>	Principal	50 ft.
	Accessory	50 ft.
Agricultural Adjacency Setback (major plat or horizontal property regime)	N/A	
Naturally Sensitive Areas Setback	40 ft.	
Minimum Distance Between Structures on Same Lot	20 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,260 sf.
	2+ story	750 sf.
Total Minimum Living Area (Per Unit)	1,260 sf.	
Minimum Living Area Facade Width	24 ft.	
Maximum Lot Coverage (building and structure massing)	--	
Maximum Lot Coverage (all impervious surfaces)	50%	

## CROSS REFERENCES

Reference	Page #
7.2 Off-Street Parking And Loading .....	96
7.5 Landscaping Standards .....	112
7.11 Outdoor Lighting .....	141
7.12 Accessory Use and Structure Standards.....	149
Chapter 9: Sign Standards.....	181

- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.

**A. DISTRICT INTENT:**

The Agriculture Intense (AGI) District serves to provide adequate and appropriate locations for intense agricultural uses such as CAFO's or agricultural businesses that may emit intense odors, vibrations, air pollution, or other disruptions. The intention is to protect both the agricultural use and residential or commercial property owners from nuisance claims.

**B. PERMITTED USES**

Agricultural

agricultural use, low intensity  
 agricultural chemical sales,  
 distribution, & storage  
 agricultural processing, minor  
 animal boarding/stables  
 (excluding kennels)  
 farm co-op. facility  
 farmer's market  
 winery  
 agricultural processing, major  
 CAFO  
 CFO (confined feeding  
 operation)  
 livestock auction/sales facility

Residential

dwelling, single-family  
 (excluding major residential  
 plats)

Communications / Utilities

essential services, minor  
 wind energy conversion systems

Parks & Recreation

nature preserve

**C. SPECIAL EXCEPTION**

Communications / Utilities

essential services, major  
 wireless communications  
 facilities

Institutional

bus/train terminal  
 publicly-owned buildings and  
 facilities

**NOTES:**

1. Applicants for a special exception use in this district shall be required to sign the following agricultural clause and record it as a deed restriction to bind successive owners:  

"Grantee and their successors in title are on notice and understand that this residence is being built in a predominantly agricultural area and agricultural operations will occur in the vicinity. With this understanding, the grantee and successors in title forgo their right to bring claim against any agricultural operator in the area who has not been negligent."
2. All agricultural structures shall require an Improvement Location Permit and shall submit a plot plan as described in [Subsection 12.10\(C\)](#) to ensure that encroachment into designated floodplains, easements, public right-of-way, or other non-buildable areas does not occur.

## D. LOT STANDARDS

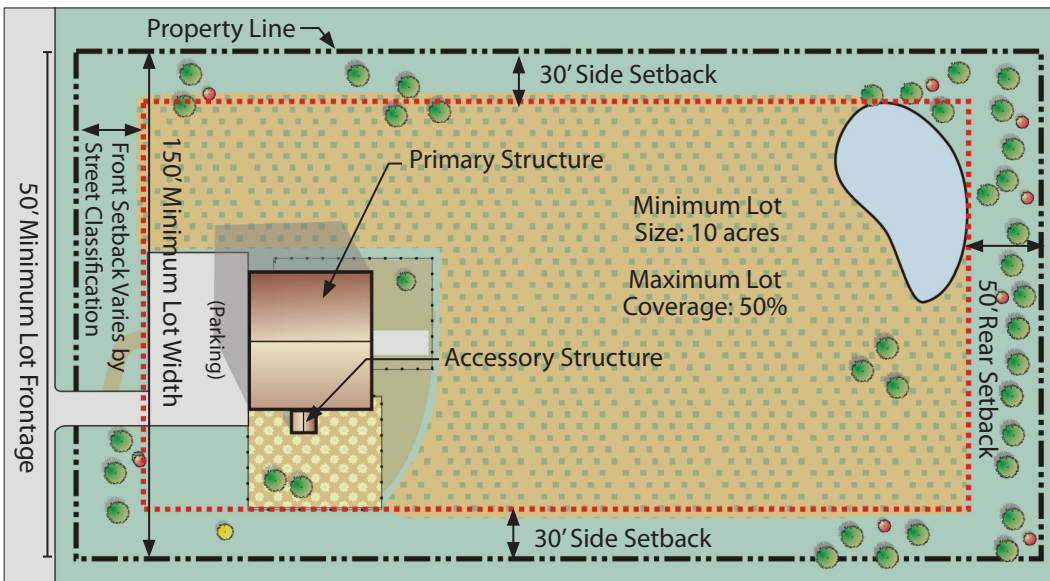
Minimum Lot Size	10 acres	
Minimum Lot Width	150 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	40 ft.
	Accessory	40 ft.
Front Setback <sup>1</sup>	Principal	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Accessory	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	30 ft.
	Accessory	30 ft.
Rear Setback <sup>2</sup>	Principal	50 ft.
	Accessory	50 ft.
Agricultural Adjacency Setback (major plat or horizontal property regime)	N/A	
Naturally Sensitive Areas Setback	40 ft.	
Minimum Distance Between Structures on Same Lot	20 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,260 sf.
	2+ story	750 sf.
Total Minimum Living Area (Per Unit)	1,260 sf.	
Minimum Living Area Facade Width	24 ft.	
Maximum Lot Coverage (building and structure massing)	--	
Maximum Lot Coverage (all impervious surfaces)	50%	

## CROSS REFERENCES

Reference	Page #
7.2 Off-Street Parking And Loading .....	96
7.3 Entrance/Drive Standards .....	109
7.5 Landscaping Standards .....	112
7.11 Outdoor Lighting .....	141
7.12 Accessory Use and Structure Standards.....	149
Chapter 9: Sign Standards.....	181

- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.



A. DISTRICT INTENT:

The intent of the Agriculture Residential (AGR) District is to permit the establishment of individual single-family dwellings while maintaining a primarily rural character. This can serve to protect land best suited for agricultural use from the encroachment of incompatible land uses.

B. PERMITTED USES

Agricultural

agricultural use, low intensity  
 agricultural entertainment  
 agricultural processing, minor  
 greenhouse (on-site plant sales)

Residential

dwelling, single-family  
 group home / residential facility  
 home occupation

Communications / Utilities

essential services, minor  
 wind energy conversion systems

Parks & Recreation

nature preserve  
 recreation (passive)

C. SPECIAL EXCEPTION

Agricultural

animal boarding/stables  
 (excluding kennels)  
 farmer's market  
 winery

Residential

bed and breakfast  
 establishments  
 boarding house  
 dwelling, accessory apartment  
 dwelling, manufactured housing  
 (single unit)  
 home business  
 kennel, private

Communications / Utilities

essential services, major  
 wireless communications  
 facilities

Institutional

educational inst, excluding p-  
 12, public  
 educational inst, p-12 only,  
 public  
 educational inst, p-12 only,  
 private  
 airport, private  
 bus/train terminal  
 cemeteries  
 community center

penal or correctional institution,  
 private  
 places of worship  
 publicly-owned buildings and  
 facilities

Parks & Recreation

campground / rv park  
 driving range (as a primary use)  
 golf course  
 recreation (active)

Commercial

banquet or assembly hall  
 entertainment, commercial  
 outdoor  
 entertainment complex  
 retreat center  
 veterinarian clinics and animal  
 hospitals

Light and Heavy Industrial

composting facility  
 mineral extraction operations (in  
 urban areas as defined by IC  
 36-7-4-1103)

NOTES:

1. Major Plat, with the exception of Major Plats designated by the Plan Commission as an Estate Subdivision or a Conservation Subdivision, are prohibited within the AGR District.
2. Some uses in this district may be required to sign the following agricultural clause and record it as a deed restriction to bind successive owners:  
  
 "Grantee and their successors in title are on notice and understand that this residence is being built in a predominantly agricultural area and agricultural use, low intensity, will occur in the vicinity. With this understanding, the grantee and successors in title forgo their right to bring claim against any agricultural operator in the area who has not been negligent."
3. All agricultural structures shall require an Improvement Location Permit and shall submit a plot plan as described in Subsection 12.10(C) to ensure that encroachment into designated floodplains, easements, public right-of-way, or other non-buildable areas does not occur.

## D. LOT STANDARDS

		without sewer/water	with sewer/water
Minimum Lot Size		1.5 acre	20,000 sf.
Minimum Lot Width		150 ft.	100 ft.
Minimum Lot Frontage		50 ft.	
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.	
	Accessory	24 ft.	
Front Setback	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.	
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.	
Side Setback <sup>2</sup>	Principal	15 ft.	
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Rear Setback <sup>2</sup>	Principal	15 ft.	
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Agricultural Adjacency Setback (major plat or horizontal property regime)		N/A	
Naturally Sensitive Areas Setback		40 ft.	
Minimum Distance Between Structures on Same Lot		5 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,500 sf.	
	2+ story	900 sf.	
Total Minimum Living Area (Per Unit)		1,500 sf. <sup>3</sup>	
Minimum Living Area Facade Width		24 ft.	
Maximum Lot Coverage (building and structure massing)		35% <sup>11</sup> Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		35%	

\*Amended TZA 01/19

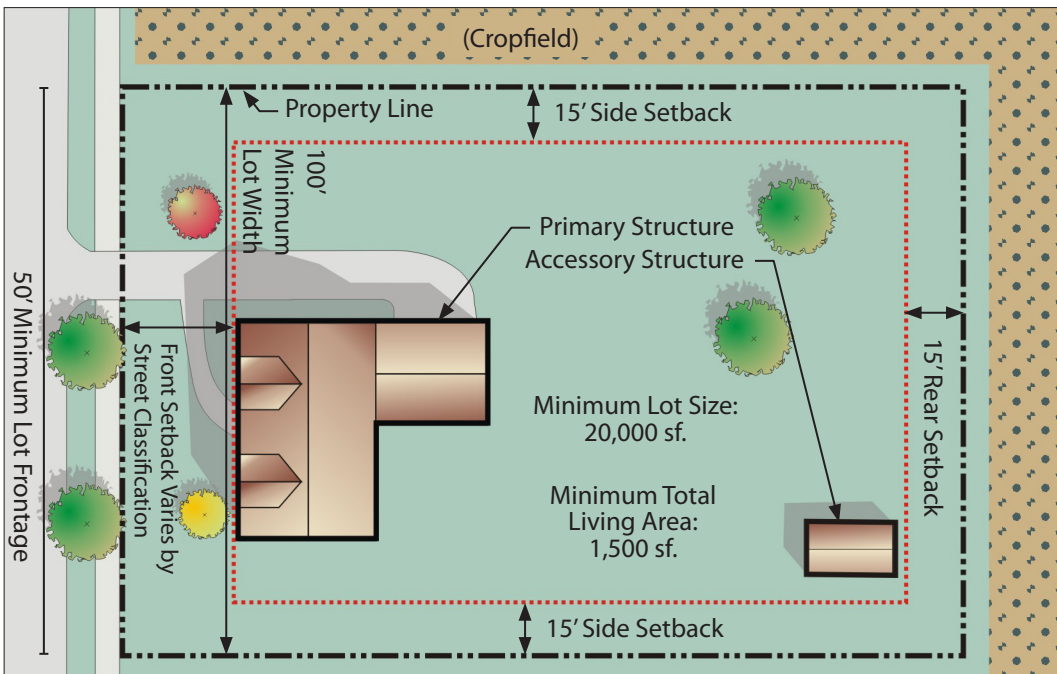
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- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

(Residential Use with sewer/water)



The plan shown does not reflect all requirements contained in this Ordinance.

## A. DISTRICT INTENT:

The intent of the Single-family (RA) District is to permit the establishment of lower density single-family land uses as a transition between rural areas or in suburban-style subdivisions. This district should be used to provide unique, rural housing options.

## B. PERMITTED USES

Agricultural

agricultural use, low intensity

Residential

dwelling, single-family  
dwelling, two-family  
home occupation

Parks & Recreation

nature preserve  
recreation (passive)

## C. SPECIAL EXCEPTION

Residential

bed and breakfast establishments  
boarding house  
day care home (child / adult)  
dwelling, accessory apartment  
group home / residential facility  
home business  
nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, p-12 only, public  
educational inst, p-12 only, private  
bus/train terminal  
cemeteries  
community center  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

campground / rv park  
golf course  
recreation (active)

## D. LOT STANDARDS

		without sewer/water	with sewer/water
Minimum Lot Size		1.5 acre	15,000 sf.
Minimum Lot Width		150 ft.	100 ft.
Minimum Lot Frontage		50 ft.	
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other 50 ft.	
	Accessory	24 ft.	
Front Setback <sup>1,10</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.	
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.	
Side Setback <sup>2</sup>	Principal	15 ft.	
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Rear Setback <sup>2</sup>	Principal	15 ft.	
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Agricultural Adjacency Setback (non-ag. res.)		30 ft.	
Naturally Sensitive Areas Setback		60 ft.	
Minimum Distance Between Structures on Same Lot		5 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,500 sf.	
	2+ story	900 sf.	
Total Minimum Living Area (Per Unit)		1,500 sf. / 1,100 sf. <sup>3,7</sup>	
Minimum Living Area Facade Width		24 ft.	
Maximum Lot Coverage (building and structure massing)		35% <sup>11</sup> Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		50% <sup>12</sup>	

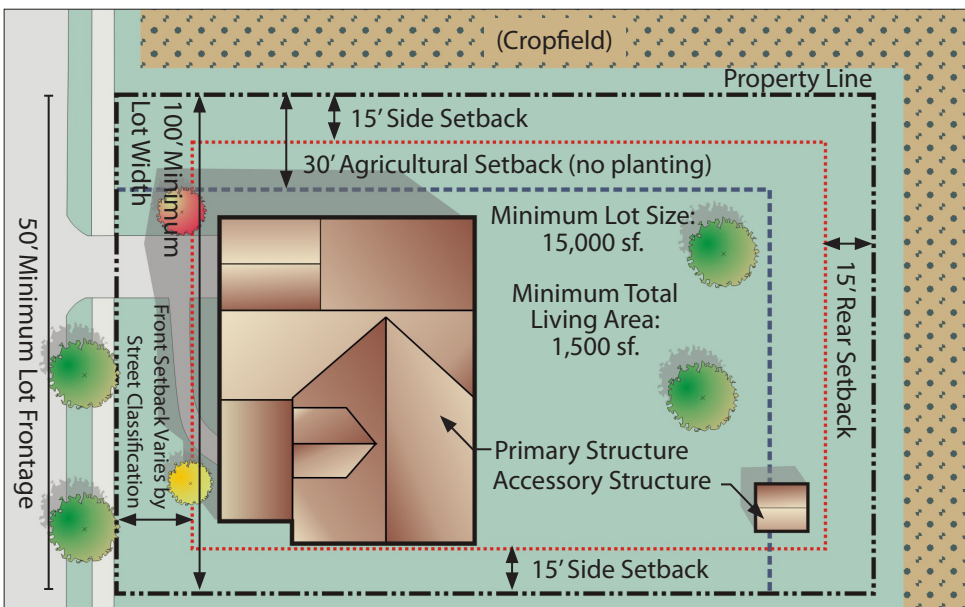
\*Amended TZA 01/19

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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>7</sup> single-family residential / two-family residential

(Single-Family Residential Use with sewer/water)



The plan shown does not reflect all requirements contained in this Ordinance.

- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)
- <sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%
- <sup>12</sup> Permitted non-residential uses shall not exceed 60%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road



# 4.9 RB - Single-Family Residential

## CHAPTER 4: ZONING DISTRICTS

### A. DISTRICT INTENT:

The intent of the Single-family (RB) District is to permit the establishment of single-family land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and connected centralized sewer and water facilities.

### B. PERMITTED USES

Agricultural

agricultural use, low intensity

Residential

dwelling, single-family  
dwelling, two-family  
home occupation

Parks & Recreation

nature preserve  
recreation (passive)

### C. SPECIAL EXCEPTION

Residential

bed and breakfast establishments  
boarding house  
day care home (child / adult)  
dwelling, accessory apartment  
group home / residential facility  
home business  
nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, p-12 only, public  
educational inst, p-12 only, private  
bus/train terminal  
community center  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

golf course  
recreation (active)

## D. LOT STANDARDS

Minimum Lot Size	Res: 12,500 sf. Other: 1 ac.	
Minimum Lot Width	Res: 85 ft. Other: 100 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.
	Accessory	24 ft.
Front Setback <sup>1,10</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	7.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Rear Setback <sup>2</sup>	Principal	15 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Agricultural Adjacency Setback (non-ag. res.)	30 ft.	
Naturally Sensitive Areas Setback	60 ft.	
Minimum Distance Between Structures on Same Lot	5 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,260 sf.
	2+ story	700 sf.
Total Minimum Living Area (Per Unit)	1,260 sf. / 1,100 sf. <sup>3,7</sup>	
Minimum Living Area Facade Width	24 ft.	
Maximum Lot Coverage (building and structure massing)	35% <sup>11</sup>	
	Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)	50% <sup>12</sup>	

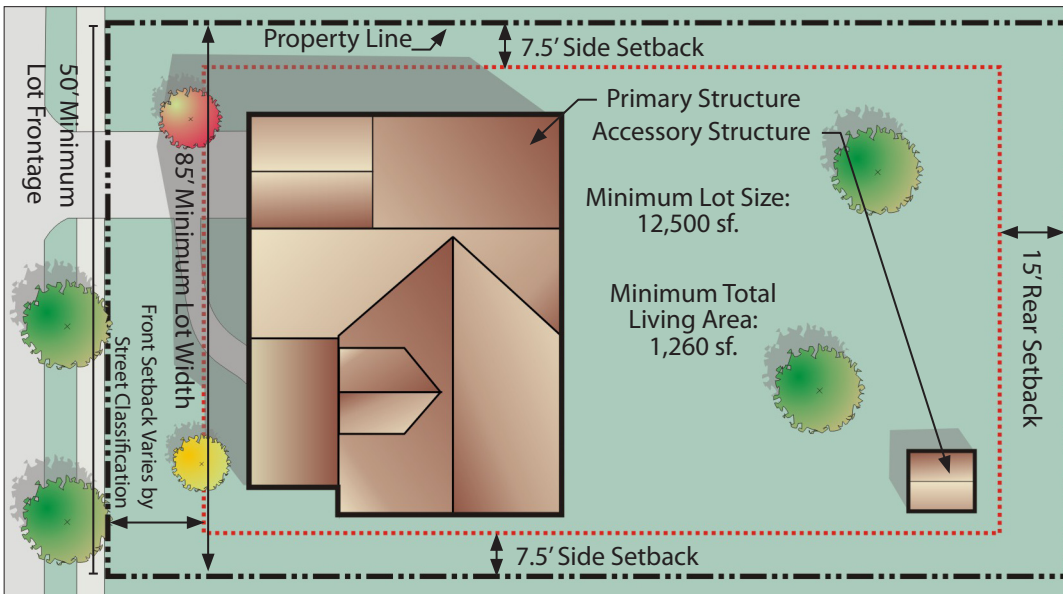
Amended TZA 01/19

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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>7</sup> single-family residential / two-family residential
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(Single-Family Residential Use)



The plan shown does not reflect all requirements contained in this Ordinance.

- <sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%
- <sup>12</sup> Permitted non-residential uses shall not exceed 60%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

## A. DISTRICT INTENT:

The Single-family (RC) District is intended to provide areas for single-family residential land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and should be connected to available infrastructure (roads and utilities).

## B. PERMITTED USES

Agricultural

agricultural use, low intensity

Residential

dwelling, single-family  
dwelling, two-family  
home occupation

Parks & Recreation

nature preserve  
recreation (passive)

## C. SPECIAL EXCEPTION

Residential

bed and breakfast establishments  
boarding house  
day care home (child / adult)  
dwelling, accessory apartment  
group home / residential facility  
home business  
nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, p-12 only, public  
educational inst, p-12 only, private  
bus/train terminal  
community center  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

golf course  
recreation (active)

# 4.10 RC - Single-Family Residential



## D. LOT STANDARDS

Minimum Lot Size	Res: 10,000 sf. Other: 1 ac.	
Minimum Lot Width	Res: 75 ft. Other: 100 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.
	Accessory	24 ft.
Front Setback <sup>1,10</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	7.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Rear Setback <sup>2</sup>	Principal	15 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Agricultural Adjacency Setback (non-ag. res.)	30 ft.	
Naturally Sensitive Areas Setback	60 ft.	
Minimum Distance Between Structures on Same Lot	5 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	1,040 sf.
	2+ story	650 sf.
Total Minimum Living Area (Per Unit)	1,040 sf. / 950 sf. <sup>3,7</sup>	
Minimum Living Area Facade Width	24 ft.	
Maximum Lot Coverage (building and structure massing)	40% <sup>11</sup>	
	*Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)	50% <sup>12</sup>	

\*Amended TZA 01/19

## CROSS REFERENCES

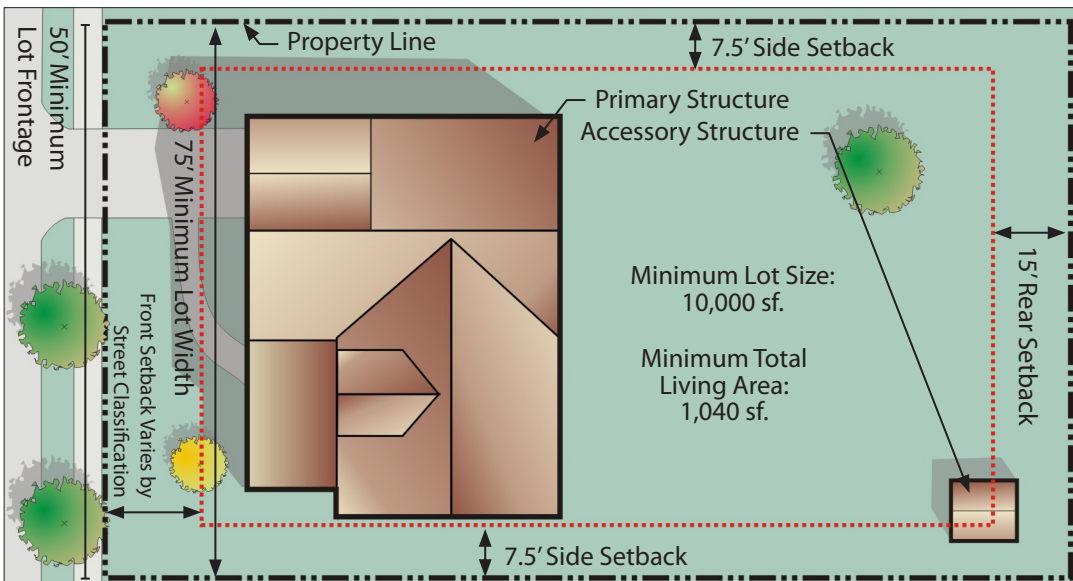
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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>7</sup> single-family residential / two-family residential
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

- <sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%
- <sup>12</sup> Permitted non-residential uses shall not exceed 60%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

(Single-Family Residential Use)



The plan shown does not reflect all requirements contained in this Ordinance.



## A. DISTRICT INTENT:

The Single-family (RD) District is intended to provide for moderate density single-family and two-family residential development on smaller lots than are permitted in the other residential districts. This district may also accommodate neo-traditional subdivisions and the pattern of development that may occur in the town centers, where a compact urban form with smaller setbacks, and alley access to rear yards and rear-loading garages. This district is designed for areas close to urban development. All lots shall be connected to centralized sewer and water facilities and an urbanized roadway network.

## B. PERMITTED USES

Agricultural

agricultural use, low intensity

Residential

dwelling, single-family  
dwelling, two-family  
home occupation

Parks & Recreation

nature preserve  
recreation (passive)

## C. SPECIAL EXCEPTION

Residential

bed and breakfast establishments  
boarding house  
day care home (child / adult)  
dwelling, accessory apartment  
group home / residential facility  
home business  
nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, p-12 only, public  
educational inst, p-12 only, private  
bus/train terminal  
community center  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

golf course  
recreation (active)

## D. LOT STANDARDS

Minimum Lot Size	Res: 7,500 sf. Other: 1 ac.	
Minimum Lot Width	Res: 60 ft. Other: 150 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.
	Accessory	24 ft.
Front Setback <sup>1,10</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	7.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Rear Setback <sup>2</sup>	Principal	15 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>
Agricultural Adjacency Setback (non-ag. res.)	30 ft.	
Naturally Sensitive Areas Setback	60 ft.	
Minimum Distance Between Structures on Same Lot	5 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	950 sf.
	2+ story	650 sf.
Total Minimum Living Area (Per Unit)	950 sf. / 950 sf. <sup>3,7</sup>	
Minimum Living Area Facade Width	24 ft.	
Maximum Lot Coverage (building and structure massing)	40% <sup>11</sup> *Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)	50% <sup>12</sup>	

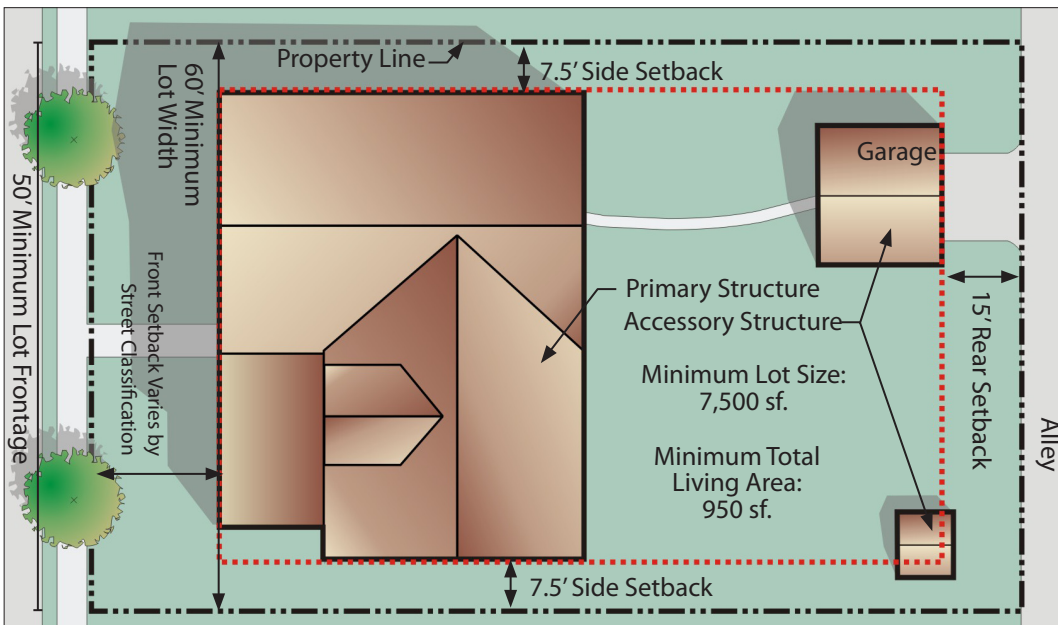
\*Amended TZA 01/19

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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>3</sup> Minimum unit size for accessory apartment shall be 600 sf.
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>7</sup> single-family residential / two-family residential

(Single-Family Residential Alley Housing Product - Neotraditional Style)



- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)
- <sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%
- <sup>12</sup> Permitted non-residential uses shall not exceed 60%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

The plan shown does not reflect all requirements contained in this Ordinance.

## A. DISTRICT INTENT:

The Multifamily Residential (RE) District is intended to provide areas for large or small multifamily developments for a variety of housing and ownership types such as two-family dwellings, townhomes, apartment homes, and condominiums. These higher density communities should be located in areas with access to compatible infrastructure (streets and utilities), commercial, and recreational development.

## B. PERMITTED USES

Agricultural

agricultural use, low intensity

Residential

dwelling, multi-family  
dwelling, two-family  
home occupation

Parks & Recreation

nature preserve  
recreation (passive)

## C. SPECIAL EXCEPTION

Residential

home business  
nursing home, assisted living, or  
retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, p-12 only, public  
educational inst, p-12 only, private  
bus/train terminal  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

golf course  
recreation (active)

## D. LOT STANDARDS

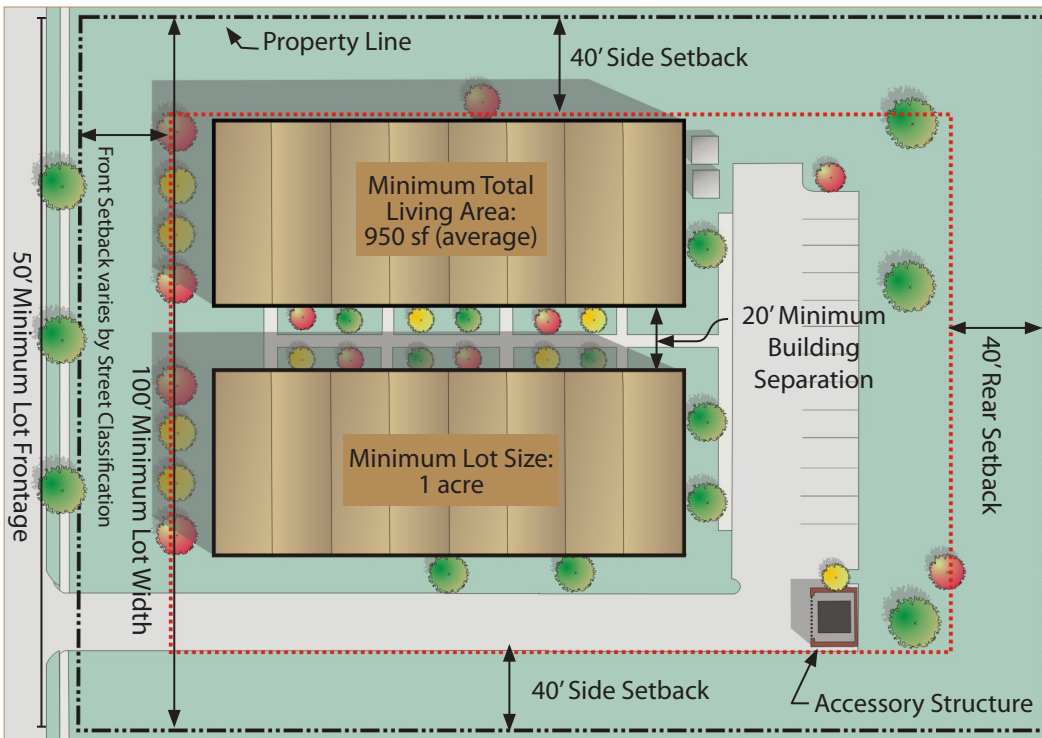
Minimum Lot Size		1 ac.
Minimum Lot Width		100 ft.
Minimum Lot Frontage		50 ft.
Maximum Building Height <sup>9</sup>	Principal	Res: 40 ft. Other: 50 ft.
	Accessory	24 ft.
Front Setback <sup>1,10</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	40 ft.
	Accessory	10 ft.
Rear Setback <sup>2</sup>	Principal	40 ft.
	Accessory	10 ft.
Agricultural Adjacency Setback (non-ag. res.)		40 ft.
Naturally Sensitive Areas Setback		100 ft.
Minimum Distance Between Structures on Same Lot		20 ft.
Minimum Ground Floor Living Area (Per Unit)	1 story	950 sf. average
	2+ story	650 sf. average
Total Minimum Living Area (Per Unit)		950 sf. average
Minimum Living Area Facade Width		24 ft.
Maximum Lot Coverage (buildings and structures)		40% <sup>11</sup>
		*Acc: 7% or 720 sf. (whichever is greater)
Maximum Lot Coverage (all impervious surfaces)		50% <sup>12</sup>

\*Amended TZA 01/19

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<sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.



<sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths

<sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

<sup>10</sup> The front building setback may be reduced to a minimum of twenty-five (25) feet for single-family residential subdivision streets within major plats, minor plats, and horizontal property regimes

<sup>11</sup> Permitted non-residential uses shall not exceed 50%

<sup>12</sup> Permitted non-residential uses shall not exceed 60%

(UPA) urban principal arterial  
(UMA) urban minor arterial  
(UC) urban collector  
(ULR) urban local road  
(RPA) rural principal arterial  
(RMA) rural minor arterial  
(RC) rural collector  
(RLR) rural local road

The plan shown does not reflect all requirements contained in this Ordinance.

## A. DISTRICT INTENT:

The purpose of the Manufactured Home Park (MHP) District is to encourage the development of manufactured home parks in a well-planned environment located along rural major arterials or major collector thoroughfares. The MHP is intended to provide for leased-lot neighborhoods of manufactured homes near compatible infrastructure (streets and utilities), commercial services, other high density housing or open space. These developments are similar to multifamily developments with greater setbacks, smaller living spaces, and higher densities.

## B. PERMITTED USES

Residential

dwelling, manufactured housing (single unit)  
home occupation  
manufactured home parks

Parks & Recreation

nature preserve  
recreation (passive)

## C. SPECIAL EXCEPTION

Communications / Utilities

essential services, minor

Parks & Recreation

recreation (active)

### NOTES:

1. All new manufactured home parks permitted in accordance with this chapter of the Hendricks County Zoning Ordinance shall comply with all regulations set forth in [Section 12.3 Development Plan Review And Approval](#) concerning Development Plan Review and conformance.

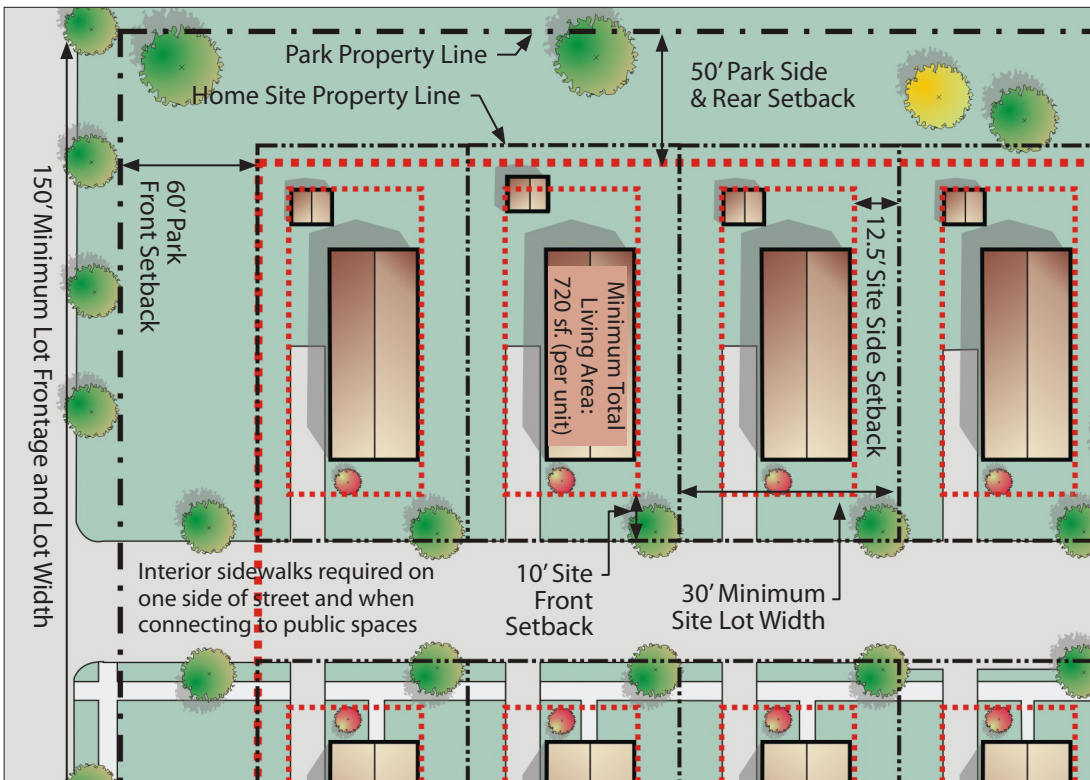
## D. LOT STANDARDS

		Park	Home Site
Minimum Area		15 acres	6,200 sf.
Minimum Width		150 ft.	30 ft.
Minimum Frontage		150 ft.	--
Maximum Building Height <sup>9</sup>	Principal	25 ft.	
	Accessory	18 ft.	
Front Setback <sup>1</sup>		60 ft.	10 ft.
Side Setback <sup>2</sup>	Principal	50 ft.	12.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Rear Setback <sup>2</sup>	Principal	50 ft.	12.5 ft.
	Accessory	5 ft. / 10 ft. <sup>6</sup>	
Agricultural Adjacency Setback (non-ag. res.)		40 ft.	
Naturally Sensitive Areas Setback		100 ft.	
Minimum Separation Distance excl. acc.		25 ft.	
Minimum Ground Floor	1 story	720 sf.	
Living Area (Per Unit)	2+ story	--	
Total Minimum Living Area (Per Unit)		720 sf.	
Minimum Living Area Facade Width		--	
Maximum Lot Coverage		40%	
Maximum Lot Coverage (all impervious surfaces)		50% excluding sites	

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Minimum Size Park: 15 acres  
 Minimum Size Site: 6,200 sf.



The plan shown does not reflect all requirements contained in this Ordinance.

- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards Section 7.5 Landscaping Standards and/or apply any applicable easement widths
- <sup>6</sup> structures 200 sf. or less / structures greater than 200 sf.
- <sup>9</sup> see height exemptions per Section 7.7 Height Standards

- (UPA) urban principal arterial
- (UMA) urban minor arterial
- (UC) urban collector
- (ULR) urban local road
- (RPA) rural principal arterial
- (RMA) rural minor arterial
- (RC) rural collector
- (RLR) rural local road

A. DISTRICT INTENT:

The purpose of the Neighborhood Business (NB) District is to encourage the development of a range of convenience retail uses, personal, professional and business services required to meet the needs of the immediate neighborhood. This district could permit mixed-use development. This district should be protected from non-neighborhood serving land uses such as “big box” retail uses or other non-compatible commercial or industrial uses.

B. PERMITTED USES

- Agricultural  
farmer’s market
  
- Residential  
bed and breakfast establishments  
dwelling, part of mixed-use structure
  
- Communications / Utilities  
essential services, minor
  
- Institutional  
educational inst, excluding p-12, private  
clinic  
lodge or private club  
places of worship <sup>(Amended Ordinance 2009-18’)</sup>
  
- Parks & Recreation  
nature preserve  
recreation (passive)
  
- Commercial  
commercial services  
day care center (child / adult)  
fitness center  
administrative/professional office  
bank / financial/ investment institution  
coffee shop  
microbrewery / brew-pub  
restaurants  
retail small-scale (less than 15,000sf)

C. SPECIAL EXCEPTION

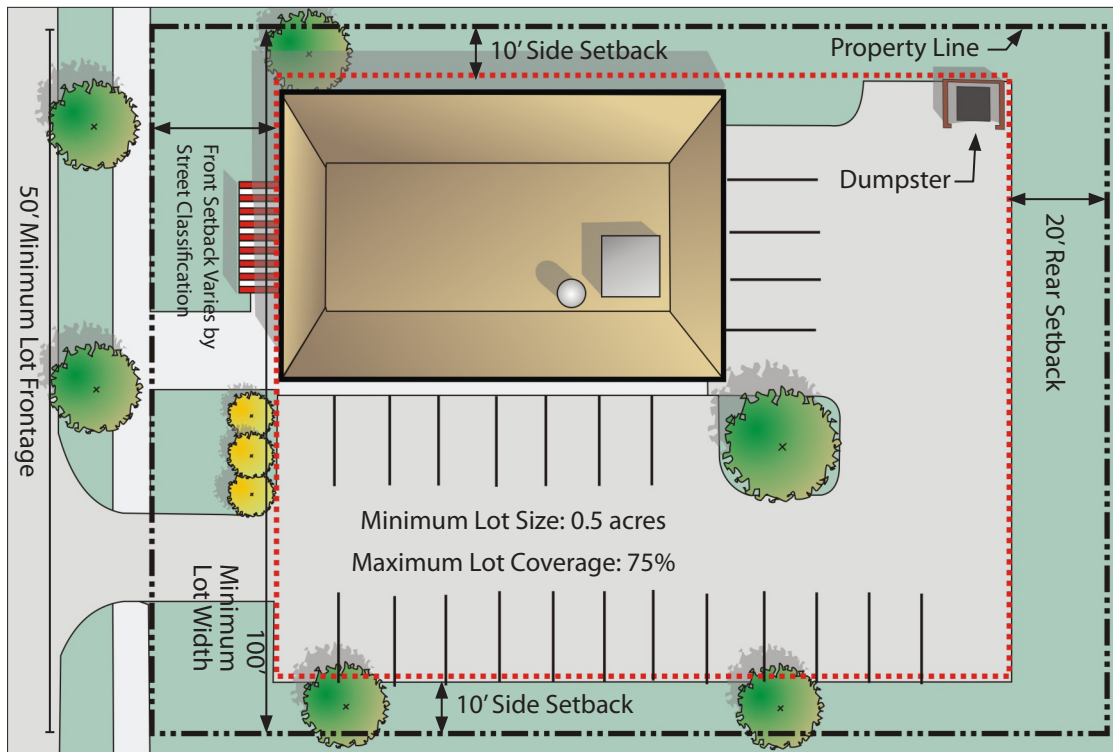
- Residential  
nursing home, assisted living, or retirement facility
  
- Communications / Utilities  
essential services, major
  
- Institutional  
bus/train terminal  
community center  
funeral home / mortuary / crematory  
health care facilities, medical and emergency  
penal or correctional institution, private  
publicly-owned buildings and facilities
  
- Parks & Recreation  
recreation (active)
  
- Commercial  
filling station  
entertainment complex  
storage, self-service  
bar / tavern  
restaurants, fast food

## D. LOT STANDARDS

Minimum Lot Size	0.5 acre	
Minimum Lot Width	100 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	35 ft.
	Accessory	24 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	10 ft.
	Accessory	10 ft.
Rear Setback <sup>2</sup>	Principal	20 ft.
	Accessory	15 ft.
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	60 ft.	
Minimum Distance Between Structures on Same Lot	10 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	750 sf. avg	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	60%	
Maximum Lot Coverage (all impervious surfaces)	75%	

## CROSS REFERENCES

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7.3 Entrance/Drive Standards .....	109
7.5 Landscaping Standards .....	112
7.6 Fences, Walls, And Hedges .....	132
7.11 Outdoor Lighting .....	141
7.12 Accessory Use and Structure Standards.....	149
7.14 Outdoor Sales, Display, And Storage Standards .....	156
7.18 Open Space Requirements .....	166
8.3 Non-residential Design Standards .....	175
Chapter 9: Sign Standards.....	181



- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

The plan shown does not reflect all requirements contained in this Ordinance.



A. DISTRICT INTENT:

The purpose of the General Business (GB) District is to encourage well-planned commercial uses (retail, service, office, personal and professional services) on visually prominent and high use corridors to meet the needs of a community market area. These developments should provide unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

B. PERMITTED USES

Agricultural

winery

Residential

dwelling, part of mixed-use structure  
nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, private  
educational inst, p-12 only, private  
bus/train terminal  
parking lot or structure (as a primary use)  
clinic  
health care facilities, medical and emergency  
lodge or private club  
penal or correctional institution, private  
places of worship  
publicly-owned buildings and facilities

Parks & Recreation

driving range (as a primary use)  
golf course  
nature preserve

Commercial

car wash  
filling station  
motor vehicle parts sales (without on-site repair)  
motor vehicle repair and service, minor  
motor vehicle sales, small  
banquet or assembly hall  
conference / convention center  
retreat center  
commercial services  
day care center (child / adult)  
fitness center  
hotels / motels

kennel, inside runs  
lawncare/landscaping business  
storage, self-service  
administrative/professional office  
bank / financial/ investment institution  
data processing / call center  
employment service  
medical and dental laboratories  
radio / tv station  
veterinarian clinics and animal hospitals (special exception required if outside runs exist)  
bar / tavern  
coffee shop  
microbrewery / brew-pub  
restaurants  
restaurants, fast food  
retail small-scale (less than 15,000sf)  
retail medium-scale (greater than 15,000sf, less than 35,000sf)  
retail large-scale (greater than 35,000sf)  
Light and Heavy Industrial  
tool and die shop

C. SPECIAL EXCEPTION

Agricultural

farm equipment sales and service

Institutional

community center  
funeral home / mortuary / crematory

Commercial

impound facility  
kennel, outside runs  
motor vehicle repair and service, major  
storage, rv and boat  
entertainment complex  
storage, contractor

## D. LOT STANDARDS

Minimum Lot Size	1 acre	
Minimum Lot Width	125 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	50 ft.
	Accessory	26 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	10 ft.
	Accessory	10 ft.
Rear Setback <sup>2</sup>	Principal	20 ft.
	Accessory	15 ft.
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	60 ft.	
Minimum Distance Between Structures on Same Lot	10 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	750 sf. avg	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	50%	
Maximum Lot Coverage (all impervious surfaces)	75%	

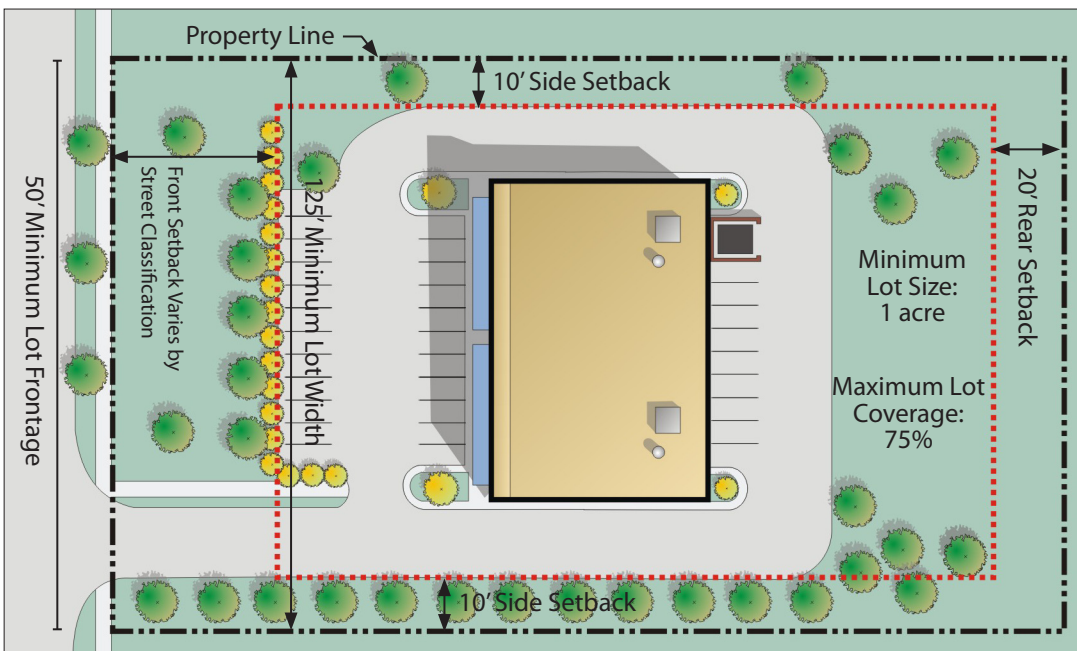
## CROSS REFERENCES

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7.18 Open Space Requirements .....	166
8.3 Non-residential Design Standards .....	175
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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths

<sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

- (UPA) urban principal arterial
- (UMA) urban minor arterial
- (UC) urban collector
- (ULR) urban local road
- (RPA) rural principal arterial
- (RMA) rural minor arterial
- (RC) rural collector
- (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.

A. DISTRICT INTENT:

The intent of the Highway Business (HB) District is to encourage the establishment of business and institutional uses that serve a regional market and require convenient access to high-volume transportation routes such as interstate highways or major arterials.

B. PERMITTED USES

Agricultural

winery

Residential

nursing home, assisted living, or retirement facility

Communications / Utilities

essential services, minor  
essential services, major

Institutional

educational inst, excluding p-12, public  
educational inst, excluding p-12, private  
bus/train terminal  
clinic  
health care facilities, medical and emergency  
lodge or private club  
penal or correctional institution, private  
publicly-owned buildings and facilities  
places of worship <sup>(Amended Ordinance 2009-18)</sup>

Parks & Recreation

campground / rv park  
nature preserve

Commercial

car wash  
filling station  
motor vehicle parts sales (without on-site repair)  
motor vehicle repair and service, minor  
truck stop / travel center  
banquet or assembly hall  
conference / convention center  
entertainment complex  
commercial services  
day care center (child / adult)  
fitness center  
hotels / motels  
kennel, inside runs  
storage, self-service  
administrative/professional office  
bank / financial/ investment institution  
data processing / call center  
employment service  
medical and dental laboratories  
radio / tv station  
veterinarian clinics and animal hospitals  
bar / tavern  
coffee shop  
microbrewery / brew-pub  
restaurants  
restaurants, fast food  
retail small-scale (less than 15,000sf)  
retail medium-scale (greater than 15,000sf, less than 35,000sf)  
retail large-scale (greater than 35,000sf)

C. SPECIAL EXCEPTION

Commercial

kennel, outside runs  
motor vehicle sales, small  
motor vehicle sales, large

Light and Heavy Industrial

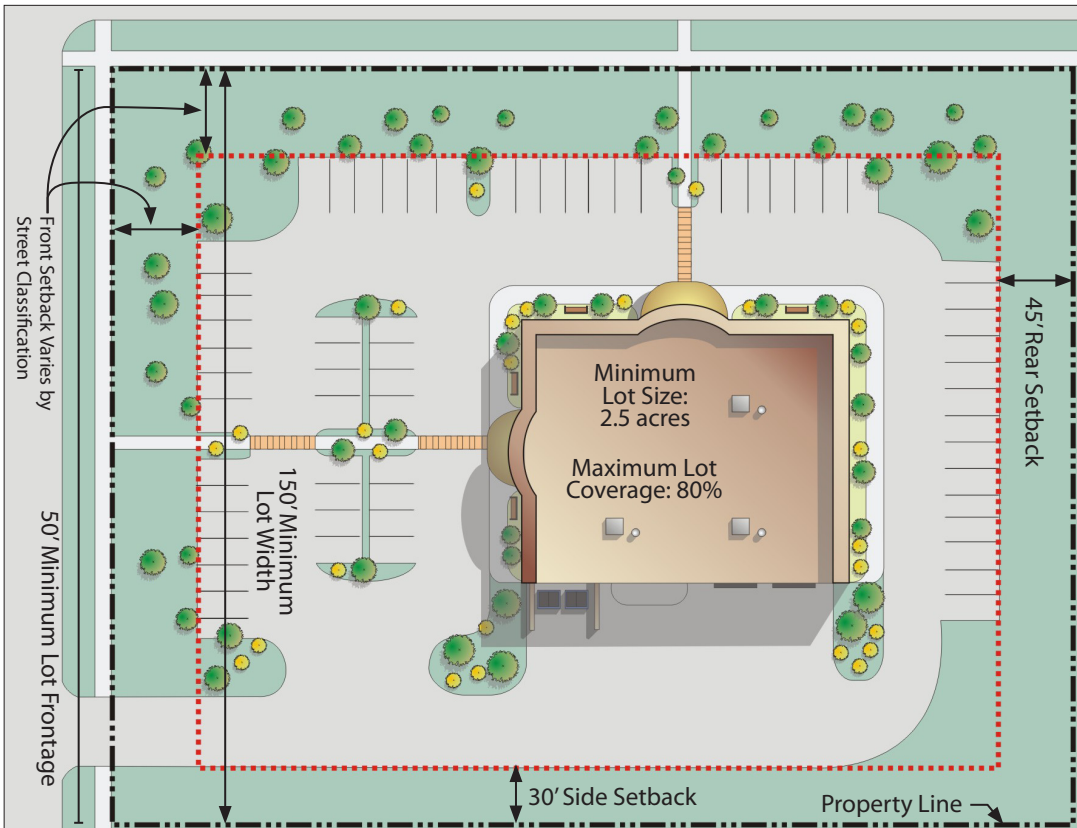
auction facility (excluding livestock)

## D. LOT STANDARDS

Minimum Lot Size		2.5 acre <sup>8</sup>
Minimum Lot Width		150 ft.
Minimum Lot Frontage		50 ft.
Maximum Building Height <sup>9</sup>	Principal	45 ft.
	Accessory	26 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	30 ft.
	Accessory	10 ft. / 30 ft. <sup>4</sup>
Rear Setback <sup>2</sup>	Principal	45 ft.
	Accessory	15 ft. / 45 ft. <sup>4</sup>
Agricultural Adjacency Setback (non-ag. res.)		--
Naturally Sensitive Areas Setback		80 ft.
Minimum Distance Between Structures on Same Lot		10 ft.
Minimum Ground Floor	1 story	--
Living Area (Per Unit)	2+ story	--
Total Minimum Living Area (Per Unit)		750 sf. avg
Minimum Living Area Facade Width		--
Maximum Lot Coverage (buildings and structures)		50%
Maximum Lot Coverage (all impervious surfaces)		80%

## CROSS REFERENCES

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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards Section 7.5 Landscaping Standards and/or apply any applicable easement widths
- <sup>4</sup> when adjoining the same or a more intense district / when adjoining a less intense district
- <sup>8</sup> minimum size of multi-tenant development = 5 acres
- <sup>9</sup> see height exemptions per Section 7.7 Height Standards

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

The plan shown does not reflect all requirements contained in this Ordinance.

## A. DISTRICT INTENT:

The purpose of the Planned/Flex Business (PB) District is to encourage the establishment of campus-style areas for professional offices and services, non-retail in nature, including research facilities, testing laboratories, and administrative facilities that are office-like in physical appearance and service requirements. The district may also provide limited service and retail uses to meet the needs of the district’s employees. The PB district layout should encourage well-planned office communities with cohesive design elements, vehicular and pedestrian access, and parking facilities. This district can be used as a transitional use or buffer between commercial and more intense industrial uses.

## B. PERMITTED USES

Communications / Utilities

essential services, minor  
essential services, major

Institutional

bus/train terminal  
clinic  
health care facilities, medical  
and emergency  
penal or correctional institution,  
private  
publicly-owned buildings and  
facilities

Parks & Recreation

nature preserve

Commercial

conference / convention center  
day care center (child / adult)  
fitness center  
hotels / motels  
administrative/professional  
office  
bank / financial/ investment  
institution  
data processing / call center  
employment service  
medical and dental laboratories  
radio / tv station  
coffee shop  
restaurants  
restaurants, fast food  
retail small-scale (less than  
15,000sf)

Light and Heavy Industrial

food & beverage production  
manufacturing (light)  
printing / publishing facility  
research and testing  
laboratories  
tool and die shop  
truck freight terminal  
warehouse & distribution facility

## C. SPECIAL EXCEPTION

Light and Heavy Industrial

auction facility (excluding  
livestock)

## D. LOT STANDARDS

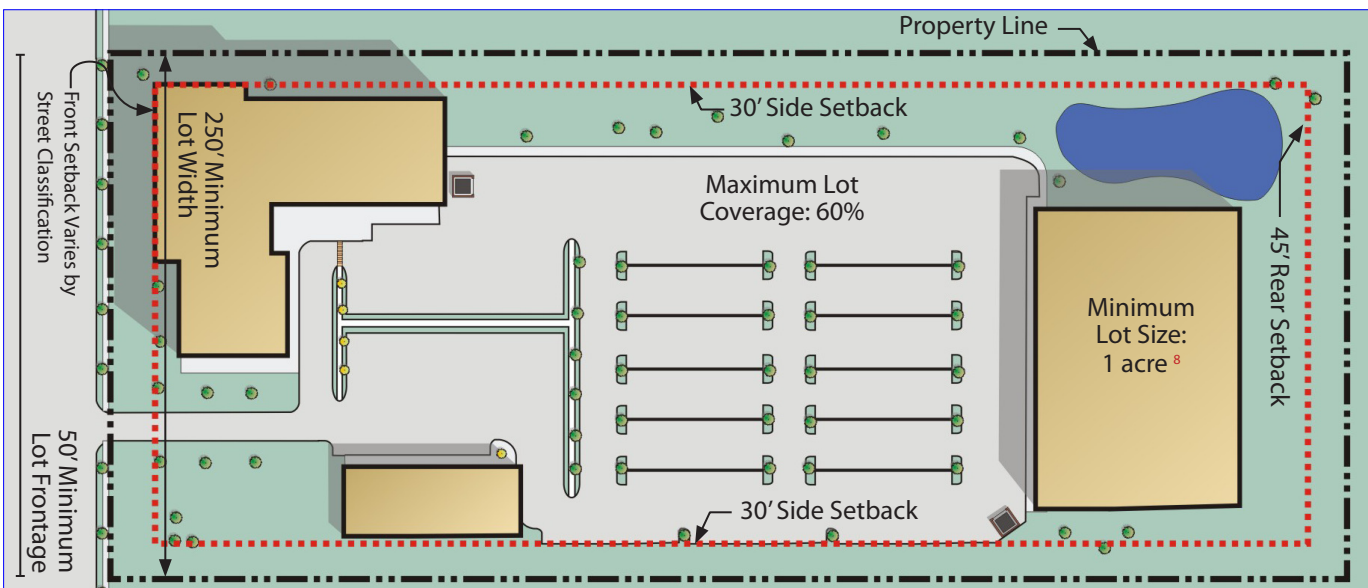
Minimum Lot Size	1 acre <sup>8</sup>	
Minimum Lot Width	250 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	60 ft.
	Accessory	26 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	30 ft.
	Accessory	10 ft. / 30 ft. <sup>4</sup>
Rear Setback <sup>2</sup>	Principal	45 ft.
	Accessory	15 ft. / 45 ft. <sup>4</sup>
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	80 ft.	
Minimum Distance Between Structures on Same Lot	10 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	--	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	40%	
Maximum Lot Coverage (all impervious surfaces)	60%	

- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>4</sup> when adjoining the same or a more intense district / when adjoining a less intense district
- <sup>8</sup> minimum size of multi-tenant development = 5 acres
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

## CROSS REFERENCES

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- (UPA) urban principal arterial
- (UMA) urban minor arterial
- (UC) urban collector
- (ULR) urban local road
- (RPA) rural principal arterial
- (RMA) rural minor arterial
- (RC) rural collector
- (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.



# 4.18 LI - Light Industrial

## CHAPTER 4: ZONING DISTRICTS

### A. DISTRICT INTENT:

The purpose of the Light Industrial (LI) District is to provide locations for production, small-scale manufacturing, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate only industrial uses that do not involve the release of potential environmental pollutants or other objectionable elements such as noise, odor, dust, smoke, glare or traffic. This district is designed as a transitional use between heavy manufacturing uses and other less intense business uses.

### B. PERMITTED USES

Communications / Utilities

essential services, minor  
essential services, major

Institutional

bus/train terminal  
animal shelter  
penal or correctional institution,  
private  
publicly-owned buildings and  
facilities

Parks & Recreation

nature preserve

Commercial

motor vehicle sales, large  
storage, rv and boat  
storage, contractor  
storage, self-service  
medical and dental laboratories  
radio / tv station

Light and Heavy Industrial

auction facility (excluding  
livestock)  
bottle gas storage & distribution  
food & beverage production  
lumber yard  
manufacturing (light)  
printing / publishing facility  
research and testing  
laboratories  
tool and die shop  
warehouse & distribution facility

### C. SPECIAL EXCEPTION

Commercial

administrative/professional  
office  
coffee shop  
restaurants  
restaurants, fast food

Light and Heavy Industrial

recycling center  
solid waste transfer station

## D. LOT STANDARDS

Minimum Lot Size	2 acres <sup>8</sup>	
Minimum Lot Width	125 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	60 ft.
	Accessory	40 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	40 ft.
	Accessory	20 ft. / 40 ft. <sup>4</sup>
Rear Setback <sup>2</sup>	Principal	50 ft.
	Accessory	20 ft. / 40 ft. <sup>4</sup>
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	100 ft.	
Minimum Distance Between Structures on Same Lot	10 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	--	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	50%	
Maximum Lot Coverage (all impervious surfaces)	75%	

## CROSS REFERENCES

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<sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.

<sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any

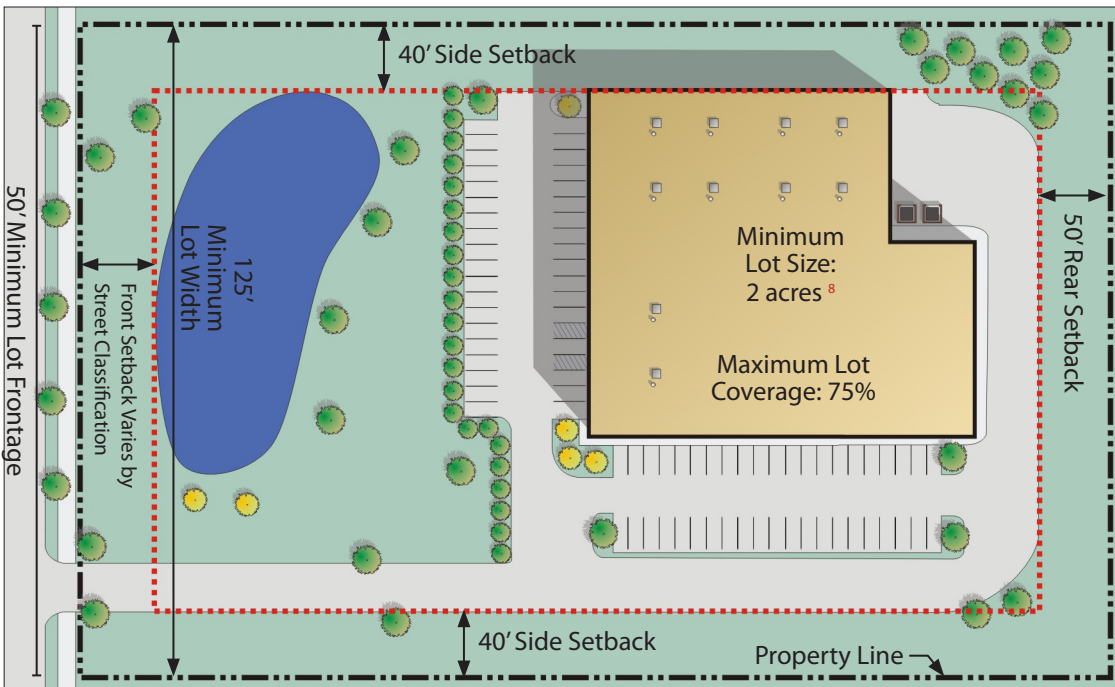
applicable easement widths

<sup>4</sup> when adjoining the same or a more intense district / when adjoining a less intense district

<sup>8</sup> minimum size of multi-tenant development = 5 acres

<sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.



## A. DISTRICT INTENT:

The purpose of the Major Industrial (MI) District is to encourage the development of manufacturing and wholesale business establishments accommodating a broad range of heavier industrial activities diverse in products, operational techniques and size, which are in locations and under conditions that minimize land, use conflicts. The MI district is intended to be located in areas with good access to major thoroughfares and where large shipping truck traffic does not disrupt local streets. Administrative offices, banks, and other commercial services shall be allowed at the discretion of the Plan Commission and shall remain incidental to the industrial uses.

## B. PERMITTED USES

Agricultural

agricultural chemical sales, distribution, & storage

Communications / Utilities

essential services, minor essential services, major

Institutional

bus/train terminal  
penal or correctional institution, private  
publicly-owned buildings and facilities

Parks & Recreation

nature preserve

Commercial

impound facility  
storage, contractor  
radio / tv station

Light and Heavy Industrial

agricultural products terminal  
animal & animal products processing, packaging  
concrete / asphalt production facility  
manufacturing (heavy)  
manufacturing (light)  
petroleum and chemical processing and storage  
power generation facility (commercial)  
printing / publishing facility  
recycling center  
solid waste transfer station  
truck freight terminal  
warehouse & distribution facility

## C. SPECIAL EXCEPTION

Communications / Utilities

wireless communications facilities

Commercial

sexually oriented businesses

Light and Heavy Industrial

composting facility  
explosive manufacturing and storage  
junk / scrap metal yard  
mineral extraction operations (in urban areas as defined by IC 36-7-4-1103)  
sanitary landfill  
salvage yard  
waste incinerator

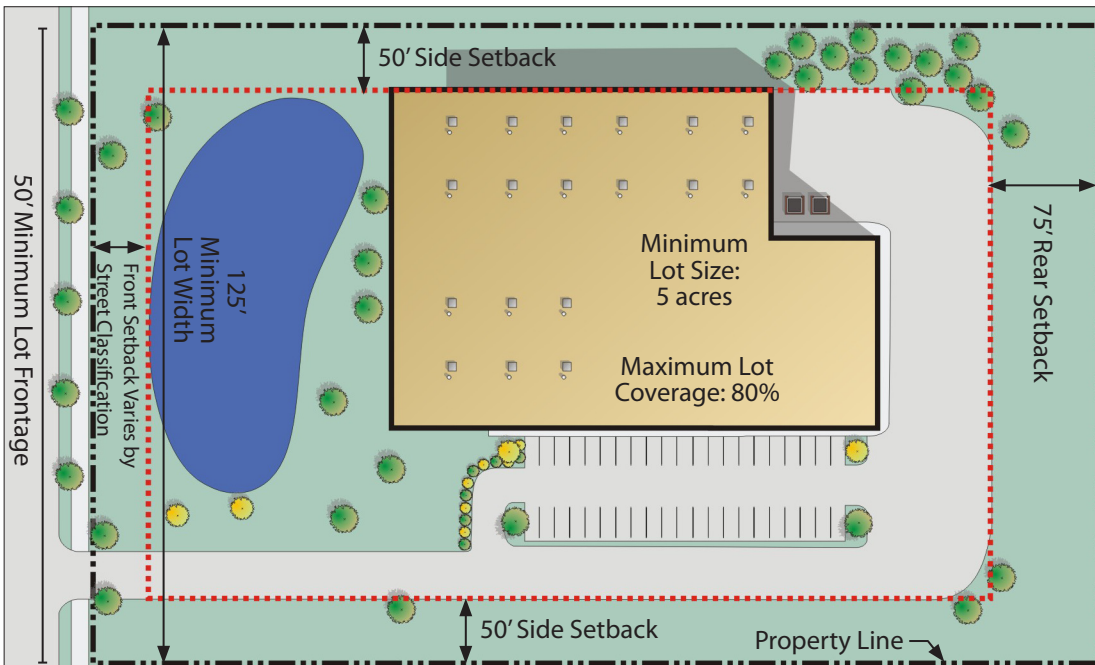
## D. LOT STANDARDS

Minimum Lot Size	5 acres	
Minimum Lot Width	125 ft.	
Minimum Lot Frontage	50 ft.	
Maximum Building Height <sup>9</sup>	Principal	60 ft.
	Accessory	40 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.
Side Setback <sup>2</sup>	Principal	50 ft.
	Accessory	30 ft. / 50 ft. <sup>4</sup>
Rear Setback <sup>2</sup>	Principal	75 ft.
	Accessory	30 ft. / 60 ft. <sup>4</sup>
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	100 ft.	
Minimum Distance Between Structures on Same Lot	10 ft.	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	--	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	60%	
Maximum Lot Coverage (all impervious surfaces)	80%	

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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths



- <sup>4</sup> when adjoining the same or a more intense district / when adjoining a less intense district

- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

- (UPA) urban principal arterial
- (UMA) urban minor arterial
- (UC) urban collector
- (ULR) urban local road
- (RPA) rural principal arterial
- (RMA) rural minor arterial
- (RC) rural collector
- (RLR) rural local road

The plan shown does not reflect all requirements contained in this Ordinance.



# 4.20 PP - Preservation and Park

## CHAPTER 4: ZONING DISTRICTS

### A. DISTRICT INTENT:

The purpose of the Preservation and Park (PP) District is to encourage and provide the means for permanent preservation of open spaces, riparian areas, wetlands, woodlands, and other natural areas. This use of this district is also encouraged for the creation of active or passive recreation including parks, nature preserves, greenway corridors, and multi-use trails.

### B. PERMITTED USES

Agricultural

agricultural use, low intensity  
animal boarding/stables  
(excluding kennels)

Communications / Utilities

essential services, minor

Parks & Recreation

nature preserve  
recreation (active)  
recreation (passive)

### C. SPECIAL EXCEPTION

Parks & Recreation

driving range (as a primary use)  
golf course  
shooting/archery range indoor  
shooting/archery range outdoor

Commercial

coffee shop

## D. LOT STANDARDS

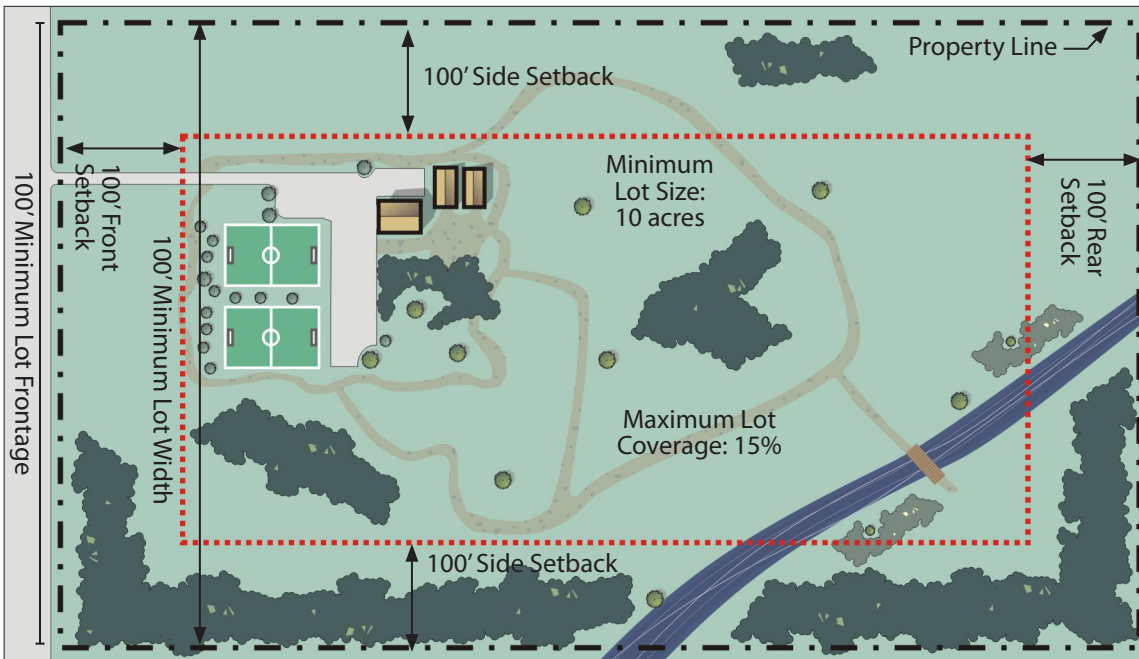
Minimum Lot Size	10 acres	
Minimum Lot Width	100 ft.	
Minimum Lot Frontage	100 ft.	
Maximum Building Height <sup>9</sup>	Principal	35 ft.
	Accessory	24 ft.
Front Setback <sup>1</sup>	Urban	100 ft.
	Rural	100 ft.
Side Setback <sup>2</sup>	Principal	100 ft.
	Accessory	100 ft.
Rear Setback <sup>2</sup>	Principal	100 ft.
	Accessory	100 ft.
Agricultural Adjacency Setback (non-ag. res.)	--	
Naturally Sensitive Areas Setback	10 ft.	
Minimum Distance Between Structures on Same Lot	--	
Minimum Ground Floor Living Area (Per Unit)	1 story	--
	2+ story	--
Total Minimum Living Area (Per Unit)	--	
Minimum Living Area Facade Width	--	
Maximum Lot Coverage (buildings and structures)	10%	
Maximum Lot Coverage (all impervious surfaces)	15%	

## CROSS REFERENCES

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7.3 Entrance/Drive Standards .....	109
7.5 Landscaping Standards .....	112
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- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road



The plan shown does not reflect all requirements contained in this Ordinance.

## A. DISTRICT INTENT:

The purpose of the Airport Development (AD) District is to:

- (1) promote aviation safety,
- (2) encourage the area around Gordon Graham Field to develop with land uses that are compatible with, and support, airport operations, and
- (3) advance economic development in Hendricks County.

## B. PERMITTED USES

### Agricultural

agricultural use, low intensity  
 agricultural chemical sales,  
 distribution, & storage  
 agricultural entertainment  
 agricultural processing, minor  
 animal boarding/stables  
 (excluding kennels)  
 farm co-op. facility  
 farm equipment sales and  
 service  
 farmer's market  
 greenhouse (on-site plant sales)  
 winery  
 livestock auction/sales facility

### Residential

dwelling, single-family  
 (excluding major residential  
 plats)  
 home business  
 home occupation

### Communications / Utilities

essential services, minor  
 essential services, major

### Institutional

airport, commercial  
 airport-related uses  
 publicly-owned buildings and  
 facilities

### Parks & Recreation

driving range (as a primary use)  
 golf course  
 nature preserve  
 recreation (active)  
 recreation (passive)

## C. SPECIAL EXCEPTION

### Institutional

cemeteries

### Commercial

administrative/professional  
 office  
 bank / financial/ investment  
 institution  
 data processing / call center  
 employment service  
 medical and dental laboratories

### Light and Heavy Industrial

manufacturing (light)  
 research and testing  
 laboratories  
 warehouse & distribution facility

Storage, RV and Boat <sup>2</sup>

### NOTES:

1. Additional airport regulations can be found in [Section 7.15 Airport Regulations](#).
2. In addition to these permitted and special exception uses, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.
3. Mixed use developments may not include residential uses.



## D. LOT STANDARDS

		Res	Other
Minimum Lot Size		1.5 acre	1 acre
Minimum Lot Width		150 ft.	100 ft.
Minimum Lot Frontage		50 ft.	
Maximum Building Height <sup>9</sup>	Principal	40 ft.	60 ft.
	Accessory	*24 ft.	40 ft.
Front Setback <sup>1</sup>	Urban	UPA: 50 ft. UMA: 50 ft. UC: 45 ft. ULR: 35 ft.	
	Rural	RPA: 80 ft. RMA: 50 ft. RC: 45 ft. RLR: 35 ft.	
Side Setback <sup>2</sup>	Principal	15 ft. / 20 ft. / 40 ft. <sup>5</sup>	
	Accessory	15 ft. / 20 ft. / 40 ft. <sup>5</sup>	
Rear Setback <sup>2</sup>	Principal	15 ft. / 20 ft. / 40 ft. <sup>5</sup>	
	Accessory	15 ft. / 20 ft. / 40 ft. <sup>5</sup>	
Agricultural Adjacency Setback (non-ag. res.)		--	
Naturally Sensitive Areas Setback		30 ft.	40 ft.
Minimum Distance Between Structures on Same Lot		5 ft.	10 ft.
Minimum Ground Floor Living Area (Per Unit)	1 story	--	
	2+ story	--	
Total Minimum Living Area (Per Unit)		1,260 sf.	
Minimum Living Area Facade Width		24 ft.	--
Maximum Lot Coverage (buildings and structures)		Res: 35% <sup>11</sup> Acc: 7% or 720 sf. (whichever is greater)	
Maximum Lot Coverage (all impervious surfaces)		--	75%

Amended TZA 05/17

\*Amended TZA 01/19

- <sup>1</sup> Accessory structures shall be located no closer to the front lot line than the building facade line of the principal structure.
- <sup>2</sup> Check buffer yard standards [Section 7.5 Landscaping Standards](#) and/or apply any applicable easement widths
- <sup>5</sup> for residential uses / all other uses adjoining the same or a more intense district / all other uses when adjoining a less intense district
- <sup>9</sup> see height exemptions per [Section 7.7 Height Standards](#)
- <sup>11</sup> Permitted non-residential uses shall not exceed 50%

(UPA) urban principal arterial  
 (UMA) urban minor arterial  
 (UC) urban collector  
 (ULR) urban local road  
 (RPA) rural principal arterial  
 (RMA) rural minor arterial  
 (RC) rural collector  
 (RLR) rural local road

## CROSS REFERENCES

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# 4.21 AD - Airport Development District

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CHAPTER 4: ZONING DISTRICTS

# Chapter 5: Infill Development Standards



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5.2	Infill Compatibility Examples.....	5-5



## 5.1 INFILL DEVELOPMENT STANDARDS

---

### A. INTENT

1. Infill development shall be considered to be new development, redevelopment, or expansion of existing legally conforming uses that occurs in an area where at least sixty-six percent (66%) of all lots on both sides of the same street block as the subject lot have been developed into residential or commercial uses, and where infrastructure is already in place. It is the general intent of this Section to:
  - a. Accommodate growth in the small town centers of Hendricks County by encouraging and facilitating new development on vacant, bypassed and underutilized land.
  - b. Accommodate development in older established residential neighborhoods.
  - c. Encourage efficient use of land and public services in the context of existing communities.
  - d. Stimulate economic investment and development in older established communities.
  - e. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.
  - f. Create a high quality community environment that is enhanced by a balanced compact mix of development and building types that is pedestrian-scaled and, if applicable, transit-oriented.
  - g. Improve approval certainty for infill development by providing clear development standards.

### B. GENERAL REQUIREMENTS

1. A Development Plan, plat, or certified plot plan shall be required for infill/redevelopment where applicable.
2. The Development Plan / plat shall incorporate the following elements to enhance compatibility with the surrounding community:
  - a. Sidewalks that connect to the adjacent sidewalk system;
  - b. Public streets that connect to the adjacent street pattern;
  - c. Preservation of architecturally significant structures whenever feasible; and
  - d. Setbacks, building envelopes, use and parking compatible with surrounding community.
3. All new buildings (except accessory structures) shall have the primary entrance oriented to the street or public walkway, with direct, accessible, and convenient pedestrian connections.

### C. PERMITTED USES. Permitted uses shall be determined by the following subsections:

1. Residential Areas. Areas that are made up of predominantly residential uses but no longer permit residential uses may fall under the provisions of Subsection 3.6(B).
  - a. One accessory apartment dwelling unit per lot may be allowed in addition to the principal dwelling unit. Accessory apartment dwelling standards can be found in

Section 7.12 Accessory Use and Structure Standards.

- b. Home occupations and home-based businesses are allowed in accordance with Section 7.9 Home-Based Business.
- 2. Commercial and Mixed-Use Areas. Areas that are made up of predominantly commercial or commercial/residential mixed uses may include uses other than what is permitted in the underlying zoning district by right, subject to consistency with uses that are identified as permitted or special exception within the Neighborhood Business (NB) zoning district, or the Town Center Overlay District (TC-OL).
  - a. Commercial uses may be mixed vertically or horizontally with residential uses. First floor space shall be restricted to non-residential use in areas of predominantly commercial or mixed-use.
  - b. Mixed-use should be planned for in the context of existing walkable amenities in the neighborhood or set the standard for future redevelopment.
- D. **LOT AND DEVELOPMENT STANDARDS.** Density, design, materials, use and scale should reflect local style, heritage and materials unique to each small town center or neighborhood of Hendricks County.
  - 1. Lot Size. Lot areas shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.
    - a. Existing Small Lot Amnesty. A legal lot of record that existed prior to the date of this Ordinance, and is being used for infill or redevelopment may use the minimum lot standards that follow.
  - 2. Building Height.
    - a. Buildings shall conform to:
      - 1) maximum heights allowed in the zoning district in accordance with Table 4.4: Residential Lot Standards or Table 4.5: Non-Residential Lot Standards; or
      - 2) a height that is equal to or the average of adjacent building heights.
    - b. If the proposed building height(s) is greater than the allowed maximum, the proposed building or structure must meet the following criteria for community compatibility:
      - 1) Neighborhood scale
      - 2) Privacy
      - 3) Light and shadow
      - 4) Views
      - 5) Architectural compatibility
  - 3. Setbacks. Minimum setbacks shall be:
    - a. as required in the zoning district; or
    - b. the average of the established front and side setbacks on properties within the block or six hundred (600) feet on both sides of the lot parallel to its frontage, whichever is applicable.

See Also:

Section 3.5 Nonconforming Lot Of Record

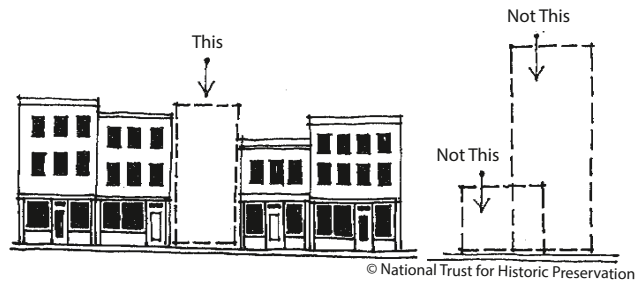
Section 7.7 Height Standards

4. Bulk and Scale. Bulk and scale shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
  5. Flexible Standards. Flexible development standards to reduce lot area, width, setbacks, height, and other standards may be permitted for infill and redevelopment at the discretion of the Director, subject to proof of good cause and benefit to the development and community, to encourage a variety of land uses, and to address difficult sites which incorporate infill and redevelopment or rehabilitation. Building height and coverage may vary so long as the project average height is consistent with the neighborhood scale and architectural rhythm and does not constitute a disruptive condition in the identity of the area as described here or in Subsection 5.1(E).
- E. **COMPATIBILITY STANDARDS**. Infill and redevelopment should provide exemplary site design, architectural design and high quality materials that are compatible with, and does not negatively alter the character of, the existing neighborhood. The applicant should refer to the Hendricks County Residential Subdivision Design Guidelines or Chapter 8: Design Standards.
1. All infill and redevelopment uses shall meet the intent of this chapter and shall be compatible with existing or proposed uses, as identified in the Comprehensive Plan, in the general vicinity of the proposed development. The following requirements shall apply:
    - a. **Building Size, Height, Bulk, Mass, Scale**. Similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm.
    - b. **Building Orientation**. Primary facades and entries face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.
    - c. **Privacy**. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.
    - d. **Building Materials** shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc. to establish compatibility.
  2. All planned uses, building types, and landscaping shall be included on the Development Plan or plat and shall demonstrate the relationship of the proposed development with existing off-site development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

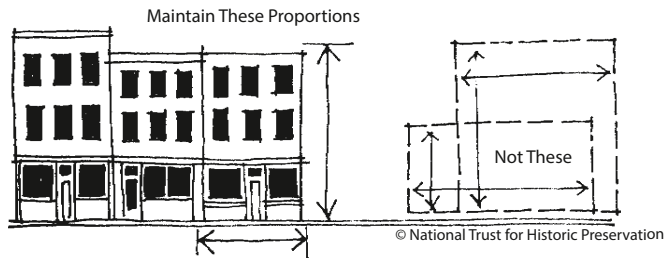
- F. OPEN SPACE AND LANDSCAPING. All open space, recreational amenities, and landscaped areas shall meet the requirements of [Section 7.5 Landscaping Standards](#) and [Section 7.18 Open Space Requirements](#) unless modified per this subsection, and shall be shown on the Development Plan / Plat.
1. Open space. Non-residential infill development shall provide common public open space, if planned. An open space credit may be granted if a project is connected to, and located within one-fourth (1/4) mile of, an improved public park or common area by a continuous public sidewalk.
  2. Landscaping. Natural vegetative features and existing trees shall be incorporated into the site design if practicable. Landscaping, buffering, and other plant material requirements may be reduced at the discretion of the Director and approval of the Plan Commission. However, the intent of the landscaping to enhance and create a hierarchy of space shall remain. Buffering and screening of incompatible uses shall be maintained.
- G. PUBLIC FACILITIES AND UTILITIES. Existing and planned public facilities should be shown on the Development Plan / Plat.
1. All public streets, walkways and alleyways shall be shown on the Development Plan / plat. All through streets and walkways shall be public. The local street and walkway system shall be safe, efficient, convenient, attractive and shall accommodate use by all segments of the population.
    - a. The street and walkway system shall provide multiple, direct and continuous intra- and inter-neighborhood connections between destinations.
    - b. The street network shall include sidewalks on both sides of the street.
- H. PARKING. Flexibility for the number of parking spaces required by [Section 7.2 Off-Street Parking And Loading](#) may be considered if the project is pedestrian-oriented and serviced within six hundred (600) feet by public parking.
1. The parking plan may provide a combination of off-street and on-street spaces. On-street parking is encouraged.
  2. Shared parking is encouraged and shall comply with [Subsection 7.2\(S\)](#).
  3. As is practicable, at-grade off-street parking areas should be located at the rear of dwellings in mixed-use or residential areas, with alley access.
  4. Bicycle spaces shall be provided per [Subsection 7.2\(V\)](#).

## 5.2 INFILL COMPATIBILITY EXAMPLES

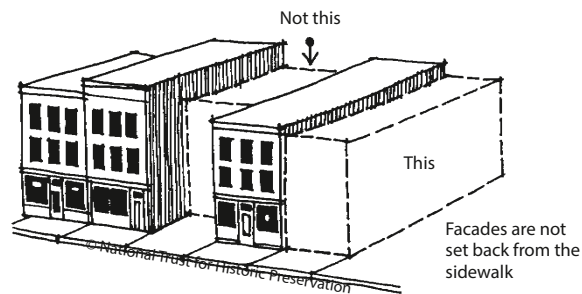
- A. HEIGHT. Buildings in town centers or established neighborhoods share a similar height. Infill construction should respect this. A new facade that is too high or low can interrupt this consistent quality.



- B. PROPORTION. The characteristic proportion (the relationship between height and width) of existing facades should be respected.



- C. RELATIONSHIP TO STREET. The new facade's relationship to the street (setback) should be consistent with that of its neighboring buildings.



- D. RESIDENTIAL NEIGHBORHOOD COMPATIBILITY. Infill development should be compatible with the established character of the existing neighborhood by utilizing a similar setback and building orientation.

# Chapter 6: Planned Unit Developments



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6.2 PUD Uses And Standards .....6-1

6.3 Procedure Summary .....6-1

6.4 Pre-Submittal Conference .....6-2

6.5 PUD District ordinance and concept plan .....6-3

6.6 Primary Development Plan Procedure.....6-6

6.7 Secondary Development Plan .....6-8

6.8 Alternative Submission for Secondary Development Plan ..... 6-11

6.9 PUD Abandonment..... 6-12

### 6.1 PURPOSE

---

- A. This chapter is intended to permit the creation of Planned Unit Development (PUD) Districts in accordance with the Indiana Code. PUD districts are intended for a parcel of land planned as a single unit which allows for mixed uses and mixed densities under one zoning classification. This Ordinance allows any zoning district to be rezoned for the creation of a PUD district. PUD Districts create neighborhoods that can benefit from innovations in community development, provide greater efficiency in public utilities and services, and preserve open space. All Planned Unit Developments shall be served by centralized sewer and water.

### 6.2 PUD USES AND STANDARDS

---

- A. **USES.** All land use classifications that are allowed in this Ordinance may be permitted within a PUD, unless otherwise omitted. All uses are subject to the discretion and approval of the County Commissioners. Once uses are approved by the County Commissioners, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
- B. **STANDARDS.** The development and design standards established in this Ordinance or applicable design guideline documents shall apply unless alternate development or design standards are proposed by the petitioner. The alternate development standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of Commissioners. Any lessening of the required development and design standards of this Ordinance or applicable design guideline documents shall be directly linked to the intent of the Planned Unit Development to:
1. Provide a mixed-use development; or
  2. Provide a creative and unique design; or
  3. Address unusual physical conditions on site.

### 6.3 PROCEDURE SUMMARY

---

- A. The section establishes procedures for the review, approval and development of a Planned Unit Development District. There are four basic steps in the PUD process which are illustrated in sequence in the flow charts on the following pages and which are described below:
1. **Pre-Submittal Conference.** The applicant is encouraged to engage in informal consultations with the Hendricks County Planning and Building staff prior to preparing plans. The purpose of this meeting is to discuss expectations, schedule, concept and standards contained herein. It shall be understood that no statement or representations by a member of either Staff shall be binding upon either the Commission or upon any zoning body.

2. PUD District Ordinance and Concept Plan. The PUD District Ordinance and Concept Plan is the second step in the process for establishing a Planned Unit Development. During this step, the petitioner's proposed development requirements for the Planned Unit Development are reviewed by the Plan Commission and the County Commissioners. The approved standards are codified in a PUD District Ordinance that has the effect of rezoning the subject property to a Planned Unit Development zoning district, and establishing the development requirements that will be applied in all subsequent reviews. A Concept Plan which accompanies the ordinance provides the Plan Commission and County Commissioner with a general vision for the development of the site.
3. Primary Development Plan. The Detailed Development Plan is the third step in the process. In this step, the applicant prepares an overall plan for the site which will be reviewed by staff, the Technical Advisory Committee and approved by the Plan Commission. For a Planned Unit Development that is going to be subdivided, this step also serves as the Primary Plat.
4. Secondary Development Plan. The Secondary Development Plan is the final step in establishing a Planned Unit Development. During this step, the petitioner's specific plan for the entire site or a portion of the site is reviewed by the members of the Technical Advisory Committee and the PUD Committee. For a Planned Unit Development that is going to be subdivided, this step also serves as the Secondary Plat.
  - a. Options.
    - 1) Submission of a Primary Development Plan, processed in the manner described in this Chapter, and the subsequent submission of a Secondary Development Plan for any portion of the approved Primary Development Plan the applicant wishes to develop. The Secondary Development Plan submitted according to this option shall be processed in the manner described in this Chapter.
    - 2) Submission of a Secondary Development Plan without a Primary Development Plan, processed in the manner described in this Chapter.

### 6.4 PRE-SUBMITTAL CONFERENCE

- A. Prior to submitting a Planned Unit Development application, the petitioner shall meet with the Hendricks County Planning and Building staff to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. Department staff shall aid and advise the applicant in preparing the application and supportive documents as necessary.



### 6.5 PUD DISTRICT ORDINANCE AND CONCEPT PLAN

---

- A. **ORINATION OF PROPOSALS.** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this chapter. The applicant shall submit an application and fee for a Planned Unit Development in accordance with this section, [Section 6.3 Procedure Summary](#), and the established procedure of the Planning and Building Department. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered.
- B. **AREA REQUIREMENTS.** The minimum land area required for a Planned Unit Development shall be five (5) acres. However, a development of less than five (5) acres may be considered by the Plan Commission for infill projects.
- C. **PROJECT OWNERSHIP.** The project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals, or homeowners association. Such ownership may be a public or private corporation. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission. The County Commissioners may grant an extension of such time for such a period as it deems in the public interest.
- D. **DEVELOPMENT STANDARDS.** In addition to the applicable provisions of this Ordinance, the PUD Ordinance must comply with the following requirements unless specifically waived by the Plan Commission:
1. The Planned Unit Development must be substantially completed within the period of time specified in the schedule of development submitted by the developer.
  2. The Planned Unit Development will address the public health, safety, and general welfare.
  3. All uses are subject to the discretion and approval of the County Commissioners.
  4. The PUD Ordinance shall address the impact on traffic and public services and facilities, such as schools, fire and police protection. A Fiscal Impact Analysis shall be required for developments of one hundred fifty (150) or more residential units. The Plan Commission may also request a Fiscal Impact Analysis or a traffic study for projects under one hundred fifty (150) units at their discretion. These studies shall address the impact of the proposed Planned Unit Development on all adjacent streets and intersections.
  5. The PUD Ordinance shall contain such proposed covenants, easements and other provisions relating to the proposed development standards, as reasonably are required for public health, safety and general welfare.
  6. Gross residential density shall be calculated by dividing the gross acreage of the total development area by the size of the recommended lots to determine total dwelling units per acre in the proposed project.

7. Open Space shall be required in accordance with [Section 7.18 Open Space Requirements](#).

## E. PUD ORDINANCE REQUIREMENTS

1. The PUD Ordinance shall address all of the development standards contained within, and may defer to, the Hendricks County Zoning Ordinance. At a minimum, the following requirements should be addressed:
  1. Location, size, orientation and shape of buildings;
  2. Building materials and appurtenances;
  3. Parking;
  4. Signage;
  5. Exterior renovation or altering of existing structures;
  6. Demolition of existing structures;
  7. Landscaping;
  8. Environmental and natural resource protection;
  9. Erosion and sedimentation control;
  10. Vehicular and pedestrian circulation;
  11. Outdoor lighting;
  12. Minimum lot area;
  13. Minimum lot frontage;
  14. Minimum lot width;
  15. Minimum front setback;
  16. Minimum side setback;
  17. Minimum rear setback;
  18. Maximum height of structures (principal and accessory);
  19. Maximum lot coverage;
  20. Minimum floor area;
  21. Site access;
  22. Site screening and buffering;
  23. Location of dumpsters; and
  24. Location of open spaces.

## F. REVIEW

1. The Planning and Building Department shall determine that the PUD District Ordinance and Concept Plan application are a complete submittal. The Department shall:
  - a. Docket Number. Assign the item a docket number;
  - b. Plan Commission. Place the item on an agenda of the Plan Commission for public hearing; and

- c. **Notification.** Inform the petitioner of the time, date, and place of the hearing.
2. **Record.** The Department shall maintain records of all applications, plans, and permits filed for a PUD District Ordinance and Concept Plan.

#### G. PLAN COMMISSION

1. **Public Notice.** The petitioner shall be responsible for publishing and mailing public notice pursuant to the Plan Commission Rules of Procedure. The Planning and Building Department shall be responsible for posting public notice pursuant to the Plan Commission Rules of Procedure.
2. **Public Hearing.** A public hearing shall be held in accordance with the Plan Commission Rules of Procedure and the Ordinance draft, concept plan and testimony of the applicant and other attendees shall be considered.
3. **Decision.** The Plan Commission shall:
  - a. Certify and forward the petition to the County Commissioners with:
    - 1) A favorable recommendation;
    - 2) A negative recommendation;
    - 3) No recommendation; or
  - b. Continue the petition to a definite future meeting date.
4. **Commitments.** In conjunction with its recommendation to the County Commissioners regarding a PUD District Ordinance and Concept Plan, the Plan Commission may recommend that the County Commission permit the petitioner to make written commitments and may recommend that the Commissioners impose conditions of approval concerning the use or development of the parcel.
5. **Revisions.** Following Plan Commission approval, the petitioner shall submit revised copies of the PUD District Ordinance and the Concept Plan that address the comments and concerns of the Plan Commission.

#### H. COUNTY COMMISSIONERS

1. **Decision.** The County Commissioners shall:
  - a. Adopt the PUD District Ordinance and Concept Plan;
  - b. Adopt the PUD District Ordinance and Concept Plan with conditions and/or commitments;
  - c. Return the PUD District Ordinance and Concept Plan to the Plan Commission with proposed amendments; or
  - d. Deny the PUD District Ordinance and Concept Plan.
2. **Meaning of Approval.** Approval of the PUD District Ordinance by the County Commissioners shall act as a zoning map amendment and an overall guide for the Planned Unit Development, setting forth concepts that shall be consistent in the Primary Development Plan and Secondary Development Plan.
3. **Commitments.** The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the Board of

County Commissioners shall sign the commitment instrument.

4. Recording. The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the PUD District Ordinance and Concept Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Planning and Building Development before filing a Preliminary Development Plan petition.
5. Modification or Termination. A commitment or conditions of approval made under this section may be modified or terminated only by a decision of the County Commissioners at a public hearing.
6. Enforcement. The County may enforce any commitment or condition of approval as if the commitment were a standard of the Hendricks County Zoning Ordinance.

### 6.6 PRIMARY DEVELOPMENT PLAN PROCEDURE

- A. **PURPOSE.** The purpose of a Detailed Development Plan is to divide land into lots, blocks and common area.
- B. **APPLICATION.** An application for Primary Development Plan shall be filed with the Secretary of the Plan Commission by the owner, or his/her designee, of property for which the Planned Unit Development is proposed. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered and the application shall be in accordance with the established procedures of the Planning and Building Department and shall contain, at a minimum, the following information:
  1. Name, address, and phone number of applicant;
  2. Name, address, and phone number of registered surveyor or registered engineer assisting in the preparation of the Primary Development Plan;
  3. A survey of the tract that is to be developed;
  4. Description of existing use;
  5. Identification of the existing zoning district;
  6. A vicinity map at a scale approved by the Plan Commission, showing existing property lines, streets, existing and proposed zoning, and such other items as the Plan Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing developments, schools and other community facilities and services;
  7. A Primary Development Plan at a scale approved by the Plan Commission showing topography at two (2) foot intervals; the approximate location and type of residential, commercial and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and open spaces; layout and dimensions of lots and building setback lines, areas of proposed buffering; preliminary improvement drawings showing: points of ingress/egress, water, sewer, drainage, electricity, telephone, and such other characteristics as the Plan Commission deems necessary;

8. Proposed schedule for the development of the site, identifying phasing where applicable;
  9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
  10. In the case of a residential planned unit development, the proposed density to which the Development shall be limited; and
  11. In the case of office, commercial, industrial, or mixed-use planned unit development, a statement identifying the principal type of office, business, industrial, and/or other uses that are to be included in the proposed development.
- C. TECHNICAL ADVISORY COMMITTEE. Once the Department has determined that it has received a submittal that is sufficiently complete for Technical Advisory Committee (TAC) review, the Department shall inform the petitioner of the time, date, and place of the meeting. Following TAC review, the applicant shall submit revised copies of the plans that address the comments and concerns of the TAC. The Department shall inform the petitioner of the time, date, and place of the Plan Commission meeting. The public hearing procedures shall be as established in the Hendricks County Plan Commission Rules of Procedure.
- D. NOTICE
1. Notice of Public Hearing. The notice of public hearing shall occur as established in I.C. 5-3-1. As a minimum, the secretary shall, at least ten (10) days prior to the date set for the public hearing at the applicant's expense, publish a notice one (1) time in two (2) newspapers of general circulation in the County. The notice shall set forth the time and place of the public hearing and a general description of the Planned Unit Development.
  2. Notice to Property Owners. The applicant shall, at least ten (10) days prior to the public hearing, notify by certified mail, the owners of all parcels of land adjoining or adjacent to the land described in the application. The notification boundaries shall be to a depth of two (2) ownerships, but not to include any ownership of land located more than six hundred and sixty (660) feet from the property described in the application.
- E. PUBLIC HEARING / PLAN COMMISSION REVIEW AND APPROVAL
1. After receipt of the Primary Development Plan, the Plan Commission shall hold a public hearing within a reasonable period of time.
  2. The Plan Commission shall review the preliminary plan to determine if the Proposed Planned Unit Development is:
    - a. Consistent with the intent and purpose of this Ordinance;
    - b. Whether the proposed development advances the general welfare of the community and neighborhood; and

- c. Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
  - 3. The Plan Commission's approval in principle of the primary development shall be necessary before an applicant may submit a Secondary Development Plan.
  - 4. Approval in principle shall not be construed to endorse the following:
    - a. A precise location of uses;
    - b. Configuration of parcels;
    - c. Engineering feasibility.
- F. EXPIRATION. The Primary Development Plan approval shall expire in five (5) years unless final approval of all or part of the development is complete.

## 6.7 SECONDARY DEVELOPMENT PLAN

- A. PURPOSE. The purpose of a Secondary Development Plan is to provide the details for the construction of individual portions of the PUD. Typical construction plans are submitted and final plats are recorded.
- B. SUBMISSION. After approval of the Primary Development Plan, the developer shall submit a Secondary Development Plan in accordance with established procedures of the Planning and Building Department. The Secondary Development Plan shall be in general conformance with the Primary Development Plan as approved by the Commission. The Secondary Development Plan shall be certified by a registered engineer or land surveyor.
- C. APPLICATION. An application for approval of the Secondary Development Plan shall be filed with the Secretary of the Plan Commission by all owners, or their designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Secondary Development Plan. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application. At a minimum, the application shall contain the following information:
  - 1. Any changes necessary to the survey of the proposed development site, showing the dimensions and bearing of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;
  - 2. All information required on the Primary Development Plan, the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity, and land use considered suitable for adjacent properties;
  - 3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes, tabulation of the number of acres in the proposed project for various uses, the number of housing units

proposed by the type, estimated residential population by type housing. Estimated nonresidential population, anticipated timing for each unit, and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development, whenever the applicant proposes an exception from standard zoning districts or other Ordinances governing development;

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, and telephone, waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;
5. Development plan, showing buildings, various functional use areas, circulation, and their relationship;
6. Preliminary building plans, including floor plans and exterior elevations;
7. Landscaping plans;
8. When a Planned Unit Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;
9. A traffic impact study to determine the off-site impacts on the existing thoroughfare system. The applicant shall reference the "Applicants guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana" as may be amended from time to time;
10. When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that shall be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted;
11. Deed restrictions, and restrictive/protective covenants, and other legal statements or devises to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
12. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years; including a statement of all the ownership and beneficial interests in the tract of land and the proposed development; and
13. One (1) copy of the Primary Development Plan.

#### D. REVIEW

1. Review. The Technical Advisory Committee shall review Secondary Development Plans at a regular meeting. This shall not be a public hearing.

2. TAC Review Criteria. Before taking action, TAC shall find that the facts submitted with the application and presented at the public hearing establish that:
    - a. The proposed development can be initiated within two (2) years of the date of approval;
    - b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained, the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations;
    - c. The streets as proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
    - d. Any proposed commercial development can be justified at the locations proposed;
    - e. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the Secondary Development Plan, in accordance with the Planned Unit Development;
    - f. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development;
    - g. The Planned Unit Development is in general conformance with the Comprehensive Plan of the County;
    - h. The existing and proposed utility services are adequate for the commercial uses provided; and
    - i. The proposed open spaces are adequate and appropriate as identified in this Chapter.
  3. Action.
    - a. The Technical Advisory Committee shall take action to:
      - 1) approve as presented;
      - 2) approve with supplementary conditions; or
      - 3) disapprove at a public hearing.
    - b. Following Technical Advisory Committee review, the applicant shall submit revised copies of the plans that address the comments and concerns of the Technical Advisory Committee. The applicant shall refer to the application packet to determine the format and number of copies of the plans to be delivered.
- E. APPEAL OF A DECISION OF THE DIRECTOR OF THE PLANNING AND BUILDING DEPARTMENT. The Plan Commission shall review an appeal of a Secondary Development Plan approval as though it were a Secondary Development Plan application filed with the Plan Commission de novo.



- F. COMMERCIAL PROJECTS. For a Planned Unit Development that is being subdivided, approval of the Secondary Development Plan shall be considered to be the Secondary Plat for recording purposes. Subdivision plat procedures/approval may coincide with, and be approved at the same time as, the Primary Development Plan and the Secondary Development Plan.
- G. COMMENCEMENT OF CONSTRUCTION. No construction or site grading shall begin prior to the issuance of an ILP or Zoning Certificate. No Zoning Certificate shall be issued for any property for which a Planned Unit Development classification is requested and no construction shall begin until an approved Secondary Development Plan is in effect for that phase or property, whichever of the above options is chosen by the applicant. No improvement location permit shall be issued for any structure in any portion of a Planned Unit Development unless and until the final subdivision plat for that portion has been approved by the proper planning authority and recorded in the public record of the County. This requirement may be waived by the Director when it is deemed that a subdivision plat is not required.

#### 6.8 ALTERNATIVE SUBMISSION FOR SECONDARY DEVELOPMENT PLAN

- A. APPLICATION. The applicant need not file a Primary Development Plan if filing a Secondary Development Plan for the entire site, incorporating all requirements of both the Preliminary and Secondary Development Plans as described in this Section. The Secondary Development Plan shall be filed with the Secretary of the Plan Commission by at least one (1) owner, or his/her designee, of the property for which the Planned Unit Development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for Secondary Development Plan, and submitted to the Plan Commission for public hearing. At a minimum, the application shall contain the following information:
1. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features;
  2. A development plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including streets where required the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities, screening, and areas to be left in their natural state;
  3. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures;
  4. Floor plans of the proposed structures;
  5. Landscaping plans;
  6. When a Planned Unit Development is to be constructed in stages or units, a schedule

for the development of such stages or units shall be submitted. When a Planned Unit Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Unit Development as the stages or units completed or under development bear to the entire Planned Unit Development;

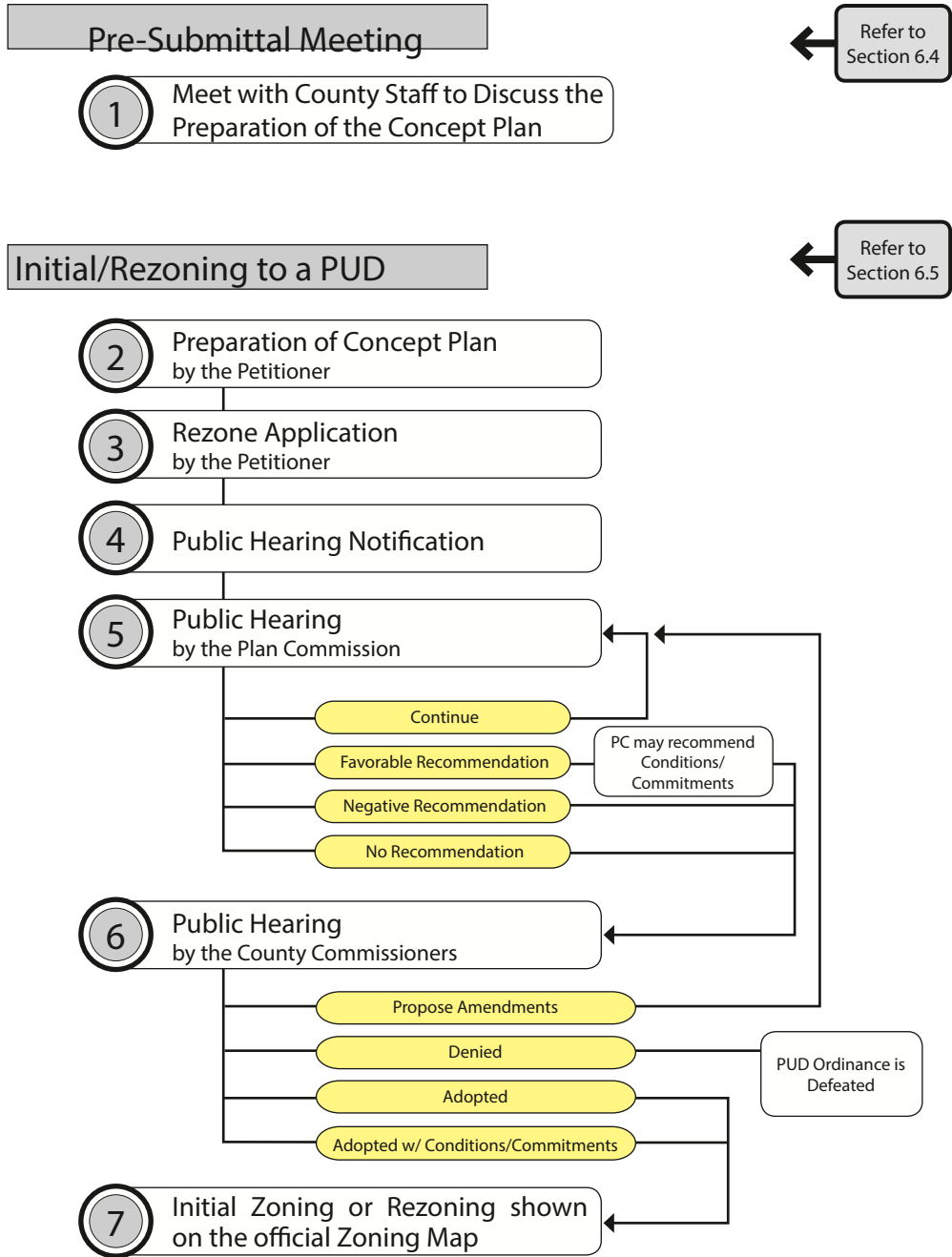
7. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development;
8. In the case of a residential planned unit development, the proposed density to which the Development shall be limited;
9. In the case of Office, Commercial, or Industrial, a statement identifying the principal type of office, business and/or industrial uses that are to be included in the proposed Development;
10. When a Planned Unit Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Chapters of incorporation and by-laws of such entity shall be submitted; and
11. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

B. EXPIRATION. Approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval and such requirement shall be clearly stated on the application.

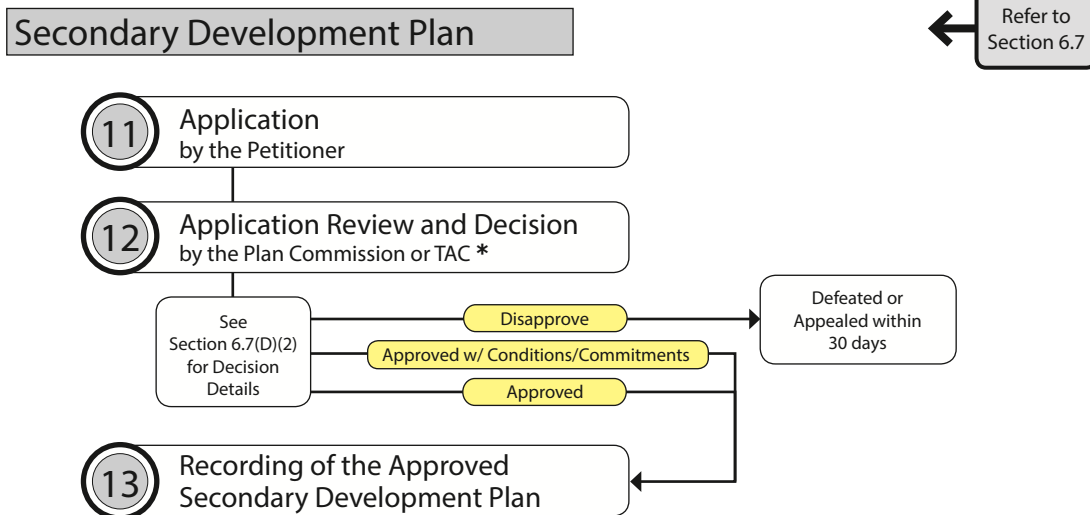
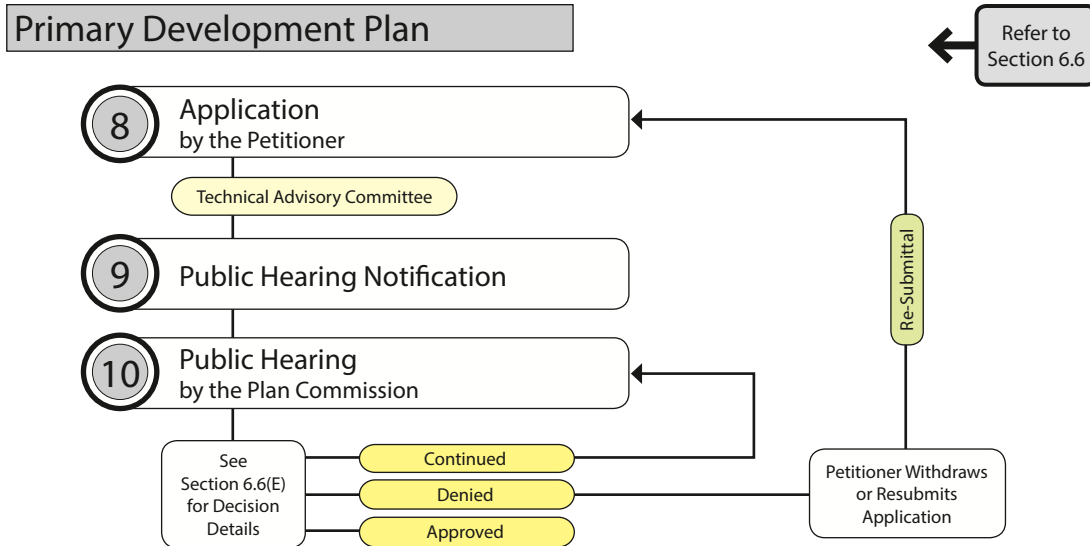
## 6.9 PUD ABANDONMENT

A. In the event of the abandonment of a Planned Unit Development authorized under this section, the Plan Commission may initiate an amendment to the Zoning Ordinance so that the land will be zoned into a category or categories which approximates its existing use or such other zoning category or categories which it deems appropriate. This amendment shall follow the procedures in [Section 12.5 Zoning Map and Text Amendments](#).

1. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Secondary Development Plan for twenty-four (24) consecutive months.
  - a. The twenty-four (24) month time limitation may be extended at the discretion of the Plan Commission.



# PUD Process Summary Flow Chart



\* If denied by the TAC, an appeal can be made to the Plan Commission.



# PUD Process Summary Flow Chart

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CHAPTER 6: PLANNED UNIT DEVELOPMENTS

# Chapter 7: Development Standards



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## 7.1 INTRODUCTION AND APPLICATION

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- A. INTRODUCTION. All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements of legally conforming uses that are constructed, created, established, or occur after the effective date of this Ordinance (except as may otherwise be provided within this Ordinance) shall be subject to all Development Standards and regulations applicable to the zoning district in which they are located. All development plans approved prior to the effective date of this Ordinance shall adhere to the terms and conditions of approval and/or written commitments made under the zoning ordinance that was in place at the time of filing.
- B. REQUIREMENTS FOR USES PERMITTED BY SPECIAL EXCEPTION. Any use which is permitted by special exception shall be consistent with the standards for the zoning district in which the use is permitted by this Ordinance. The Board of Zoning Appeals may adopt conditions of approval for any use permitted by special exception.
- C. USES PERMITTED PER LOT. Only one principal use (whether a permitted or special exception use) of a lot shall be permitted. All other uses occurring on a lot shall be accessory to or a subordinate component of the principal use. For properties proposed to include a mix of uses or platted under the horizontal property regime, several compatible principal uses sharing a structure/structures may be considered collectively as the principal use. This shall apply to uses including and similar to shopping centers, retail and residential contained within the same structure, or residential condominiums.

## 7.2 OFF-STREET PARKING AND LOADING

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- A. PURPOSE. The purpose of this section is to provide adequate and appropriate areas for the size, location and construction of off-street parking areas and loading areas for new or converted uses within the County. Refer to [Section 7.3 Entrance/Drive Standards](#) for parking lot entrance drive standards.
- B. GENERAL REQUIREMENTS
  - 1. Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this section. A parking plan shall be required for all uses except single- and two-family dwellings. The parking plan shall be submitted to the County as part of the Development Plan Review process. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, illumination, boundary walls, fences and screening, as appropriate.
  - 2. Whenever a building or use constructed or established after the effective date of this Zoning Ordinance is changed in use or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
  - 3. Whenever a building or use existing prior to the effective date of this Ordinance is

# 7.2 Off-Street Parking and Loading



enlarged to the extent of thirty-five percent (35%) or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

C. REVIEW PRIOR TO ISSUANCE OF IMPROVEMENT LOCATION PERMIT. Any proposed new development or conversion for which an ILP is required as specified in [Chapter 12: Petitions, Permits, and Procedures](#) shall be reviewed for conformance to the requirements of this chapter.

D. DESIGN STANDARDS. All off-street parking facilities shall be in accordance with the following standards and specifications:

1. Design and Construction of Parking Areas. The following standards shall apply to the design of off-street parking areas as they

are required in this section for all new or converted multifamily, commercial, industrial or quasi-public uses:

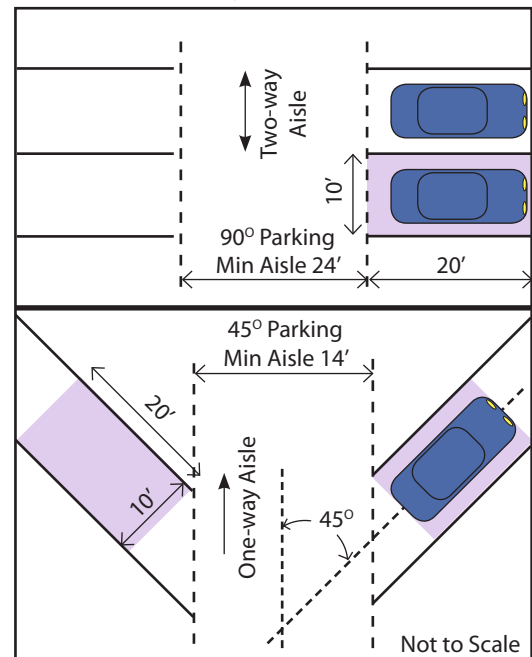
a. Minimum Size and Maneuvering Space. The minimum size of a parking space shall be as shown on [Table 7.1a: Parking Dimensions](#) and [Table 7.1b: Parking Illustration](#). In no instance shall the overhang of a vehicle be considered as part of the required parking space area. Minimum dimensions for semi tractor-trailer parking at truck stops shall be 12.5' x 65'. (Amended Ordinance 2009-19)

- 1) All parking spaces shall be provided with adequate maneuvering space into which vehicles can back for the purpose of exiting the parking space.
- 2) Proximity. The parking spaces for dwelling units shall be located on the lot.
- 3) Location. Off-street parking spaces may be located in front of a structure, but not within the required landscape buffer or utility and drainage easements, unless approved by the Plan Commission.
- 4) Setbacks. In no case shall a parking area be located closer than ten (10) feet from any right-of-way or adjacent property line.

2. Design and Construction of the Parking Lot Entrance Drive. Refer to [Section 7.3 Entrance/Drive Standards](#).

Angle of Parking	Minimum Parking Space Size		Minimum Aisle Width
	Width	Length	
Parallel	8 feet	22 feet	on-street
90 Degree	10 feet	20 feet	24 feet (two-way aisle)
60 Degree	10 feet	20 feet	18 feet (one-way aisle)
45 Degree	10 feet	20 feet	14 feet (one-way aisle)
Disabled	(refer to ADA guidelines)		

Table 7.1b: Parking Illustration



Top: Double-Loaded Parking (minimums)

Bottom: Diagonal Parking (minimums)





**Example BMP:**

A swale situated between two rows of parking with curb indentations to allow natural water filtration

such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads.

3. **Parking Layout.** In addition to the minimum requirements, a maximum of fifty (50) percent of the required parking shall be located between the front facade and the primary street. The balance of the parking shall be on the rear or side of the primary building. (Amended Ordinance 2009-19)
- E. **PAVING AND DRAINAGE.** All parking areas, regardless of size, shall be a hard, dust-free surface. Pavement type and thickness shall be reviewed by the County Engineer prior to Plan Commission approval, taking into consideration soil conditions and traffic loading. Porous pavement and pavers may also be used if approved by the Technical Advisory Committee or the Director. Pavers shall include durable materials, suitable for parking
  1. **Exceptions.** Loose paving materials, including gravel, may be used on lots of five (5) acres or more with primarily agricultural uses, as approved by the County Engineer.
- F. **STORMWATER MANAGEMENT.** Stormwater runoff created as a result of the improvements to the parking area shall be controlled in such a manner so as to eliminate draining onto neighboring properties. Improved parking areas shall be incorporated into the stormwater management plan for the proposed project. Innovative drainage techniques or stormwater best management practices (BMPs) are recommended. Site grading as well as stormwater control provisions shall be reviewed and approved by the County Engineer prior to site construction.
- G. **BARRIERS.** Wherever a parking space extends to a property line, sidewalk, walkway, landscaping, or fencing, the inclusion of wheel stops, concrete curbs, or other suitable barriers shall be required in order to prevent any part of a parked vehicle from extending beyond the property line, sidewalk, or walkway, and from destroying the screening materials. (Amended Ordinance 2009-19)
- H. **VISIBILITY.** Entrance drives for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street or alley.
- I. **MARKING.** All parking areas for more than five (5) vehicles shall be marked with paint lines or in some other manner approved by the County and shall be maintained in a clearly visible condition.
- J. **MAINTENANCE.** All off-street parking areas shall be continually maintained in satisfactory condition so as to be safe, attractive and free of any hazard, nuisance or other unsafe condition.
- K. **SIGNAGE.** Signs shall be in conformance with [Chapter 9: Sign Standards](#).



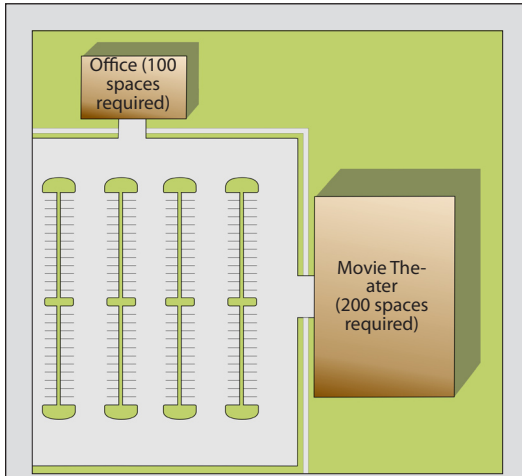
- L. LIGHTING. When lighting facilities are used, such lighting shall be in accordance with [Section 7.11 Outdoor Lighting](#).
- M. LANDSCAPING. Refer to [Section 7.5 Landscaping Standards](#) for landscaping requirements. Refer to [Subsection 7.5\(F\)\(3\)\(b\)](#) if the minimum number of parking spaces is exceeded.
- N. STACKING SPACES FOR DRIVE-THROUGH BUSINESSES
1. For the purposes of this Ordinance, one stacking space shall be construed as a minimum of nine (9) feet in width and nineteen (19) feet in length.
  2. Businesses utilizing drive-through windows or those that offer drive-through facilities shall provide a minimum of:
    - a. seven (7) stacking spaces per vehicular service window for restaurants and coffee houses;
    - b. five (5) stacking spaces per vehicular service window or automated teller machine for banks and other financial institutions;
    - c. seven (7) stacking spaces per service bay for car-washing establishments;
    - d. three (3) stacking spaces per fuel pump or air compressor for gas stations;
    - e. five (5) stacking spaces per vehicular service window for all other uses.
  3. Additional stacking space may be required based on the number of vehicles utilizing the drive-through at peak hour.
  4. Lane widths should be delineated with pavement markings. However, individual spaces within the lane need not be marked.
    - a. Exception: Automobile filling stations do not need to delineate lane widths or individual spaces with pavement markings.
  5. Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.
  6. Stacking spaces shall begin at the point of transaction including all service windows, service bays, and automated teller machines.
- O. TURNING RADII. Sufficient turning radii shall be provided in accordance with approved engineering standards so as to be adequate for all vehicle movement, including fire and safety vehicles, school buses or other oversize vehicles which may make use of the area.
- P. PARKING OF COMMERCIAL VEHICLES.
1. In commercial and industrial districts, commercial vehicles with or without signage which are over eight (8) feet in width and/or nineteen (19) feet in length shall not be stored in a parking area. Such vehicles shall be parked or stored in the required off-street loading space(s) or to the rear of the principal building when not in use or during non-business hours. Truck stops shall be exempt from this section. (Amended Ordinance 2009-19)

See Also:

[Subsection 7.14\(D\)](#) for Vehicle Display and Sales Standards

2. With the exception of properties utilized for agricultural use, truck parking (except the temporary parking for the delivery of goods and/or services) and the outdoor storage of trucks over 7,500 lbs. gross vehicle weight and or eight (8) feet in height, buses, and semi-tractor and/or trailers shall not be permitted in residential districts. No

vehicles shall be parked for the purposes of advertising along side interstates and highways in any zoning district.



**EXAMPLE 1:** In the calculation of shared parking there are two scenarios depending on which use was created first. (The numbers below are for illustration purposes only and do not reflect the number of spaces required by this Ordinance.)

**Movie Theater Exists First:**

- 200 spaces already exist for the Movie Theater
- 100 spaces are required for the Office
- 50% of the spaces required for the Office can be provided by the existing Movie Theater
- = 50 spaces (total) must be provided by the Office
- The lot now has a total of 250 parking spaces

**Office Exists First:**

- 100 spaces already exist for the Office
- 200 spaces are required for the Movie Theater
- 50% of the spaces required for the Movie Theater can be provided by the existing Office
- = 100 spaces (total) must be provided by the Movie Theater
- The lot now has a total of 200 parking spaces

**Q. PARKING OF NON-COMMERCIAL MOTOR VEHICLES.** The parking of recreational vehicles, travel-trailers, boats, vehicle carrier trailers (including automobiles, snowmobiles, motorcycles, etc.), equipment trailers, and other non-commercial motor vehicles associated with residential uses are subject to the following requirements:

1. At no time shall any parked or stored recreational vehicle be occupied or used for living, sleeping, or housekeeping purpose.
2. The Director may require a land owner to verify that the vehicle is licensed and operational.
3. In any District the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.
4. The outside storage of motor vehicles used for motorsports shall be prohibited.

**R. SPECIAL AREA DESIGNATION.** Development Plans for proposed projects shall identify the location of handicapped spaces, trash receptacles, cart corrals, fire lanes or other special areas as may be required by other local, state or federal laws.

**S. OFF-SITE AND SHARED PARKING**

1. **Off-Site Parking.** Off-site parking may be allowed on another lot that is within five hundred (500) feet of the lot occupied by the use(s) for which it is required. A formal agreement between property owners shall be provided prior to Development Plan approval. The agreement shall be recorded with the Plat.
2. **Shared Parking.** Shared parking may be allowed between two (2) or more lots that share property lines.
  - a. **Uses With Similar Business Hours.** The total of such off-street parking spaces supplied collectively for multiple uses with similar business hours, where all uses are located within a shopping center or a retail/office/business park subdivision, may be less than the sum of the requirements for the various uses computed separately. In no case shall



the sum of the requirements for the various uses be reduced by more than fifteen percent (15%) of the required parking for uses when computed separately as determined by the planning staff.

- b. **Uses With Dissimilar Business Hours.** Churches, civic clubs, auditoriums, lodge halls, banquet halls, movie theaters, and stadiums may make arrangements with existing business establishments which normally have different hours of operation for sharing up to fifty percent (50%) of their required parking spaces ([Example 1](#)), provided however, where there is a sharing of facilities by different owners or tenants, there shall be a written agreement approved by the Plan Commission. In addition, should any of the uses having a joint agreement after passage of this Ordinance be changed or facilities discontinued, then the required spaces for the use or uses remaining shall be provided elsewhere as a condition precedent to the continued use of the building or buildings. The approved agreement shall be recorded by the Hendricks County Recorder.

3. **Approval Requirements.** All off-site and shared parking space arrangements are subject to the approval of the Director. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Director.

T. **PARKING LOTS IN SPECIAL AREAS.** Refer to [Chapter 5: Infill Development Standards](#) and [Chapter 14: Overlay Districts](#) for additional parking standards.

U. **PARKING LOTS IN RESIDENTIAL DISTRICTS.** The Plan Commission may approve parking lots in the residential zoning districts subject to the following conditions:

1. The parking lot shall be accessory to and for the use in connection with one or more permitted or special exception permitted uses in and adjoining commercial and industrial districts.
2. The parking lot shall contain not less than five thousand (5,000) square feet, which shall abut at least fifty (50) feet, either directly or across an alley or street, on the district in which the use for which the parking is provided, permitted or conditionally permitted.
3. The parking lot shall be used solely for the parking of passenger vehicles and no commercial repair work or service of any kind shall be conducted on the parking lot.
4. No sign of any kind, other than those designating entrances, exits, conditions or use and penalties for improper use shall be maintained on the parking lot.
5. The parking lot located in a residential district shall not be illuminated after 9 p.m.
6. Entrances and exits shall be at least twenty (20) feet from any adjacent property located in a residential district.
7. Refer to [Section 7.5 Landscaping Standards](#) for landscaping and screening standards.

V. **BICYCLE PARKING.** All non-residential uses shall provide one designated bicycle parking area for every twenty-five (25) vehicle parking spaces required by this Ordinance, with a minimum provision for three (3) bicycle spaces. Each bicycle area shall provide adequate

facilities for securing the parked bicycles.

- W. LAND BANKING. If the location, nature or uniqueness of a particular use make modifications in the parking requirement appropriate, the Plan Commission may, upon application, permit up to thirty percent (30%) of the required parking area to remain unimproved or maintained as landscaped area. The Plan Commission may require, at any time deemed appropriate, that some or all of the land be improved with parking to meet increasing parking demands.
- X. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with [Subsection 2.2\(A\)\(17\)](#).
- Y. LOADING AND UNLOADING SPACES REQUIRED. Every building used for non-residential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient space on the premises for all loading and service purposes on the basis of the following minimum regulations:
  - 1. Number of Loading and Unloading Spaces Required
    - a. Loading space as required under this section shall be provided as area additional to off-street parking spaces required by other provisions of this chapter and shall not be considered as supplying off-street parking space.

Table 7.2: Number of Loading Spaces Required	
Building Area	Number of Loading Spaces Required
Less than 5,000 square feet	No spaces required
5,000 square feet but less than 20,000 square feet	One (1) space required
20,000 square feet or more	Two (2) spaces required plus one (1) additional space for each 20,000 square feet over the initial 20,000 square feet.

- 2. Loading and Unloading Space Design Standards
  - a. Dimensions. Every loading and unloading space shall not be less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet clearance.
  - b. Access. Access to truck loading and unloading spaces shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.
  - c. Surfacing. All open loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding one thousand (1,000) pounds per square inch (psi).



- d. Drainage. All loading spaces shall be provided with adequate drainage facilities as approved by the County Engineer during the Development Plan Review process.
  - e. Location. No loading shall occur in a yard abutting a residential use and/or zone unless approved by the Plan Commission.
  - f. Screening. Landscaping and screening shall be as indicated in [Section 7.5 Landscaping Standards](#). The Plan Commission shall have the power to determine the need for an additional amount of planting/landscaping, materials, walls, fences or any combination of these as deemed necessary.
  - g. Lighting. When lighting facilities are used, such lighting shall be in accordance with [Section 7.11 Outdoor Lighting](#).
- Z. MINIMUM NUMBER OF PARKING SPACES. [Table 7.3: Minimum Parking Space Requirements](#) shall be used to determine the minimum number of parking spaces required for the specified use.
- 1. [Maximum Spaces](#). The maximum number of permitted parking spaces is the minimum required number of spaces plus ten percent (10%).
    - a. For proposed parking lots of more than one hundred (100) parking spaces that exceed the maximum number of permitted spaces (see 7.2(Z)(1) above), the Plan Commission may increase the minimum amount of required interior landscaping by five percent (5%), and may require that the additional paved area be constructed with pervious pavement.
  - 2. [Requirements for Uses Not Specified](#). Where a use is not specifically mentioned in [Table 7.3: Minimum Parking Space Requirements](#), the requirements for a use which is so mentioned and to which said use is similar shall apply.
  - 3. [Right-of-Way](#). No parking, loading or servicing of vehicles shall be done on the right-of-way of any publicly dedicated thoroughfare.
  - 4. [Net Floor Area Measurement](#). For the purpose of determining parking space requirements in this section, the term "net floor area" means the area used for service to the public and excludes area used principally for non-public purposes such as storage, incidental repair, processing, show window, mechanical rooms, elevator shafts, stairwells, rest rooms and dressing rooms. Any derived number with a fractional value of more than fifty percent (50%) shall be rounded to the next highest whole number.



## 7.2 Off-Street Parking and Loading

### CHAPTER 7: DEVELOPMENT STANDARDS

Table 7.3: Minimum Parking Space Requirements

Type of Use	Minimum Required Parking
<b>Agricultural</b>	
Animal Breeding (commercially)	one (1) space per employee on largest shift
Farm Equipment Sales & Service	one (1) space per five hundred (500) square feet of enclosed sales area, plus one (1) space per two thousand five hundred (2,500) square feet of open sales area, plus one (1) space per employee on the largest shift
General Farming Uses	two (2) spaces per dwelling unit
Greenhouse or Plant Nursery	one (1) space per three hundred (300) square feet of interior sales, plus one (1) space per one thousand (1,000) square feet for outdoor sales, plus one (1) space per employee on the largest shift
Horse Stable (commercial)	one (1) space per four (4) stalls, plus one (1) space per employee on the largest shift
Truck Garden or Produce Stand	four (4) spaces per individual owner-occupied stand
<b>Residential</b>	
Accessory Apartments	one (1) space per dwelling unit
Amenity Area	one (1) space per three hundred (300) square feet of clubhouse or lodge space, plus one (1) space per two hundred fifty (250) square feet of non-competition pool
Assisted living/Senior Housing	eight-tenths (0.8) spaces for every patient/resident room/unit
Bed and Breakfast Establishment or Boarding House (owner must live on-premises)	one (1) space for each guest room, plus two (2) spaces for the owner
Facility for the Developmentally / Mentally Disabled	one (1) space for each employee on the largest shift, plus one (1) space per three (3) clients
Group Home	one (1) space per five (5) residents, plus one (1) space per employee on the largest shift
Manufactured Home Park	two (2) spaces per unit, plus one (1) visitor space for ever two (2) units
<b>Multi-Family</b>	
Studio or 1 Bedroom	one (1) space per unit, plus one (1) visitor space per three (3) units
2 Bedrooms	1.6 spaces per unit, plus one (1) visitor space per three (3) units
3 Bedrooms	1.8 spaces per unit, plus one (1) visitor space per three (3) units
4 Bedrooms	two (2) spaces per unit, plus one (1) visitor space per three (3) units
each bedroom after 4	add 0.5 spaces per additional bedroom
Nursing home or convalescent care facility	one (1) space for every four (4) beds, plus one (1) per employee on the largest shift
<b>Single-, two-family, and manufactured home</b>	
Up to 3 Bedrooms	two (2) spaces per unit
4 or more Bedrooms	three (3) spaces per unit

# 7.2 Off-Street Parking and Loading



Table 7.3: Minimum Parking Space Requirements

Type of Use	Minimum Required Parking
<b>Institutional</b>	
<b>Education</b>	
Elementary and Junior High/Middle School	two and one-half (2.5) spaces per classroom
High School	one (1) space for every five (5) students of design capacity, plus two (2) spaces for each classroom OR one (1) space for every four (4) seats in any auditorium or assembly hall, whichever is greater
Nursery School	one (1) space per employee on largest shift, plus one (1) space per five (5) attendees
University, College or Vocational School	one (1) space for every three (3) students of design capacity
<b>Other</b>	
Airport / Heliport (Local)	one (1) space per tie-down/hanger, plus one (1) space per employee on maximum shift, plus one (1) space per anticipated enplaning passenger
Bus or Train Station	one (1) space for every one hundred fifty (150) square feet of waiting area, plus one (1) space per three hundred (300) square feet of administrative/office area
Club or Lodge	one (1) space for every fifty (50) square feet of net floor area
Community Center	one (1) space for every three (3) people at maximum capacity
Funeral Home	one space for every seventy-five (75) square feet of parlor or chapel space; or one (1) space per five (5) seats, whichever is greater. This number shall be exclusive of spaces dedicated to hearses, company vehicles or ambulances
Government and Municipal Building	one (1) space for each three hundred (300) square feet of net floor area
Hospital	one (1) space for each two (2) patient beds (excluding bassinets), plus one (1) space for each person on largest shift
Places of Worship	one (1) space per four (4) fixed seats or eighteen (18) linear feet of bench; if no fixed seating, one (1) space per twenty-eight (28) square feet of main auditorium space
Police/Fire Station	one (1) space for every three hundred (300) square feet of net floor area, plus one (1) space for each vehicle used for fire or police protection
Post Office	one (1) space for each employee, plus one (1) space for every two hundred (200) square feet of usable floor area
Public Library, Art Gallery, or Museum	one (1) space for every five hundred (500) square feet of net floor area
Radio/television studios	one (1) space for ever three hundred (300) square feet of net floor area
Recycling Center (public)	one (1) space per two thousand five hundred (2,500) square feet of processing / storage space
Recycling Center (sorting/distribution)	one (1) space per five thousand (5,000) square feet of processing / storage space, plus one (1) space per three hundred (300) square feet of administrative/office area
Sanitary Fill	one (1) space per two (2) employees
Utility Service Facility/Office	one (1) space per three hundred (300) square feet of administrative/office area, plus one (1) space per company vehicle
Veterinarian Clinic/Animal Hospital (temporary boarding only, for ill or injured animals)	one (1) space for each examination room plus two (2) space for each fifty (50) square feet of reception area





## 7.2 Off-Street Parking and Loading

CHAPTER 7: DEVELOPMENT STANDARDS

Table 7.3: Minimum Parking Space Requirements

Type of Use	Minimum Required Parking
<b>Parks &amp; Recreation</b>	
Active Recreation Area (athletic fields, tennis courts, basketball, soccer, baseball, softball, football, playgrounds, etc.)	one (1) space per acre, plus twenty (20) spaces per field, plus five (5) spaces per court
Amphitheater	one (1) space per three (3) seats, plus one (1) space per twenty-five (25) square feet of open seating area, plus one (1) space per employee on the largest shift
Driving Range	one and one-half (1.5) spaces per tee
Golf Course	two (2) spaces for each hole plus one (1) space for each one hundred (100) square feet of net floor area of the clubhouse
Passive/Low Intensity Recreation (unimproved backpacking trails, unimproved hiking trails, picnic areas, primitive camping areas, canoeing and rafting areas, etc.)	two (2) spaces per mile of trail; or one (1) space per three (3) acres
Swimming Pool (excluding private pools on residential lots)	one space for each one hundred (100) square feet of pool and pool deck area
<b>Commercial</b>	
<b>Adult</b>	
Sexually Oriented Business (unlicensed massage parlors, adult book stores, adult entertainment services, etc.)	one (1) space for every three (3) seats; OR one (1) space per two hundred (200) square feet of net floor area, whichever is greater
<b>Motor Vehicle Services</b>	
Motor Vehicle Filling Station	one (1) space for each pump
with service bays	add one (1) space for each bay or work area
with convenience store	one (1) space for each three hundred (300) square feet of enclosed net floor area
Motor Vehicle Sales (automobile, recreational vehicles, motorcycle, truck, trailer, etc.) Customer & Employee Parking	one (1) space for each five hundred (500) square feet of net floor area of sales, shop or garage, plus one (1) space per two thousand five hundred (2,500) square feet of open sales area
Motor Vehicle Service and Repair	three (3) spaces for each bay or work area
<b>Entertainment</b>	
Auditoriums and places of assembly with or without fixed seats	one (1) space per one hundred fifty (150) square feet of seating/display area
Drive-In Movie Theater	one (1) space per vehicle at maximum capacity plus three (3) spaces for employees
Indoor Recreation (billiards, video arcades, ice/roller skating rink)	one (1) space for ever four (4) seats; or one (1) space for every four (4) people at maximum capacity
Miniature Golf	one (1) space for every hole
Movie Theater	one (1) space for every four (4) seats, plus one (1) space for each employee
Recreation, Commercial (water parks, sports arenas, batting cages, race tracks, amusement parks, motor vehicle or animal racing facilities, etc.)	one (1) space for each three (3) seats; or one (1) space for each participant at maximum utilization, whichever is greater

# 7.2 Off-Street Parking and Loading



Table 7.3: Minimum Parking Space Requirements

Type of Use	Minimum Required Parking
<b>Service Businesses</b>	
Animal Boarding Facility (includes kennel)	one (1) space for every four hundred (400) square feet of net floor area, excluding animal exercise areas
Business, Commercial Service	one space for each three hundred (300) square feet of net floor area
Contractors Service	one (1) space for each five hundred (500) square feet of net floor area
Dance/Aerobics/Gymnastics/Martial Arts Studios	one (1) space for every two hundred fifty (250) square feet of floor area, plus adequate area for safe and convenient loading and unloading of students
Day Care Center (child/adult)	one (1) space for every four (4) attendees; minimum six (6) spaces
Health Service (health club, fitness facility, health spa, etc.) *	one (1) space for every three hundred (300) square feet of net floor area
Hotel/Motel	one (1) space for each sleeping room plus one (1) space for each four hundred (400) square feet of public meeting area and/or restaurant space
Personal Service (barber shops, beauty parlors, nail salon, etc.)	two and one half (2.5) spaces per customer services chair
Self Service Storage Facility	one (1) space for each twenty (20) rental storage units; no less than three (3) spaces
Shoe Repair	one (1) space for every four hundred (400) square feet of net floor area
<b>Professional/Office</b>	
Clinics	one (1) space for every four hundred (400) square feet of net floor area
Financial Institutions	one (1) space for every three hundred (300) square feet net floor area, plus stacking space for five (5) vehicles at each vehicular service window
Bank Machine / ATM Walk-Up Facility	two (2) spaces per ATM
Professional Office (general, law, insurance, travel, design, etc.)	one (1) space for each three hundred (300) square feet of net floor area
<b>Restaurant/Food Preparation</b>	
Bakery, Retail	one (1) space for every five hundred (500) square feet of floor area; minimum five (5) spaces
Coffee Shop	one (1) space per two (2) seats; minimum six (6) spaces
Restaurant	one (1) space per three (3) seats, plus one (1) space for each employee on largest shift
with vehicular service window	one (1) space per two (2) seats, plus seven (7) stacking spaces per drive-through lane, where applicable
if no indoor seating	minimum ten (10) spaces
Bar / Tavern	one (1) space for every three (3) seats; OR one space for each one hundred (100) square feet of net floor area, whichever is greater



# 7.2 Off-Street Parking and Loading

Table 7.3: Minimum Parking Space Requirements

Type of Use	Minimum Required Parking
<b>Retail Businesses</b>	
Business, Retail	one space for each three hundred (300) square feet of net floor area; minimum six (6) spaces
Supermarket / Convenience Store	up to 5,000 square feet: one (1) space for every two hundred fifty (250) square feet of net floor area greater than 50,000 square feet: one (1) space for every three hundred (300) square feet of net floor area
Hardware Store / Appliance Sales	one (1) space for every four hundred (400) square feet of net floor area
Apparel / Shoe Store	one (1) space for every three hundred (300) square feet of net floor area
Furniture Store	one and one half (1.5) spaces for every one thousand (1000) square feet of net floor area
Business, Wholesale	one (1) space for each five hundred (500) square feet of net floor area
<b>Shopping Center / Big Box</b>	
≤ 100,000 square feet gross leasable area	one (1) space per three hundred (300) square feet for the first ten thousand (10,000) square feet and one (1) space per each four hundred (400) square feet thereafter
between 100,001-500,000 sq ft gross leasable area	one (1) space per three hundred fifty (350) square feet for the first ten thousand (10,000) square feet and one (1) space per each four hundred (400) square feet thereafter
> 500,000 sq ft gross leasable area	one (1) space four hundred (400) square feet
<b>Industrial</b>	
Grain Elevator	one (1) space for each one thousand (1,000) square feet of net floor area
Manufacturing	one (1) space per employee on largest shift, plus one (1) visitor space per ten (10) employees
Research and Testing	
Salvage Yard	
Solid Waste Transfer Station	
Stockyard and Slaughterhouse	
Warehousing, Distribution, or Flex Tenant	

## 7.3 ENTRANCE/DRIVE STANDARDS

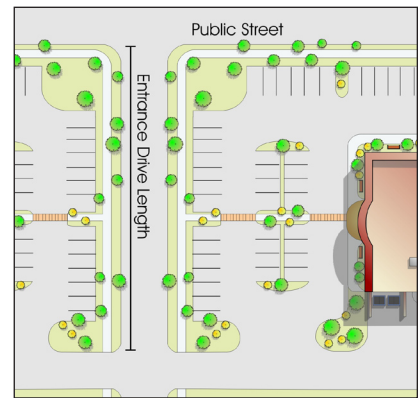
A. INTENT. The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrance drives, driveways, and interior drives.

B. GENERAL ENTRANCE/DRIVE STANDARDS APPLICABLE TO ALL ZONING DISTRICTS.

1. General Requirements. All driveways and interior drives shall conform to the following design requirements:

a. Entrance Drives and Driveway Widths. Entrance drives shall conform to the following minimum pavement widths up to and at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses. The distance shall not include any acceleration or deceleration lanes or turning radii. The width shall be:

- 1) Fourteen (14) feet per lane (exclusive of any medians) if from a non-residential or multifamily residential use onto any type of street, and
- 2) Twenty-four (24) feet total if from a residential major subdivision onto any type of street.
- 3) Twelve (12) feet for an individual residential driveway onto a local street and fourteen (14) feet for one and two-family residential driveways onto arterial or collector streets.



Entrance Drive Measurement Example

b. Design and Construction of the Parking Lot Entrance Drive. For every new or converted multi-family, commercial, industrial and quasi-public use, the following standards shall apply:

- 1) Length of entrance drive to be kept free of parking maneuvers (backing up, three-point turns, initial parking) shall meet the requirements of Entrance Drive length:

Parking Spaces	Distance in Feet
1-39	20
40-99	40
100-299	60
300 or more	60 plus 20 additional feet for each 500 additional parking spaces

- 2) Each ingress or egress aisle/driveway shall have a minimum width as identified in [Table 7.1a: Parking Dimensions](#), dependent on the angle of parking. Each aisle/driveway shall be so designed so as to provide for adequate turning and maneuvering.
  - 3) Each ingress or egress aisle/driveway shall be improved with hard, dust free surface materials (excluding gravel) from the street apron to the entrance of the parking area.
  - 4) There shall be no more than two (2) access ways providing for ingress or egress on any one street unless for good cause shown and approved by the County Engineer.
  - 5) Ingress and egress driveways shall not be used to meet the requirements of [Table 7.3: Minimum Parking Space Requirements](#) as stated in this section and thereby block the reasonable flow of vehicles to parking spaces. Parking arrangements within ingress and egress driveway areas shall be approved by the Plan Commission.
- c. Travel Direction. The direction of travel for vehicles using entrances shall be as follows:
- 1) All entrances providing access to a public right-of-way from all lots used for nonresidential or multifamily development shall be designed so that vehicles are traveling in a forward direction when entering and leaving.
  - 2) In no case may any entrance for any use, except residential uses, be designed to require a vehicle to back onto any arterial or collector street.
- d. Shared Entrances and Drives. Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multifamily residential or non-residential uses accessing a Major Collector or Arterial street.
- 1) Access Easements. All shared entrances and drives shall be constructed only in appropriate access easements. Easements must be recorded before usage commences.
  - 2) Required Documentation. A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement, which can be amended and assigned shall be reviewed and approved by the County Engineer and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the consent of the Planning and Building Director. A copy of the agreement shall be retained for the files of the Plan Commission. The agreement shall be recorded prior to the issuance of the occupancy permit.
- e. Internal Drives. Internal drives may be public or private streets that are part of the hierarchy of travelways in multifamily and commercial subdivisions, providing access to and connecting the main entrance drive, parking lots and outlots. Commercial Area Internal Linkages. All uses located in a commercial zoning district shall provide interior drives that allow access between existing and

proposed commercial uses on adjacent properties.

- 1) The internal road minimum width shall be 20 feet for multifamily and non-residential uses and districts.
  - 2) The interior drives may be required to be curbed, provide pedestrian access and landscaping.
  - 3) Cross-Access Required. The drives must be designed as a single two-way drive or a pair of one-way drives that provide access between the parking lots and interior drives of all adjoining commercial uses.
  - 4) Separation. Interior drives providing cross-access between adjacent parcels shall be separated from the right-of-way of any such street by a minimum distance specified by the County Engineer (based on the vehicle stacking requirements of the entrance(s) to the property from the public street).
- f. Curbs. All entrances and interior drives for property used for purposes other than agriculture, single-family residential, or two-family residential shall generally be completely curbed. Curbing shall not be required if, in the opinion of the County Surveyor / County Engineer, the drainage system for the property shall be best served if curbs were not present.
- g. Driveway Separations. Driveway locations shall conform to the following minimum requirements for separation:

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TABLE 6-6 MINIMUM DISTANCE FROM DRIVES TO NEAREST INTERSECTION Note: Distance is measured from centerline to centerline		
Street Type	Residential Driveway	Non-residential Driveway
Arterial	300’*	600’
Collector	200’*	200’
Local	100’	100’
Subdivision	75’, with maximum of one per lot	N/A

\* It is the intent of this ordinance to avoid residential driveways directly on arterial streets (see Section 2.11(2)(b), Access Limited of the Subdivision Control Ordinance). When such driveways are necessary, it is preferable to have a minimum number of access points. Therefore, in some cases, it may be preferable to located two driveways immediately adjacent, rather than to use the recommended separation.

C. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with Subsection 2.2(A)(17). (Amended Ordinance 2009-19)

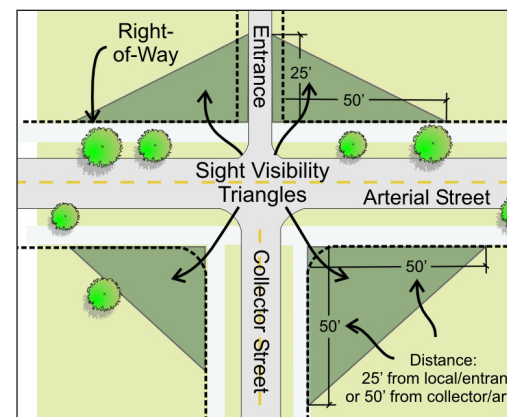


Illustration of a Site Visibility Triangle.

## 7.4 SIGHT VISIBILITY

### A. SIGHT VISIBILITY TRIANGLE

1. All properties, with the exception of those located in the Town Center Overlay districts,

shall maintain an area (the “sight visibility triangle”) at every intersection of an adjoining street with other streets and entrance drives. The sight visibility triangle shall be free of structures, vegetation (including crops), signs (other than street signs), fences, and other opaque or partially opaque objects between a height of two (2) and eight (8) feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).

2. The Sight Visibility Triangle shall be determined by a diagonal line connecting two points measured twenty-five (25) feet from the intersection of residential or local street / entrance drive lines, and fifty (50) feet from the intersection of arterial or collector street lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. These standards shall not apply to official warning signs or signals necessary to the public safety.
- B. MEDIAN AND INTERSECTION VISIBILITY. No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any median area within one hundred (100) feet of an intersection. No walls, rocks, or boulders larger than two (2) feet in any dimension shall be placed in the median.
  - C. STOP SIGN VISIBILITY. No trees shall be planted in any portion of a public street right-of-way within one hundred fifty (150) feet of a stop sign. Required street tree plantings shall be planted outside of the right-of-way.

## 7.5 LANDSCAPING STANDARDS

- A. PURPOSE. The purpose of this section is to provide minimum standards for landscaping that visually enhances development, defines circulation routes, reduces heat and glare in parking areas, and provides screening between incompatible land uses.
- B. APPLICABILITY. This section shall apply to new property development and any expansion of existing legally conforming sites or structures that exceeds thirty-five percent (35%) in conformance with [Section 1.4 Applicability and Compliance](#).
- C. GENERAL REQUIREMENT FOR SUBMISSION. Any property to which this section applies shall submit a landscape plan as part of the Development Plan or Plat review process. Landscape plans shall be prepared and sealed by a professional landscape architect registered in the State of Indiana, unless waived by the Director. The landscape plan shall contain the following information:
  1. Plans shall be prepared on 24"x36" sheets at a scale no less than 1"=50' to indicate all types of proposed landscaping improvements and shall include the following minimum information:
    - a. North arrow and scale.
    - b. The name of applicant/owner.



- c. The name, address and phone number of the person or firm responsible for the preparation of the plan.
  - d. The dates the plans are submitted and/or revised.
  - e. All existing and proposed buildings and other structures, paved areas, planted areas, underground utilities, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
  - f. All existing plant material to be removed or retained and all new landscaping materials to be installed.
  - g. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
  - h. All property lines and easements.
  - i. Any other information which is deemed appropriate by the Director.
2. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the buffer yard or landscaped area.

#### D. APPROVAL

1. No site or Development Plan required under this Zoning Ordinance shall receive secondary approval unless a buffer yard and landscape plan has been submitted and approved.
2. No final approval of the Improvement Location Permit shall be granted unless the following criteria are fully satisfied with regard to the approved buffer yard and landscape plan:
  - a. Such plan has been fully implemented on the site; or
  - b. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement in accordance with [Subsection 7.5\(E\)\(9\)](#).

#### E. GENERAL LANDSCAPING STANDARDS. Buffer yard and landscape materials shall consist of the following items as indicated below. The proposed landscape materials should complement the form of the existing vegetation, as well as the development's general design and architecture. The cultural conditions (shade, sun, moisture, and location of planted material) should be considered in selecting plant materials.

1. Maintenance of Landscaping and Buffer yards. All landscape materials shall be installed and maintained according to accepted nursery industry procedures.
  - a. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and buffer yards, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.
  - b. All unhealthy or dead plant material shall be replaced within one (1) year, or by



the next planting period, whichever comes first.

- c. Violation of these installation and maintenance provisions shall be grounds for the Planning and Building Department to: fine the owner of the property in violation of the conditions of the Improvement Location Permit; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this section.
  - d. Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this chapter may not be topped or otherwise treated so as to reduce overall height. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety or to preserve the relative health of the material involved.
2. Buffer yard and Landscaping Establishment. Once the landscape plan has been approved by the Plan Commission or its designee and established by the owner, it may not be used, disturbed or altered in anyway that would decrease its effectiveness for any purpose.
  3. Earthen Mounds. Earth mounds shall be physical barriers that block or screen the view, similar to a hedge, fence or wall. Mounds shall be constructed using approved fill and with a maximum slope of 3:1 (run:rise) and planted with proper and adequate plant materials to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirement.
  4. Plant Material. Artificial plants are prohibited. All plant materials shall be living plants and shall meet the following requirements. Plant materials used in conformance with the provisions of this chapter shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
  5. Ground Cover. Any part or portion of a nonfarm parcel that is not used for structures, loading or parking spaces, sidewalks, etc., shall be landscaped or left in a natural state that complies with the applicable ordinances of Hendricks County. If landscaped, it shall be planted with an all-season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance and in keeping with the natural surroundings.
  6. Preservation of Existing Vegetation. Any existing vegetation that is retained, and that meets the species and location requirements of this section, may be counted towards fulfilling the minimum landscaping requirements, subject to the approval of the Planning and Building Director. No construction activity of any kind shall take place within the area defined by the drip-line of any vegetation that is to be retained and counted as fulfilling these requirements.
    - a. Protected Trees. Consistent with the expressed purposes of this subsection, all persons shall make reasonable efforts to preserve and retain any existing, healthy, self-supporting trees, referred to as "protected trees." The minimum size of trees to be protected: deciduous trees - six (6) inch caliper; evergreen trees - eight (8) inch caliper; and ornamental trees - two (2) inch caliper. No person shall take out,

destroy, cause to be destroyed, move or remove any protected tree in preparation for development activity without first obtaining an Improvement Location Permit from the Planning and Building Department.

- b. To further encourage the preservation of existing trees, each protected tree that is preserved and is greater than eight (8) inches in caliper may be counted toward the required landscape materials at a rate of two (2) required shade or evergreen trees or four (4) required ornamental trees. Preserved trees may not count toward the caliper inches required for mitigation of any trees removed.
  - c. Exemptions. The requirements of this subsection shall be followed except:
    - 1) During a period of emergency, such as a tornado, ice storm, flood or any other such extreme act of nature;
    - 2) If the failure to remove a tree would constitute an imminent danger to the environment, property, public health, safety, or welfare due to the hazardous or dangerous condition of such tree;
    - 3) For necessary tree removal by a public agency or utility company within platted or dedicated utility easements;
    - 4) In an area upon which a permanent structure is located or will be located within a lot building area for all zoning districts;
    - 5) With respect to trees on developed single-family lots;
    - 6) With respect to trees of less than twelve (12) caliper inches on all lots less than 20,000 sq. ft.;
    - 7) With respect to dead, substantially injured, diseased or damaged trees;
    - 8) Government agencies, tree farms, nurseries and agricultural uses shall be exempt from this subsection provided tree removal is consistent with normal and regular business activity.
  - d. Requirements for Development Plans. All applications for an Improvement Location Permit or Development Plan Review that will require removal of protected trees shall include a protected tree plan or indicate on the demolition, grading and landscape plans the following:
    - 1) A scale map or a plot plan showing the proposed development and noting the location of all protected trees. Tree stands may be outlined giving species and category of trees.
    - 2) Notations regarding which protected trees are to be removed, replaced, or are requested to be counted toward landscaping requirements.
    - 3) Methods of protection.
7. Measurement Standards. All new trees required to be planted by this Ordinance shall be measured as follows:
- a. All broadleaf / deciduous trees shall be two and one-half (2½) inches in diameter at the time of planting, measured at six (6) inches above the rootball.
  - b. All evergreen conifers shall be four (4) feet in height at the time of planting,

measured from the top of the rootball.

- c. All shrubs shall be twenty-four (24) inches in height at the time of planting, measured from ground level.
9. Assurance of Installation / Completion. Plant material used for buffer yards, medians, entrances, ponds, or street or subdivision perimeter landscaping shall be designated as "Common Area" or as a landscape easement on the landscape plan(s), and shall be installed prior to the recording of the plat of the subdivision. A final Certificate of Occupancy shall not be issued until all landscaping shown on the landscape plan has been installed. A temporary Certificate of Occupancy may be issued for the property for a period of up to six (6) months as weather conditions permit landscape installation, provided that the developer shall submit a financial guarantee in the amount of one hundred twenty-five percent (125%) of the installed cost of landscaping when planting has to be delayed.
10. Bonding. The applicant shall also have the option of posting a bond equal to one hundred fifty percent (150%) of the material and installation costs identified on the plan if the installation of buffer yard and landscaping materials are to be completed at the end of a project. This bond will permit the County to contract the installation of the approved landscape plan, with the applicant's landscape contractor, at the required "prevailing wage rate" should the applicant fail to install the landscape plan within one (1) complete growing season. The "Prevailing wage rate" is the rate at which the County must pay a contractor to provide services for the County. If the applicant desires bonding, the applicant shall revise the cost annually to account for increases in costs of labor and materials.
11. Utility Easement Conflicts. Required plant material shall be located in areas exclusive of drainage and utility easements and overhead utilities. Plant material shall not be placed in the road/street right-of-way without permission from the County Engineer.

#### F. PARKING AREA LANDSCAPING

1. Perimeter Landscaping for Off-Street Parking Areas. All parking lots, including parking spaces (excluding interior drives and loading/unloading areas), shall be separated from all public or private street rights-of-way by a landscape screen that is a minimum of twenty (20) feet in width. Parking areas adjacent to other developed parcels shall require a planting area that is a minimum ten (10) feet in width. Trees shall be provided for interior drives per Street Tree Planting Requirements Subsection 7.5(H). Screening may consist of any of the following options or a combination:
  - a. Planting. A minimum of one (1) tree shall be provided for every thirty (30) linear feet of landscaped area. The trees may be a combination of deciduous and evergreen. The tree requirement may be reduced or eliminated if street trees are provided per Subsection 7.5(H) and are within thirty (30) feet of the edge of the parking area. In addition, a minimum of one (1) shrub shall be provided at a minimum of every three (3) feet in order to form a continuous screen a minimum of thirty-six (36) inches high within two (2) years of planting. The spacing may be wider than three feet depending on shrub selection and with approval by the Director. A minimum of fifty percent (50%) of the required shrubs shall be evergreen; or
  - b. Landscape Berm. A landscaped berm that is a minimum of three (3) feet in

height shall be provided along the length of the landscaped area. Trees shall be provided and shrubs where the berm tapers to less than thirty-six (36) inches to maintain a continuous screening height of thirty-six (36) inches.

2. Perimeter Landscaping for Off-Street Parking Lots adjacent to Residential Uses or Zoning Districts. Parking lots shall be screened adjacent to the residential use or zoning district to a minimum height of four (4) feet in accordance with the appropriate buffer yard as determined by [Table 7.6: Applicable Buffer Yard Types](#) and [Table 7.7: Buffer Yard Types Description](#).
3. Interior Landscaping for Off-Street Parking Areas. Parking areas (including loading, unloading and storage areas) containing more than twenty-five (25) vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be contained in peninsulas or islands.
  - a. Landscaping area. Five percent (5%) of vehicular use area shall be landscaped. However:
    - 1) Minimum area. The minimum landscape area permitted shall be one hundred eighty (180) square feet with trees planted a minimum of four (4) feet from the curb or the edge of the pavement;
    - 2) Distribution. The required landscape areas are to be adequately dispersed throughout the off-street parking areas; and
    - 3) Ground Cover. Shrubs, ground cover, and other live plant material shall be used to fill the rest of the interior landscaped area.
  - b. Maximum Spaces. The maximum number of permitted parking spaces is the minimum required number of spaces plus ten percent (10%).
    - 1) For proposed parking lots of more than one hundred (100) parking spaces that exceed the maximum number of permitted spaces (see 7.2(Z)(1) above), the Plan Commission may increase the minimum amount of required interior landscaping by five percent (5%), and may require that the additional paved area be constructed with pervious pavement.
  - c. A minimum of one (1) broadleaf / deciduous tree providing shade at maturity shall be provided for every one hundred eighty (180) square feet of landscaped area. To obtain minimum desired coverage, the maximum spacing between required canopy trees shall be one hundred (100) feet.
    - 1) As trees mature, trees shall have a clear trunk to at least five (5) feet above the ground, and the remaining plant material shall be maintained not to exceed three and one-half (3½) feet in height.
  - d. Vehicle overhang. Parked vehicles may hang over the interior landscaped area no more than two (2) feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

G. RESIDENTIAL LANDSCAPING. Landscaping as stated below shall be required for all single- and multifamily subdivision development, and developments under the horizontal property regime prior to the issuance of a Certificate of Occupancy. Extensions of up to

one hundred twenty (120) days may be granted to take advantage of optimal planting conditions.

1. Major Subdivision Perimeter Landscaping. Landscaping plant material shall be provided on the perimeter of major subdivision development when adjacent to a public right-of-way as follows:
  - a. A twenty (20) foot wide landscape area adjacent to the road or right-of-way shall be provided. The landscaping shall be designated as “common area” or placed in a landscape easement. All attempts should be made to avoid conflicts with drainage and utility easements that would prevent the installation of landscape materials in accordance with the Ordinance.
  - b. Trees shall be provided at a minimum rate of five (5) trees per one hundred (100) linear feet of perimeter planting. Trees shall be staggered throughout the planting area and no two (2) trees shall be closer than twenty (20) feet. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees. Up to twenty-five percent (25%) of the trees may be of the ornamental type for color and accent.
  - c. Shrubs shall be provided at a minimum rate of ten (10) per one hundred (100) linear feet of perimeter planting. Medium to large shrubs are encouraged in the twenty (20) foot wide landscape area.
  - d. Calculation. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial one hundred (100) feet.
  - e. Planting Pattern. It is suggested that the required trees and shrubs be at least fifty percent (50%) evergreen, planted in clusters or irregular patterns, and shall be combined with perimeter fences, walls, or mounds as detailed below.
2. Subdivision Perimeter Fences / Walls / Mounds. One of the following landscaping options shall be required in addition to the plant material specified above in Subsection 7.5(G).
  - a. Decorative perimeter fences/walls shall be combined with plant material and shall be constructed of masonry, stone, wood, or decorative metal. Fences/walls constructed of synthetic materials that simulate natural materials will also be considered. Fences/walls shall be at least thirty-six (36) inches in height, but not over seventy-two (72) inches in height. Transparent (open) or opaque fences/walls may be used. Fencing/walls may only be provided by the developer and only located in the area designated as “common area” or “landscape easement.” Landscaping may be placed on the right-of-way side of the fence/wall, outside of the public right-of-way.
  - b. Mounds. Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as “Common Area” or “landscape easement.” Mounds shall be a minimum of three (3) feet in height. Maximum side slope shall not exceed a three to one (3:1) ratio. Continuous mounds (levee look) are not permitted.



3. Common Area. Where a Common Area is designated on the plat or Development Plan of a residential project, a Property or Homeowner's Association shall be formed and shall be required to provide necessary maintenance to said common areas as per Subsection 7.18(C)(8).
4. Individual Lot Landscaping. The minimum landscape package for front and side yards shall be consistent with Table 7.5: Individual Residential Lot Landscaping and the following:
  - a. The minimum number of shrubs required is a total for the side and front yard combined, not for each yard individually.

Zoning District	Number of Trees	Minimum Number of Shrubs	Front Yard Sod
RA	3	12	no
RB	3	12	no
RC	2	10	yes
RD	2	10	yes

- b. Lots that have existing trees in the front yard that meet the required minimum shall not be required to plant additional trees. In order for the existing trees to qualify as an existing tree it must be a minimum size of two (2) inch caliper measured six (6) inches above the existing ground elevation at the base of the tree and be part of the finish landscape package upon completion of the residence and the final lot grading.
- c. In addition to the above requirements, landscape packages for corner lots shall include a street sideyard (which shall be defined as the yard fronting the street on the side of the house that does not face the street) plan of one (1) evergreen tree and twelve (12) shrubs.
- d. All trees shall be planted such that upon maturation the branches and limbs shall not interfere with the adjacent property use. Any tree becoming such a nuisance shall be trimmed or cut back to eliminate the nuisance by the property owner.
- e. Plant material shall be placed out of the Sight Visibility Triangle at intersections as per Section 7.4 Sight Visibility. There should be a clear visibility zone between thirty-six (36) inches and nine (9) feet maintained by the property owner.
- f. Trees shall not be planted in the right-of-way.

H. **STREET TREE PLANTING REQUIREMENTS.** The following are street tree planting requirements for all districts:

1. Requirements. Trees along public streets shall be planted in such a manner, type, quality and location as approved by the Plan Commission and the same requirement shall apply to all streets with or without undeveloped frontage.
  - a. One (1) street tree shall be placed every forty (40) to sixty (60) feet outside of the right-of-way per the County Engineer, but within five (5) feet of the edge of the right of way in order to contribute to the streetscape.

- b. The tree location is to be at least twenty (20) feet from fire hydrants or utility poles.
  - c. A suitable tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires which will not affect the transmission or service of overhead utility services, subsurface drains, driveways, sidewalks, and underground utilities. Refer to [Table 7.10: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities](#) for suitable trees.
  - d. The developers shall be required to maintain the trees for one (1) year after the trees are planted and shall replace any tree which dies within such one (1)-year guarantee period. Upon completion of a street planting, the landscape contractor shall contact the Director or his/her designee for a preliminary inspection. The guarantee period shall begin after the approval by the Planning Director. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the County's inspection, shall be promptly replaced at the expense of the developer.
  - e. Replacement Trees. A person who removes, damages or causes to be removed a public tree from tree lawn or other public place shall be required to replace the tree at his or her own expense. The replacement tree shall be a species from [Table 7.9: Trees for Planting on Streets, Highways, and Parking Lots](#) or [Table 7.10: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities](#).
- I. RETENTION POND LANDSCAPING. Shrubs and emergent vegetation are encouraged to be planted on pond perimeters. These plants may be exempt from minimum required plant sizes set forth in [Subsection 7.5\(E\)](#). The use of this plant material is more desirable than non-native manicured turf in order to provide color, filter runoff, limit waterfowl, and improve water quality.
- 1. Choose plant material that is native to Indiana.
  - 2. Pond edge seed mixes are available from local suppliers. Pond edge landscaping may also be established from seed.
  - 3. Maintenance shall be consistent as it may take up to three (3) years to mature.
  - 4. Plant denser ground covers around outfall and drainage outlets to control erosion and stabilize the ground.
- J. WASTE CONTAINERS/ RECYCLING CONTAINERS / SERVICE STRUCTURES SCREENING REQUIREMENTS. With the exception of single-family residential districts, no owner, tenant or occupant of any lot in any district may store, place, or keep, or permit to be stored, placed or kept on that lot, any combination of dumpsters, compactors, grease dumpsters or any other waste or garbage containers (hereinafter referred to as "containers"), that exceed a total of one hundred twenty (120) gallons in capacity, outside an enclosed building, except for collection purposes as is otherwise permitted in this Ordinance, unless the following conditions are met.
- 1. The containers shall be located on a concrete pad that is enclosed by a three-sided structure constructed of masonry construction or wood sufficient to provide complete visual screening of the containers to a height of twelve (12) inches above the top of the containers. The unit shall be constructed with materials similar to the principal structure.



The structures shall not be located closer than twenty (20) feet from any dwelling on an adjacent residential lot. The structure shall not project into or be located on a front or side yard. It may be located in a rear yard but shall be not less than five (5) feet from any rear or side lot lines. On corner lots the enclosure can sit no closer to the street than the building itself.

2. Any service structure that can be seen from the first floor of a residence or from any street shall be screened. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures. "Service Structures" shall include, but not be limited to: loading docks, propane tanks, dumpsters, electrical transformers, utility vaults which extend above ground, ground-mounted utility equipment and any electrical or other equipment or elements providing service to a building or a site.
  - a. Location of screening. There shall be a continuous planting, hedge, fence or wall of earth, having one hundred percent (100%) opacity, which would enclose any service structure on all sides, unless such structures must be frequently moved or accessed, in which case screening on all but one side is required. The average height of the screening material shall be six (6) feet or one (1) foot greater than the height of the enclosed structure, whichever is greater, but shall not, in any case, be required to exceed ten (10) feet in height.
    - 1) Whenever a service structure is located next to a building wall, perimeter landscaping material, or off-street parking area landscaping material, such walls or screening material may fulfill the screening requirement set out in [Subsection 7.5\(F\)](#). Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. Whenever a service structure is screened by a wall or fence, such wall or fence shall be constructed of the same materials as the building which it services.
  - b. Curbs to protect screening material. Whenever screening material is placed around any dumpster or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
3. If the opening of the unit is in sight of the public right-of-way, it shall be covered by a door constructed of a solid material which shall remain closed when not in use, and it shall be maintained in good condition.

**K. MECHANICAL EQUIPMENT BUFFERING STANDARDS.** Mechanical equipment materials and buffering standards applicable to the multifamily residential and non-residential zoning districts:

1. Ground Level. All outdoor storage areas for completed products manufactured on-site, production materials, building-mounted utilities, outdoor refrigeration units and mechanical equipment located on the ground shall be screened consistent with the following requirements. In no instance shall this be interpreted as applying to



merchandise for sale that is temporarily or seasonally placed outdoors.

- a. Fencing. A minimum six (6) feet tall, one hundred percent (100%) opaque fence of wood, brick, or stone construction shall completely screen the area from the view of public streets and adjacent properties. Opaque six (6) feet tall gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.
  - b. Landscape Screening. Evergreen planting shall be provided around the exterior perimeter of the required fencing.
    - 1) Evergreen shrubs shall be a minimum of two (2) feet tall at the time of planting, and planted at a maximum of three (3) feet on center. Wider spacing may be permitted depending on the species and upon approval of the Director.
  2. Roof-mounted. All roof-top equipment, such as HVAC units, shall be screened from the view of all public streets by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.
- L. **BUFFER YARD REQUIREMENTS.** The following requirements shall pertain to buffering a new use from an existing adjacent use or district as described below. The purpose of these buffering and screening standards is to lessen the potential conflicts between the possible uses in one zoning district and those uses in adjacent districts through the use of setbacks and landscaping. The potential degree of conflict between the uses determines the extent of the buffer required.
1. Applicability.
    - a. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development;
    - b. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas; and
    - c. The Plan Commission may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, and recreation areas or by topography or other natural conditions.
  2. Buffer Yard Standards. The buffer yard standards only apply along the property lines where the two dissimilar uses or zoning classifications meet as specified in [Table 7.6: Applicable Buffer Yard Types](#). The required buffer yards shall be installed despite the presence of streets, alleys, and other features. Existing mature vegetation (such as streams and fence rows) may be credited towards required buffering. When a dissimilar land use locates next to an established residential land use within the same zoning classification, buffering and screening standards per [Table 7.7: Buffer Yard Types Description](#) for Buffer Yard Type 2 shall apply.



- a. Responsibility. The developer or owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or change. The adjacent property owner shall not have to participate in installing the buffer yard.
  - b. Buffer Yard Location. All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.
  - c. Planting Location. Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. However, no two (2) buffer yard trees (excluding evergreen trees) shall be placed closer than twenty (20) feet to one another. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.
  - d. Tree Size. All broadleaf / deciduous trees must have at least a two and one-half (2½) inch caliper measured at six (6) inches above the top of the rootball, and all evergreen conifers must be a minimum of four (4) feet in height measured from the top of the rootball when planted. (Amended Ordinance 2009-19)
  - e. Ground Cover. All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground-covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground-covering vegetation unless otherwise approved by the Director.
  - f. Application. No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this Ordinance unless approved by the Director.
  - g. Maintenance. All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.
    - 1) All plant material which is unhealthy or dead, in the opinion of the Planning and Building Director, shall be replaced by the end of the next spring or fall planting season.
    - 2) Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth-inhibiting measures may only be used to ensure the public safety and/or health of the vegetation.
3. Required Buffer yard Levels
- a. Buffer Yard Widths. The buffer yard requirement shall not be included as part of the minimum setback requirements unless approved by the Director. Plant material shall be selected from Tables 7.9 - 7.16 unless approved by the Director.

M. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with Subsection 2.2(A)(17).

Table 7.6: Applicable Buffer Yard Types

		New Residential Development						New Commercial Development						New Industrial Development		New Airport Development	
		AGR	RA	RB	RC	RD	RE	AGB	AGI	NB	GB	PB	HB	LI	MI	AD Commercial	AD Residential
Existing Residential	AGR	α	1	1	2	3	3	3	4	3	3	3	4	4	4	4	1
	RA		α	1	2	3	3	3	4	3	3	3	4	4	4	4	1
	RB			α	1	2	3	3	4	3	3	3	4	4	4	4	2
	RC				α	1	2	3	4	3	3	3	3	4	4	4	2
	RD					α	1	3	4	3	3	3	3	4	4	4	3
	RE						α	3	4	2	2	2	3	3	4	3	3
Existing Commercial	AGB							α	4	3	2	2	2	2	4	2	3
	AGI								α	4	4	4	4	3	3	3	4
	NB									α	1	1	1	3	4	2	3
	GB										α	1	1	2	4	2	3
	PB											α	1	2	4	2	3
	HB												α	2	4	2	4
Existing Industrial	LI													α	3	3	4
	MI														α	4	4
Existing Airport	AD Commercial															α	4
	AD Residential																α

α When a dissimilar land use locates next to an established residential land use within the same zoning classification, buffering and screening standards per [Table 7.7: Buffer Yard Types Description](#) for Buffer Yard Type 2 shall apply.



Table 7.7: Buffer Yard Types Description

Type 1	Buffer width - Ten (10) feet. Any combination of materials selected from the Landscape Materials Categories listed in <a href="#">Table 7.8: Unit Value of Landscaping Material</a> which equals or exceeds a unit value of 3.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 2.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least fifty percent (50%) of the unit value shall be derived from deciduous shade trees (overstory).
Type 2	Buffer width - Twenty (20) feet. Any combination of materials selected from the Landscape Materials Categories listed in <a href="#">Table 7.8: Unit Value of Landscaping Material</a> which equals or exceeds a unit value of 4.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 3.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least twenty-five percent (25%) of the unit value shall be derived from deciduous shade trees (overstory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds are encouraged to gain additional height.
Type 3	Buffer width - Thirty (30) feet. Any combination of materials selected from the Landscape Materials Categories listed in <a href="#">Table 7.8: Unit Value of Landscaping Material</a> which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped), provided that at least ten percent (10%) of the unit value shall be derived from Deciduous Shade Trees (overstory) or deciduous ornamental trees (understory). A minimum fifty percent (50%) of the trees and shrubs shall be evergreen species. Earthen mounds shall be incorporated into the buffer yard design.
Type 4	Buffer width - Seventy-five (75) feet. The buffer yard shall contain an opaque fence/wall a minimum of eight (8) feet in height. An undulating earthen mound may be substituted but the average maintained height with plant material shall be eight (8) feet. Any combination of materials selected from the Landscape Materials Categories listed in <a href="#">Table 7.8: Unit Value of Landscaping Material</a> which equals or exceeds a unit value of 5.0 for each one hundred (100) linear feet, along any exterior roadway, and unit value or 4.0 for each one hundred (100) linear feet of adjoining property (developed or undeveloped). Seventy-five percent (75%) of the unit value shall be derived from evergreen trees. Fifty percent (50%) of required landscaping shall be on the adjacent property side of the fence.

Table 7.8: Unit Value of Landscaping Material

Landscape Materials Categories and Minimum Size at Time of Planting	Unit Value
Deciduous Shade Tree (Overstory) (2 ½" caliper)	0.75
Evergreen Tree (9' tall)	0.75
Deciduous Ornamental Tree (Understory) (1 ½" caliper)	0.5
Evergreen Tree (4' tall)	0.5
Evergreen Shrub – Narrow Spread (4' tall)	0.25
Hedge Plant (24" – 30" tall)	0.05
Earthen Mound (3' tall)	0.5
Earthen Mound (6' tall)	1
Earthen Mound (9' tall)	1.5



# 7.5 Landscaping Standards

## CHAPTER 7: DEVELOPMENT STANDARDS

Table 7.9: Trees for Planting on Streets, Highways, and Parking Lots  
(generally with high canopies, shade producing, hardy)

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Acer campestre</i>	Hedge Maple	D	30'-40'	Ornamental
<i>Acer Freemanii</i>	Freeman Maple	D	50'-60'	Shade
<i>Acer rubrum</i>	Red Maple	D	40'-60'	Shade
<i>Acer saccharum</i>	Sugar Maple	D	50'-70'	Shade
<i>Carpinus betulas 'Fastigiata'</i>	Upright European Hornbeam	D	30'-40'	Ornamental
<i>Carpinus caroliniana</i>	American Hornbeam	D	25'-30'	Ornamental
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	25'-30'	Ornamental
<i>Ginkgo biloba</i> (male only)	Ginkgo	D	40'-60'	Shade
<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	D	30'-60'	Shade
<i>Gleditsia triacanthos 'Imperial'</i>	Imperial Honeylocust	D	30'-60'	Shade
<i>Koelreuteria paniculata</i>	Golden Rain Tree	D	30'-40'	Ornamental
<i>Liquidambar styraciflua</i>	American Sweet Gum	D	40'-60'	Shade
<i>Liriodendron tulipifera</i>	Tulip Tree	D	70'-80'	Shade
<i>Platanus x acerifolia 'Bloodgood'</i>	Bloodgood London Planetree	D	70-85'	Shade
<i>Pyrus calleryana 'Aristocrat'</i>	Aristocrat Pear	D	35'-45'	Shade
<i>Quercus alba</i>	White Oak	D	60'-80'	Shade
<i>Quercus bicolor</i>	Swamp White Oak	D	40'-50'	Shade
<i>Quercus coccinea</i>	Scarlet Oak	D	60'-80'	Shade
<i>Quercus palustris</i>	Pin Oak	D	50'-80'	Shade
<i>Quercus phellos</i>	Willow Oak	D	50'-70'	Shade
<i>Quercus robur</i>	English Oak	D	50'-70'	Shade
<i>Quercus rubra</i>	Red Oak	D	40'-60'	Shade
<i>Sorbus alnifolia</i>	Korean Mountain Ash	D	20'-30'	Ornamental
<i>Sorbus 'Aria'</i>	White Beam Mountain Ash	D	25'-40'	Ornamental
<i>Taxodium distichum</i>	Bald Cypress	D	50'-100'	Shade
<i>Tillia americana</i>	Basswood Linden	D	40'-60'	Shade
<i>Tillia cordata 'Green Spine'</i>	Little-Leaf Linden	D	40'-50'	Shade
<i>Tillia tomentosa</i>	Silver Linden	D	40'-50'	Shade
<i>Zelkova serrata 'Village Green'</i>	Village Green Zelkova	D	40'-60'	Shade

D = Deciduous E = Evergreen

Note: Several varieties of each species may be available and may substituted upon approval by the Director.

Table 7.10: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Acer campestre</i>	Hedge Maple	D	30'-40'	Ornamental
<i>Carpinus caroliniana</i>	American Hornbeam	D	25'-30'	Ornamental
<i>Cercis canadensis</i>	Eastern Redbud	D	20'-25'	Ornamental
<i>Crataegus crus-galli</i>	Cockspur Hawthorn	D	15'-25'	Ornamental
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	D	20'-25'	Ornamental
<i>Malus hybrids</i>	Flowering Crabapple	D	15'-30'	Ornamental
<i>Prunus 'Newport'</i>	Newport Plum	D	15'-20'	Ornamental
<i>Prunus maackii</i>	Amur Chokecherry	D	25'-30'	Ornamental
<i>Prunus virginiana</i>	Chokecherry	D	20'-25'	Ornamental
<i>Sorbus alnifolia</i>	Korean Mountain Ash	D	20'-30'	Ornamental
<i>Sorbus "Aria"</i>	White Beam Mountain Ash	D	25'-40'	Ornamental

D = Deciduous E = Evergreen

Table 7.11: Ornamental Trees for Use in Site Interior or Buffer

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Acer ginnala</i>	Amur Maple	D	15'-20'	Ornamental
<i>Acer griseum</i>	Paperbark Maple	D	20'-30'	Ornamental
<i>Acer palmatum</i>	Japanese Maple	D	15'-20'	Ornamental
<i>Amelanchier canadensis</i>	Juneberry	D	30'-35'	Ornamental
<i>Amelanchier grandiflora</i>	Apple Serviceberry	D	25'-30'	Ornamental
<i>Amelanchier laevis</i>	Allegheny Serviceberry	D	25'-30'	Ornamental
<i>Betula nigra</i>	River Birch	D	40'-60'	Ornamental
<i>Betula papyrifera</i>	Paper Birch	D	40'-60'	Ornamental
<i>Cercidiphyllum japonicum</i>	Katsura Tree	D	25'-40'	Ornamental
<i>Cercis Canadensis</i>	Eastern Redbud	D	20'-30'	Ornamental
<i>Cornus kousa</i>	Japanese Dogwood	D	20'-25'	Ornamental
<i>Cotinus coggyria</i>	Smoke Tree	D	15'-20'	Ornamental
<i>Magnolia loebneri</i>	Magnolia	D	12'-15'	Ornamental
<i>Magnolia soulangiana</i>	Saucer Magnolia	D	15'-20'	Ornamental
<i>Magnolia stellata</i>	Star Magnolia	D	10'-15'	Ornamental
<i>Prunus sargentii 'Columnaris'</i>	Columnar Sargent Cherry	D	25'-30'	Ornamental
<i>Prunus serrulata</i>	Oriental Cherry	D	15'-25'	Ornamental
<i>Prunus virginiana 'Canada Red Select'</i>	Canada Red Select Cherry	D	20'-25'	Ornamental
<i>Salix matsudana 'Tortuosa'</i>	Corkscrew Willow	D	25'-30'	Ornamental

D = Deciduous E = Evergreen



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Table 7.12: Evergreen Trees for Use in Site Interior or Buffer

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Abies Concolor</i>	White Fir	E	30-50'	Evergreen
<i>Cupressocyparis Leylandii</i>	Leyland Cypress	E	60-70'	Evergreen
<i>Picea abies</i>	Norway Spruce	E	50-60'	Evergreen
<i>Picea glauca densata</i>	Black Hills Spruce	E	50-60'	Evergreen
<i>Picea omorika</i>	Serbian Spruce	E	50-60'	Evergreen
<i>Picea pungens</i>	Colorado Spruce	E	60-75'	Evergreen
<i>Picea pungens 'Glaucua'</i>	Colorada Blue Spruce	E	60-75'	Evergreen
<i>Pinus nigra</i>	Austrian Pine	E	30-60'	Evergreen
<i>Pinus ponderosa</i>	Ponderosa Pine	E	40-50'	Evergreen
<i>Pinus strobus</i>	Eastern White Pine	E	50-100'	Evergreen
<i>Tsuga canadensis</i>	Canada Hemlock	E	60-75'	Evergreen

D = Deciduous E = Evergreen

Table 7.13: Small Shrubs Approved for Screens, Hedges, and Specimen Planting

Botanic Name	Common Name	Type	Mature Height
<i>Aronia melanocarpa</i>	Black Chokeberry	D	4-6'
<i>Berberis thunbergii</i> Hybrids	Japanese Barberry	D	3-5'
<i>Buxus microphylla 'Koreana'</i>	Korean Boxwood	E	2-3'
<i>Chaenomeles species</i>	Flowering Quince	D	2-6'
<i>Cotoneaster divaricata</i>	Spreading Cotoneaster	D	5-6'
<i>Euonymus fortunei</i>	Euonymous	E	4-6'
<i>Hydrangea macrophylla 'Nikko Blue' spp.</i>	Nikko blue Hydrangea	D	3-4'
<i>Ilex crenata</i>	Japanese Holly	E	3-5'
<i>Mahonia aquifolium</i>	Oregon Grape	E	3-6'
<i>Physocarpus opulifolius intermedius</i>	Dwarf Ninebark	D	4-5'
<i>Prunus glandulosa</i>	Dwarf Flowering Almond	D	4-6'
<i>Rhus aromatica</i>	Fragment Sumac	D	4-6'
<i>Symphoricarpos alba</i>	White Snowberry	D	5-6'
<i>Weigela florida</i>	Flowering Weigela	D	4-5'
<i>Weigela vaniceki</i>	Cardinal Shrub	D	4-5'

D = Deciduous E = Evergreen

Table 7.14: Large Shrubs Approved for Screens, Hedges, and Specimen Planting

Botanic Name	Common Name	Type	Mature Height
<i>Caragana arborescens</i>	Siberian Peashrub	D	12-15'
<i>Cornus alba, 'Elegantissima'</i>	Variiegated Dogwood	D	6-10'
<i>Cornus alternifolia</i>	Pagoda Dogwood	D	15-20'
<i>Cornus sericea baileyi</i>	Redtwig Dogwood	D	8-10'
<i>Cotinus coggygria</i>	Smoke Tree	D	8-10'
<i>Cotoneaster acutifoliosus</i>	Peking Cotoneaster	D	4-8'
<i>Euonymus alatus 'compactus'</i>	Burning Bush	D	7-10'

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Forsythia intermedia Hybrids	Hybrid Forsythia	D	7-10'
Forsythia suspensa	Weeping Forsythia	D	8-10'
Hamamelis virginiana	Common Witch Hazel	D	10-15'
Hibiscus syriacus	Rose of Sharon	D	4-12'
Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	D	4-15'
Hydrangea paniculata 'Grandiflora'	Peegee Hydrangea	D	6-10'
Ilex meserveae	Blue Holly	E	6-8'
Ilex opaca	American Holly	E	8-15'
Juniperus chinensis	Chinese Juniper	E	6-15'
Juniperus scopulorum	Rocky Mountain Juniper	E	6-15'
Ligustrum amurense	Amur Privet	D	4-8'
Ligustrum 'Vicaryi'	Golden Vicary Privet	D	4-12'
Myrica pennsylvanica	Northern Bayberry	D	5-10'
Philadelphus coronarius	Sweet Mockorange	D	8-10'
Philadelphus virginialis	Minnesota Snowflake	D	6-8'
Picea glauca 'Conica'	Dwarf Alberta Spruce	E	6-10'
Prunus cistena	Cistena Plum	D	6-8'
Prunus triloba	Flowering Almond	D	8-10'
Rhamnus frangula	Alder Buckthorn	D	12-15'
Rhus glabra	Smooth Sumac	D	8-10'
Rhus typhina	Staghorn Sumac	D	8-12'
Salix caprea	French Pussy Willow	D	15-20'
Sambucus canadensis	American Elderberry	D	6-8'
Shepherdia argentea	Silver Buffaloberry	D	5-8'
Sorbaria sorbifolia	Flase Spiraea	D	6-8'
Syringa chinensis	Chinese Lilac	D	6-8'
Syringa hyacinthiflora Hybrids	Hybrid Canadian Lilac	D	8-12'
Syringa vulgaris	Common Lilac	D	8-12'
Syringa vulgaris Hybrids	Hybrid French Lilac	D	8-12'
Taxus cuspidata 'Capitata'	Upright Japanese Yew	E	10-25'
Taxus 'Hicksi'	Hick's Yew	E	10-12'
Thuja occidentalis Hybrids	American Arbovitae	E	4-15'
Viburnum dentatum	Arrowwood Viburnum	D	10-15'
Viburnum lantana	Wayfaring Tree	D	8-15'
Viburnum lantago	Nannyberry	D	8-15'
Viburnum opulus	European Cranberry Bush	D	10-12'
Viburnum placatum tomentosum	Doublefile Viburnum	D	8-10'
Viburnum prunifolium	Black Haw Viburnum	D	10-12'
Viburnum rhytidophyllum	Leatherleaf Viburnum	D	6-15'
Viburnum trilobum	American Cranberry Bush	D	8-12'

D = Deciduous E = Evergreen





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Table 7.15: Low Spreading Shrubs Approved for Borders, Parking Islands, and Groundcover

Botanic Name	Common Name	Type	Mature Height
<i>Berberis mentorensis</i>	Mentor Barberry	E	3-4'
<i>Berberis thunbergii</i> Hybrids	Japanese Barberry	D	2-4'
<i>Berberis verruculosa</i>	Warty Barberry	E	2-3'
<i>Buxus sempervirens</i>	Boxwood	E	2-3'
<i>Cotoneaster apiculata</i>	Cranberry Cotoneaster	D	2-3'
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	D	1-3'
<i>Daphne burkwoodii</i>	Burkwood Daphne	D	3-4'
<i>Duetzia gracilis</i>	Slender Duetzia	D	2-3'
<i>Euonymus fortunei</i> 'Sarcoxie'	Sarcoxie Euonymus	E	3-4'
<i>Forsythia viridissima</i> 'Bronxensis'	Dwarf Forsythia	D	1-2'
<i>Hypericon patulum</i>	St. John's Wort	D	2-3'
<i>Juniperus</i> (spreading varieties)	Juniper	E	1-3'
<i>Mahonia aquifolium</i> 'Compacta'	Dwarf Oregon Grape	E	2'
<i>Microbiota decussata</i>	Siberian Cypress	E	1'
<i>Philadelphus virginialis</i>	Miniature Snowflake	D	2-3'
<i>Picea abies</i> 'Nidiformis'	Birdnest Spruce	E	2'
<i>Picea abies</i> 'Pumila'	Dwarf Norway Spruce	E	2-3'
<i>Picea pungens</i> 'Globosa'	Blue Globe Spruce	E	3-4'
<i>Pinus mugo</i>	Mugho Pine	D	3-4'
<i>Potentilla fruticosa</i> Hybrids	Bush Cinqufoil	D	2-3'
<i>Rhus aromatica</i> 'Low Grow'	Low Grow Fragrant Sumac	D	1-2'
<i>Ribes alpinum</i>	Alpine Currant	D	3-5'
<i>Spirea bumalda</i>	Spirea	D	2-3'
<i>Spirea japonica</i>	Japanese Spirea	D	2-3'
<i>Spirea nipponica</i>	Nippon Spirea	D	2-3'
<i>Symphoricarpos orbiculatus</i>	Coral Berry	D	3-4'
<i>Syringa patula</i> 'Miss Kim'	Dwarf Korean Lilac	D	3-5'
<i>Taxus cupidata</i> 'Nana'	Dwarf Japanese Yew	E	2-3'
<i>Taxus media</i>	Spreading Yew	E	2-4'
<i>Thuja occidentalis</i> 'Hetzii Midget'	Hetz Midget Arborvitae	E	2-3'
<i>Viburnum opulus</i> 'Nana'	European Cranberry Bush	D	1-2'

D = Deciduous E = Evergreen

Table 7.16: Vines for Walls and Fences

Botanic Name	Common Name	Type
<i>Aristolochia durior</i>	Dutchmans's Pipe	D
<i>Campsis radicans</i>	Trumpetvine	D
<i>Celastrus scandens</i>	American Bittersweet	D
<i>Clematis jackmanii</i>	Clematis Hybrids	D
<i>Clematis laguninos</i>	Clematis Hybrids	D
<i>Lonicera brownii</i>	Dropmore Scarlet Honeysuckle	D
<i>Lonicera hechtrotte</i>	Everblooming Honeysuckle	D
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	D
<i>Parthenocissus triscuspidata</i>	Boston Ivy	D

D = Deciduous E = Evergreen

Table 7.17: Non-Qualifying Trees

Common Name	Botanical Name	Negative Feature(s)
Boxelder	<i>Acer negundo</i>	Aggressive, Shallow roots, Weak wood
Norway Maple	<i>Acer platanoides</i>	Invasive
Silver Maple	<i>Acer saccharinum</i>	Aggressive, Shallow roots, Weak wood
Tree of Heaven	<i>Ailanthus altissima</i>	Seeds, Suckers, Weak wood, Invasive
Mimosa	<i>Albizia julibrissin</i>	Invasive
European White Birch	<i>Betula pendula</i>	Insect prone, Invasive
Hackberry	<i>Celtis occidentalis L.</i>	Disease prone
Camphor Tree	<i>Cinnamomum camphora</i>	Invasive
Russian Olive	<i>Elaeagnus angustifolia</i>	Poor form, Disease prone, Invasive
Ash	<i>Fraxinus spp.</i>	Disease
Ginkgo (Female)	<i>Ginkgo biloba - Female</i>	Fruits
White Lead Tree	<i>Leucaena leucocephala</i>	Invasive
Chinaberry Tree	<i>Melia azedarach</i>	Invasive
Mulberry	<i>Morus species</i>	Fruits, Shallow roots, Invasive
Princess Tree	<i>Paulownia tomentosa</i>	Invasive
Senegal Date Palm	<i>Phoenix reclinata</i>	Invasive
White Poplar	<i>Populus alba</i>	Suckers, Shallow roots, Weak wood, Invasive
Cottonwood	<i>Populus deltoides</i>	Weak wood, Shallow roots, Seeds
Lombardy Poplar	<i>Populus nigra 'Italica'</i>	Insects, Disease, Short-lived
(Wild) Black Cherry	<i>Prunus serotina</i>	Disease prone
Bradford Pear	<i>Pyrus calleryana 'Bradford'</i>	Weak branching, Low branches
Brazilian Pepper Tree	<i>Schinus terebinthifolius</i>	Invasive
Tallow Tree	<i>Triadica sebifera</i>	Invasive
American Elm*	<i>Ulmus americana*</i>	Insects, Disease
Siberian Elm	<i>Ulmus pumila</i>	Weak wood, Seeds

\* Note that suitable disease resistant cultivars and hybrids exist as substitutes for this species

### 7.6 FENCES, WALLS, AND HEDGES

- A. **INTENT.** The purpose of these standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.
- B. **EXEMPTIONS.**
1. **Agriculture.** If engaged in agricultural operations or activities, properties located in any district where agriculture is permitted shall be exempt from the provisions of this section.
  2. **Athletic Facilities.** Fences for ball diamonds, tennis courts, driving ranges and other athletic facilities shall be exempt from the provisions of this section.
- C. **GENERAL REQUIREMENTS.** Fences, walls, and hedges shall be permitted in all zoning districts subject to conformance with the following requirements:
1. **Drainage.** No fence, wall, or hedge shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for stormwater runoff. Any fence, wall, or hedge located in an easement may be removed by the easement holder when accessing the easement.
  2. **Setbacks.** All fences, walls, and hedges may be permitted up to a property line except as noted in this Ordinance. No fence, wall, or hedge shall be placed in any right-of-way or violate the sight distance requirements found in [Section 7.4 Sight Visibility](#). Fences, walls, and hedges within the easement of a drain, pond, and/or lake shall require the approval of the County Surveyor and/or County Engineer.
  3. **Buffer Yards.** No fence, wall, or hedge may be placed in any required buffer yard that does not specifically provide for the inclusion of a fence.
  4. **Materials.**
    - a. Fences shall not contain an electric charge except when located on properties with an agricultural use.
    - b. Finished faces of any fence shall be so erected as to face the adjoining property.
    - c. Fences and walls shall be constructed of wood, decorative metal, textured masonry or synthetic materials styled to simulate natural materials. Barbed wire and razor wire are permitted only on properties with an agricultural use, or in the Light Industrial (LI) and the Major Industrial (MI) districts.
    - d. Chainlink fences shall be permitted in all districts. Chainlink fences in residential districts shall be vinyl-coated.
  5. **Height.**
    - a. **Exception.** The height of fences screening telecommunications facilities is regulated by [Section 7.8 Wireless Communication Facilities](#).
    - b. **Height Measurement.** The height of a fence, wall or hedge shall be determined by measuring from the adjacent grade to the highest point of the fence, wall or hedge, excluding posts. Fence posts may exceed the maximum height of the fence by up to 1 foot.



- c. Fences and walls shall not exceed eight (8) feet in height in nonresidential districts and six (6) feet in height in residential districts in the rear and side yards. Fences, walls and hedges shall not exceed four (4) feet in height in the front yard.
- 6. Opacity. A fence, wall or hedge in the front yard shall permit direct vision from one side to the other through at least fifty percent (50%) of the structure.

## 7.7 HEIGHT STANDARDS

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### A. GENERAL HEIGHT STANDARDS APPLICABLE TO ALL ZONING DISTRICTS:

- 1. Height Requirements. The maximum height permitted shall be as described below and in accordance with [Table 4.4: Residential Lot Standards](#) and [Table 4.5: Non-Residential Lot Standards](#), subject to the exceptions listed in this section.
  - a. Measuring Height. In all instances, the height of a structure shall be the vertical height from the average finished grade to the highest point of the roof, parapet, or uppermost part of the building or structure.
- 2. Exceptions. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. These exceptions do not apply in the AD district.
  - a. General Exceptions.
    - 1) Steeples on religious places of worship;
    - 2) Spires, belfries, and cupolas;
    - 3) Industrial-related storage tanks, mechanical equipment, and smokestacks; and
    - 4) Water towers.
  - b. Agricultural Structures. All structures in a zoning district where agriculture is allowed that are used in agricultural product storage and/or processing may exceed the permitted height standards for that district and be erected to any height that is necessary for their operation.
  - c. Wireless Communication Facilities. The height of wireless communication facilities shall be regulated by [Section 7.8 Wireless Communication Facilities](#).
  - d. Amateur Radio Towers. Amateur radio towers may exceed the permitted height regulations by up to ten (10) feet.
  - e. Noncommercial Wind Energy Conversion Systems. Wind energy conversion systems are exempt up to 120 feet in height. For propeller turbines, the height shall be measured from the rotor blade at its highest point to the top surface of the wind energy conversion system foundation. For vertical axis turbines, the height shall be measured from the highest point of the unit to the top surface of the wind energy conversion system foundation. (Amended Ordinance 2009-27)
  - f. Necessary Appurtenances. The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to ten (10) feet:

- 1) Necessary mechanical appurtenances;
  - 2) Water tanks;
  - 3) Chimneys;
  - 4) Fire towers;
  - 5) Stair towers;
  - 6) Elevator bulkheads; and
  - 7) Wind energy conversion systems, rooftop. (Amended Ordinance 2009-27)
- g. AD District. No exceptions to the height requirements are permitted in the AD district.
3. Air Space Requirements. Nothing in this Ordinance, including the exceptions listed above shall be interpreted as waiving any height regulations related to air transportation. All applicable Federal Aviation Administration (FAA) and State of Indiana restrictions and regulations, including Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace (FAR Part 77), and IC 8-21-10, Regulation of Tall Structures, shall apply to all structures.

## 7.8 WIRELESS COMMUNICATION FACILITIES

- A. PURPOSE. In recognition of the quasi-public nature of cellular and/or wireless communication systems, it is the purpose of these regulations to:
1. Accommodate the need for cellular or wireless communication towers while regulating their location and number in the County;
  2. Minimize adverse visual effects of communication towers and support structures through proper siting, design and screening;
  3. Avoid potential damage to adjacent properties from communication towers and support structure failure; and
  4. Encourage the joint use of any new and existing communication towers and support structures to reduce the number of such structures needed in the future.
- B. USE REGULATIONS. The following use regulations shall apply to cellular or wireless communication antennas and towers.
1. A cellular or wireless communications antenna that is mounted to an existing communications tower (whether said tower is for cellular purposes or not), smoke stack, water tower or other tall structure, shall be permitted as of right in all zoning districts. Cellular or wireless communications antenna may also be located on the top of buildings that are no less than fifty (50) feet in height.
  2. A cellular or wireless communications antenna that is mounted to an existing structure as indicated above shall be painted a color which matches, or is compatible with, the structure on which it is located.
  3. A cellular or wireless communications antenna is permitted as a special exception in the AGB, AGI, AGR and MI zoning districts only if it is:
    - a. mounted on its own tower (as opposed to it being mounted on an existing

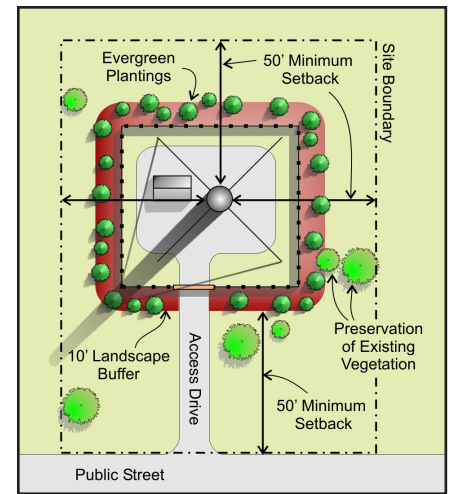
structure); or

b. more than fifteen (15) feet higher than the structure on which it is mounted.

4. All other non-essential uses accessory to the cellular or wireless communications antenna and towers including, but not limited to business offices, maintenance depots, and materials and vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the cellular or wireless communications antenna and/or tower is located.

**C. STANDARDS OF APPROVAL FOR CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS PERMITTED BY SPECIAL EXCEPTION.** The following standards shall apply to cellular or wireless communications antennas and towers permitted as special exception uses.

1. The cellular or wireless communications company shall be required to demonstrate as part of the special exception application process, using the latest technological evidence, that the antenna or tower must be placed at the proposed location and at the proposed height in order to satisfy its necessary function in the company's grid system. As part of this requirement, a Radio Frequency (RF) map of sufficient scale shall be submitted to the Planning and Building Director demonstrating a need for the tower at the location and height proposed.
2. If the cellular or wireless communications company proposes to build a cellular or wireless communications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within a one (1) mile radius of the site proposed, asked for permission to install the cellular or wireless communications antenna on those structures, and was denied for reasons other than economic ones. "Tall structures" shall include, but not be limited to: smoke stacks, water towers, buildings over fifty (50) feet in height, antenna support structures of other cellular or wireless communication companies, other communication towers and roadway lighting poles.
3. The Board of Zoning Appeals may deny the special exception if the applicant has not made a good faith effort to mount the antenna on existing structures.
4. An application for special exception for a wireless communication facility which shall be reviewed by the TAC, and shall include, among other required information, a plan at a scale of one inch to fifty feet (1" = 50'), indicating at a minimum the following:
  - a. The total area of the site;
  - b. The existing zoning of the property in question and of all adjacent properties;
  - c. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
  - d. Existing topography with a maximum of five (5) foot contours intervals;
  - e. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals;
  - f. The location of all existing buildings and structures and the proposed location



Sample telecommunications facility layout.

- of the cellular or wireless communications tower and all cellular or wireless communications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings;
- g. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
  - h. All existing and proposed sidewalks and open areas on the site;
  - i. The location of all proposed fences, screening and walls;
  - j. The location of all existing and proposed streets;
  - k. All existing and proposed utilities including types and grades;
  - l. All existing and proposed landscaping in accordance with [Subsection 7.8\(D\)\(5\)](#);
  - m. The schedule of any phasing of the project;
  - n. A written statement by the cellular or wireless communications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts; and
  - o. Any other information as may be required by the Plan Commission to determine the conformance with this Zoning Ordinance.

D. STANDARDS OF APPROVAL OF ALL CELLULAR OR WIRELESS COMMUNICATIONS ANTENNAS AND TOWERS

1. Antenna / Tower Height. The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily and provide an acceptable number of towers.
2. Setbacks from the Base of the Tower. If a new cellular or wireless communications tower is to be constructed, the minimum distance between the base of the tower or any guy wire anchors and the property line shall be the greater of the following:
  - a. Forty (40) percent of the tower height;
  - b. The minimum setback in the underlying zoning district; or
  - c. Fifty (50) feet.
3. Cellular or Wireless Communications Tower Safety. The applicant shall demonstrate that the proposed cellular or wireless communications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields or radio frequency interference. Furthermore, all cellular or wireless communications towers shall be fitted with anti-climbing devices as approved by the manufacturers.
4. Fencing. A fence shall be required around the cellular or wireless communications tower and its support structure(s), unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height and shall be erected to prevent access by non-authorized personnel.
5. Landscaping.



- a. Landscaping shall be required to screen as much of the freestanding cellular or wireless communications tower, support structures, and surrounding fence as possible and any other ground-level features and, in general, to soften the appearance of the cellular communications site.
  - b. The Director may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping.
6. Limiting the Number of Cellular or Wireless Communications Towers. In order to reduce the number of antenna support structures needed in the County in the future, the proposed cellular or wireless communications tower shall be required to accommodate other users, including other cellular communications companies, and local police, fire and ambulance departments. The applicant shall provide proof that co-location is not feasible.
  7. Licensing. The cellular or wireless communications company must demonstrate to the County that it is licensed by the Federal Communications Commission (FCC).
  8. Required Parking. If the cellular or wireless communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in this Ordinance.
  9. Appearance. Cellular or wireless communications towers under 200 feet in height shall be painted silver or have a galvanized finish retained in order to reduce visual impact. Cellular or wireless communications towers shall meet all Federal Aviation Administration (FAA) regulations. No cellular or wireless communications towers may be artificially lighted except when required by the FAA. Furthermore, no cellular communication tower or antenna shall contain any signage containing a commercial message.
- E. MAINTENANCE. Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of twelve (12) continuous months or more shall be removed, along with all accessory structures related thereto. Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, unused or has ceased the daily activities or operations which had occurred.

## 7.9 HOME-BASED BUSINESS

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- A. PURPOSE. The purpose of this section is to provide standards for the operation of home-based businesses in order to protect the residential character of the neighborhood, preserve property values, and prevent the hazards to persons and property that result from residential-commercial land use conflicts, plus clearly establishing the secondary or



incidental status of the home-based business in relation to the primary use for dwelling purposes.

B. CLASSIFICATIONS. Home-based businesses shall be either permitted uses or special exception uses consistent with [Table 4.3: Permitted and Special Exception Land Uses](#) and shall abide by the provisions of this section. Home-based businesses are classified as either Home Occupation or Home Business, and their requirements are described as follows:

1. General Requirements.

- a. Business Equipment. There shall be no equipment or process used in the home occupation or business which creates noise, vibration, glare, smoke, fumes, odors, electrical interference which is detectable at the property lines of the parcel on which the dwelling is located, or any other obvious objectionable activity.
- b. Operator. At least one (1) person residing within the dwelling must be the primary operator of the home occupation or business.
- c. Outdoor Storage/Display. The home occupation or business must not involve any exterior storage of any kind, or the display of products, equipment or materials.
- d. Structural Alterations. The home occupation or business must not require any structural or aesthetic alterations to any structures that change its residential character.
  - 1) The dwelling shall not be altered in its appearance, and the home occupation or business shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by use of colors, materials, construction, or lighting.
  - 2) The home occupation or business must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
  - 3) There shall be no alterations to the interior of the dwelling to accommodate a home occupation or business which would render the structure undesirable for residential use.
- e. Entrances. The home occupation shall not require any additional entrances to the structure.
- f. Deliveries. The home occupation or business must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express couriers.

2. Home Occupation. Home occupations are those which meet the following standards; representing requirements which permit minimal business practices within residential zoning districts while maintaining residential character. Home occupations shall be permitted without County approval.

- a. Business Type. The home occupation shall not involve retail sales or manufacturing, and shall be limited to small home-office operations.
- b. Business Equipment. The equipment used for the home occupation shall be limited to computers, fax machines, telephones, copy machines, and other small



business office equipment.

- 1) There shall be no electrical or mechanical equipment utilized in the home occupation which will create any visual or audible interference with radio or television reception.
  - c. Employees. The home occupation must not involve the on-site employment of any person other than those residing at the location of the home occupation.
  - d. Business Area. The home occupation must utilize no more than twenty-five percent (25%) of the total floor area of the dwelling. The home occupation shall not be conducted in any accessory structure.
  - e. Customers/Parking. The home occupation must not involve clients, associates, or persons shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.
  - f. Signs. No signs of any type, including signs located on vehicles, shall be permitted advertising the home occupation.
3. Home Business. Home businesses are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential zoning districts while maintaining residential character. Home businesses shall be special exception uses as regulated in [Section 12.7 Special Exception Procedure](#), and shall therefore require a Special Exception Permit.
- a. Employees. The home business must not involve the on-site employment of more than one (1) person who does not reside at the location of the home business.
  - b. Business Area. The home business shall be limited to no more than 1,500 square feet or 25% of the livable area for operation of the business, including storage, in the dwelling and/or any accessory structures.
  - c. Customer/Parking. The home business must not require that more than two (2) additional parking spaces be added to the parcel on which the residence is located. All parking spaces shall be consistent with [Section 7.2 Off-Street Parking And Loading](#).
  - d. Signs. One (1) sign for the home business shall be permitted in accordance with [Chapter 9: Sign Standards](#). The sign shall not exceed six (6) square feet and shall not be illuminated, animated, or flashing. No off-site signs shall be permitted.
  - e. Commercial Vehicles. One (1) vehicle which does not exceed sixteen thousand (16,000) pounds Gross Vehicle Weight is permitted. (Amended Ordinance 2009-19)
- C. PROHIBITED HOME-BASED BUSINESSES. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to increase beyond the limits specified above for Home Businesses and impair the use, value, and quiet enjoyment of adjacent residential properties. Therefore, the following uses or similar uses shall not be permitted as Home Businesses:
1. Auto/Vehicle Sales, Service and Repair
  2. Barber/Beauty Shop greater than a one (1) chair operation
  3. Commercial Kennel

4. Freight, Trucking
  5. Heavy Manufacturing
  6. Landscaping/Nursery, Plant Materials
  7. Restaurants, Eating or Drinking Establishments, including Bed and Breakfast with public dining service
  8. Salvage Yards
  9. Veterinary Clinic/Animal Hospital
  10. Well Drilling/Contractor Storage Yard
  11. Medical, Dental, Law, Insurance, or Real Estate Offices
  12. Houses of Worship
  13. Boarding House
  14. Trailer Rentals
  15. Welding Shops (not including private art studios)
  16. Private Clubs
- D. SPECIAL EXCEPTION APPLICATION PROCEDURE. The special exception application procedure shall comply with [Section 12.7 Special Exception Procedure](#).
- E. INTERPRETATION. The Director of the Planning and Building Department, or other person(s) as he or she may designate, may determine to what extent any proposed or existing home occupation or home business is consistent with the requirements of this section. The decision made by the Director of Planning and Building may be appealed to the Board of Zoning Appeals in accordance with [Chapter 2: Administration](#).

### 7.10 SEXUALLY-ORIENTED BUSINESSES

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- A. PURPOSE. It is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually-oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.



## B. GENERAL PROVISIONS

1. All sexually-oriented businesses shall be permitted only as a Special Exception and shall require a Sexually-Oriented Business Permit to be obtained prior to establishment, location, or operation, and renewed yearly.
2. Refer to [Section 12.14 Sexually Oriented Business Permit](#) for Permit procedures.

## C. LOCATION OF SEXUALLY-ORIENTED BUSINESSES

1. A sexually oriented business shall not be located, established, operated within, or enlarged so as to be within, one thousand (1,000) feet of:
  - a. A church;
  - b. A public or private elementary or secondary school;
  - c. A boundary of any residential district;
  - d. A public park adjacent to any residential district;
  - e. The property line of a lot devoted to residential use; or
  - f. Any other sexually-oriented business.
2. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of any non-sexually-oriented business use listed in [Subsection 7.10\(C\)\(1\)](#) above. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
3. The establishment of more than one sexually-oriented business in the same building, structure, or portion thereof, or the increase of floor areas of any sexually -oriented business in any building, structure, or portion thereof containing another sexually oriented business, shall not be permitted.

## 7.11 OUTDOOR LIGHTING

- A. INTENT. Exterior lighting shall be subject to the following lighting standards and should be consistent and compatible with the design, color and scale of the associated development. Light levels shall most importantly be uniform to promote the health, safety, and welfare of users.
- B. GENERAL PROVISIONS. All areas containing outdoor lighting, including but not limited to floodlighting, security, street, or parking lot lighting shall comply with the requirements of this section.

1. Light Trespass. All areas containing outdoor lighting shall limit light spillage onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

Table 7.18: Light Trespass	
Adjoining Districts	Light Spillage Measured in Foot-Candles (maximum light level at the property line)
AGB, AGI, AGR, RA, RB, RC, RD, RE, AD RESIDENTIAL, NB, MHP, PP	0.20
GB, HB, PB, PUD, LI, MI, AD COMMERCIAL, Public R-O-W	0.50

2. Light Shielding. Unless light fixtures of a particular period or architectural style are used, all new, repaired, or replaced lighting, whether public or private, shall be full cutoff or fully shielded.
  3. Mounting Height Measurement. For the purposes of this section, the mounting height of all light fixtures shall be defined as the vertical distance between the adjacent grade of the surface being illuminated and the top of the lighting fixture (luminaire).
  4. Use of Timers/Dimmers. Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
  5. Electrical Service. The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.
  6. Holiday Lighting. Holiday lighting shall be exempt from the provisions of this section.
  7. Lamp Color. Lamps ( the source of the actual light) shall be halogen, metal halide or other type which ensures true-color at night.
- C. **LIGHTING PLAN.** Wherever a lighting plan is called for by this Ordinance, such plan shall include the following:
1. Lighting plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of full cutoff and/or fully shielded fixtures;
  2. A description of the outdoor light fixtures which may include but is not limited to manufacturer’s catalog cuts, photometric report with candela distribution, drawings, and shielding information;
  3. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance.

D. **ILLUMINATION OF BUILDINGS AND OTHER VERTICAL STRUCTURES.** When

buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:

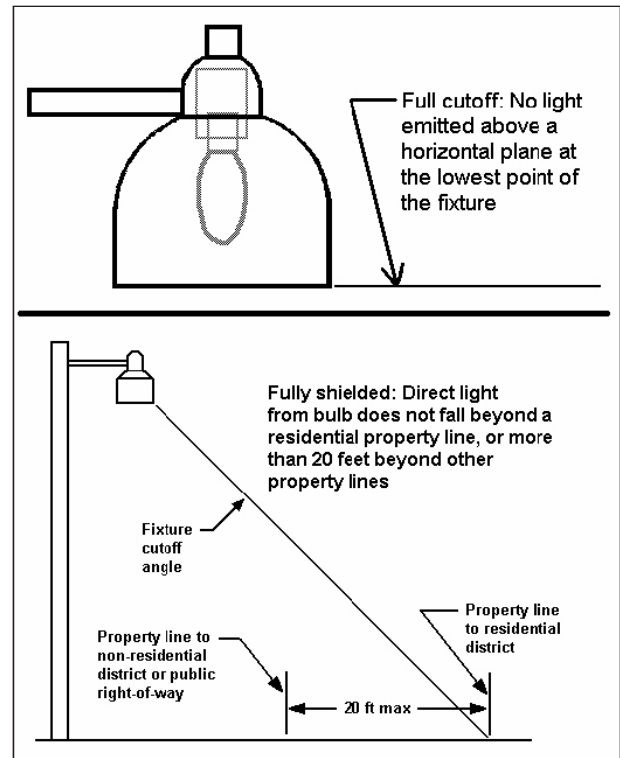
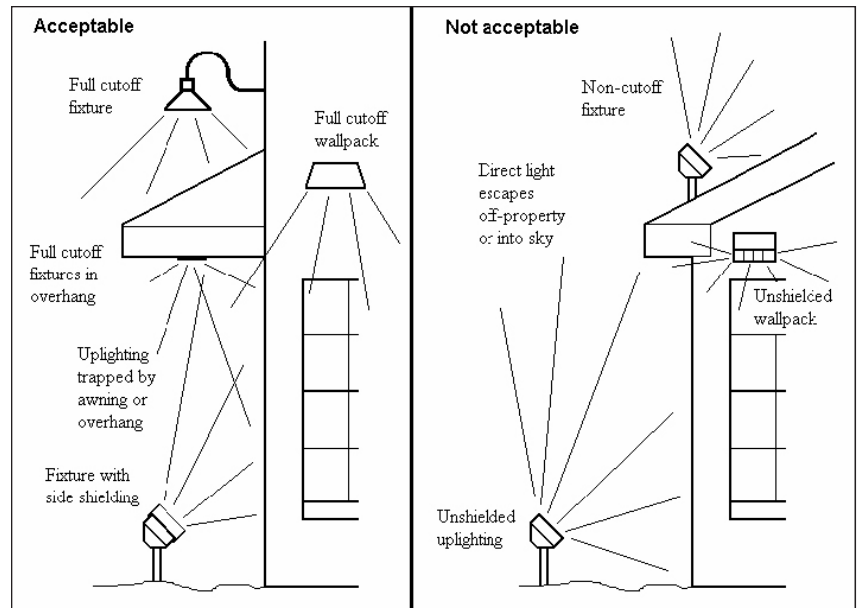
1. Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded;
2. For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, uplighting may be used only in the form of spotlights which confine the illumination to the object of interest; and
3. If uplighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.
4. Building-mounted neon lighting is allowed only when recessed, or contained in a cap or architectural reveal.

## E. PARKING AREAS

1. Luminaires / lighting fixtures serving parking areas shall be full cutoff fixtures.
2. The maximum average maintained illumination level for a parking lot shall be no more than 1.6 horizontal foot-candles at grade level.
3. Light fixtures located on the perimeter of parking lots and within twenty (20) feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.
4. Lights shall not exceed twenty-five (25) feet in height from the adjacent grade to the top of the fixture.
5. Building-mounted lighting shall not be permitted to illuminate parking areas.

## F. LIGHTING OF EXTERIOR DISPLAY OR OPEN SALES AREAS (excluding motor vehicle dealerships)

1. Light fixtures serving areas designated as exterior



display or open sales areas shall be full cutoff and/or fully shielded fixtures.

2. Areas designated as exterior display or open sales areas shall be illuminated so that the average maintained horizontal illumination at grade level does not exceed 4.0 foot-candles.
3. Light fixtures located on the perimeter of display or sales areas and within twenty (20) feet of a property line shall utilize IESNA Type IV forward throw optical distribution and/or "house-side" shielding to minimize light spillage with respect to that property line.

G. LIGHTING OF MOTOR VEHICLE DEALERSHIPS

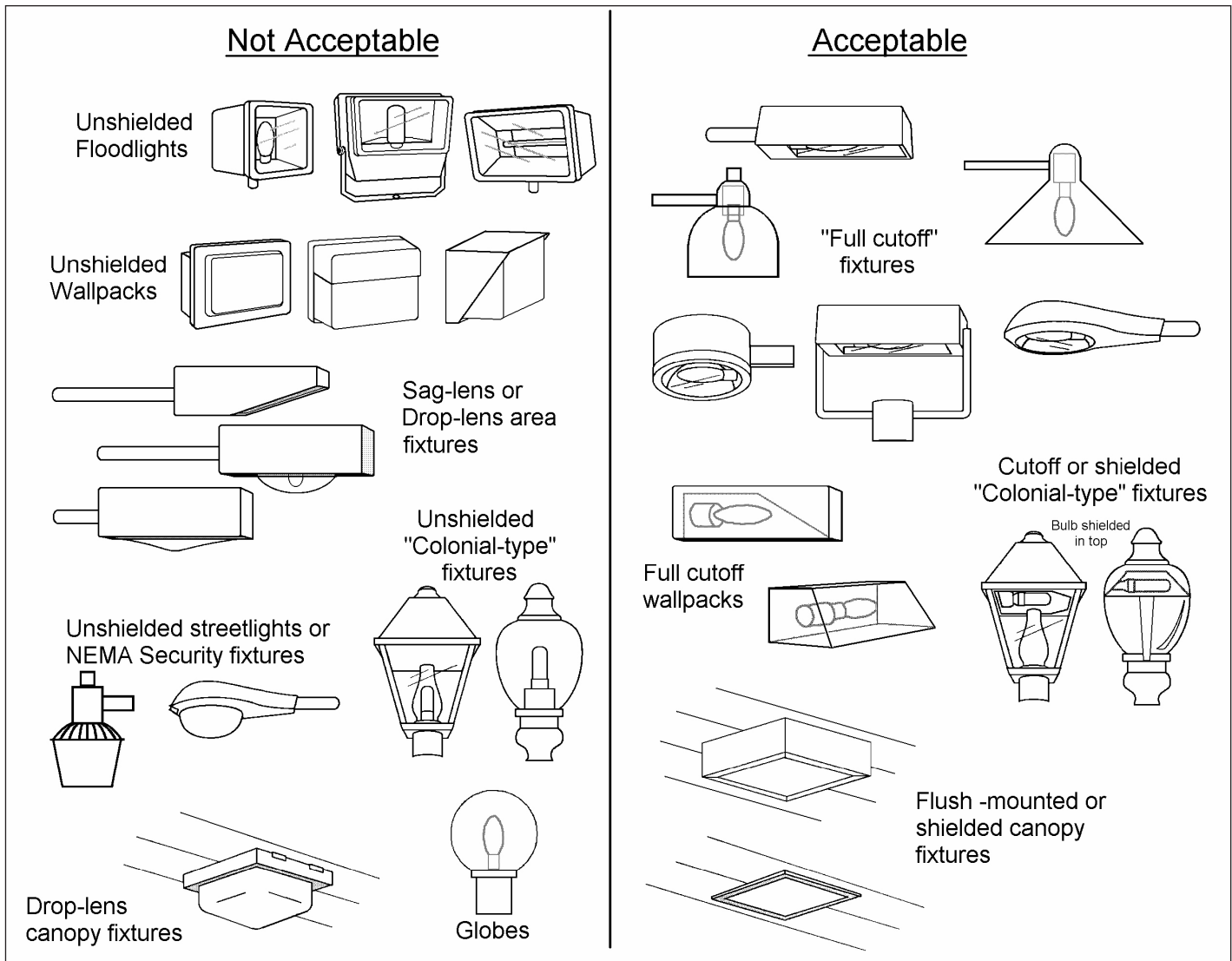
1. Full cutoff light fixtures shall be required for car dealerships.
2. Car dealerships can define thirty percent (30%) of their site as display area and illuminate that area up to 35 foot-candles (maximum) while limiting light trespass and using fully shielded fixtures.
3. The remaining seventy percent (70%) of the car dealership site shall be subject to the same lighting standards for light levels and light trespass as other commercial sites.

H. LIGHTING OF WALKWAYS, BIKEWAYS, PARKS AND PLAYGROUNDS. Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

1. The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles;
2. The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles; and
3. Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.
4. Light pole height shall not exceed fifteen (15) feet. Bollard lighting, not exceeding four (4) feet in height is encouraged.

I. LIGHTING OF CANOPIES, BAYS, AND LOADING AND UNLOADING SPACES

1. The average maintained horizontal illumination shall not exceed twenty-five (25) foot-candles.
2. Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.
3. Light fixtures mounted on or under overstory ceilings, in bays, and in loading and unloading spaces shall be recessed, full cutoff and fully shielded, unless indirect lighting is being used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
4. Lights shall not be mounted on the top or sides of a overstory.
5. Lighting for drive-through bays must be fully shielded as if located outside.



## J. OUTDOOR ATHLETIC/PERFORMANCE FACILITIES

- Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.
- Limits on light trespass appearing in [Subsection 7.11\(B\)\(1\)](#) of this section apply to such outdoor facilities. If floodlighting is used in place of full cutoff fixtures, the center beam shall be aimed below the horizontal plane at an angle not less than one-half (0.5) the angular beam spread of the fixture. Glare shall be controlled by fixture design, location, shielding, or natural/positioned obstructions on the parcel where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.



3. Except for professional or amateur events covered by intrastate televised broadcast, thirty (30) foot-candle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications. Light levels adjacent to residential districts or uses shall not exceed 0.20 foot-candle at the property line.
4. Outdoor Activity Light poles shall not exceed one hundred (100) feet in height.
5. The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities. Outdoor Activity lights shall shut off by 11:00 p.m. or no more than thirty (30) minutes after the activity is completed.

K. STREET LIGHTING.

1. Unless street light fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private, shall utilize full cutoff and/or fully shielded fixtures.
2. If street light fixtures of a particular period or architectural style are used then all such fixtures shall meet the Illuminating Engineering Society of North America (IESNA) criteria for said fixtures described above, and the maximum lumens generated by each fixture shall not exceed five thousand (5,000). In no case shall the resulting illumination exceed levels currently recommended by the IESNA in publication RP-8, American National Standard Practice for Roadway Lighting.
3. Fixtures that emit more than three thousand (3,000) lumens shall be shielded if adjacent to residential districts or uses.

L. NEON LIGHTING.

1. Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the light trespass requirements of [Subsection 7.11\(B\)\(1\)](#).
2. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs [Subsection 9.2\(K\)](#).
3. Neon lighting shall not be considered as security lighting.

M. SIGN ILLUMINATION

1. Whenever an external artificial light source is used to illuminate a sign, such source shall be fully shielded. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.



2. The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed thirty (30) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used in which case the average level of illumination on the vertical surface of the sign shall not exceed twenty (20) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.
3. Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within six hundred (600) feet of a Residential District. This section shall not apply to residential development identification signs, vending machines, telephone booths, time and temperature signs, or signs that do not exceed two (2) square feet in area. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs, provided that there shall be no color restrictions on neon signs.

## N. OTHER OUTDOOR LIGHTING

1. Outdoor lighting not otherwise specified in this Ordinance emitting more than one thousand two hundred (1,200) lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from six hundred (600) to one thousand two hundred (1,200) lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
2. A spotlight or floodlight of less than one thousand eight hundred (1,800) lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than forty-five (45) degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal business or resident activity.
3. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration.
4. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions, and are therefore considered to be signs, are prohibited per [Section 9.5 Prohibited Signs](#).

## O. EXCEPTIONS

1. The temporary use of low-wattage or low-voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
2. Emergency lighting and traffic control lighting shall be exempt from the requirements of this section.

P. LIGHTS NOT CONFORMING TO THIS SECTION

1. Authority to Continue. Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this section may continue provided the lighting remains in conformance with the provisions of this Subsection.
2. Ordinary Maintenance and Repair. Nothing in this section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.
  - a. Loss of Lawful Status
    - 1) Legal nonconforming status shall terminate under the following conditions:
      - a) if a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
      - b) if a lighting fixture is structurally altered such that its nonconforming aspects increase; or
      - c) if a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty percent (50%) of its replacement value.
    - 2) Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.
  - b. Removal Pursuant to Public Order. Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.

Q. SECURITY LIGHTING. Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

1. Non-residential Lighting Fixtures. All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. Security lighting fixtures may be mounted on poles located no further than ten (10) feet from the perimeter of the area intended to be illuminated.
2. Residential Lighting Fixtures. Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

R. TOWN CENTER

1. Storefronts shall be internally illuminated with spot or other incandescent lighting to display the business or its products.



2. Exterior lighting may be affixed to the building.
  3. Pedestrian passages to parking areas on the sides and in the rear must be lit to a minimum of 2 foot-candles.
- S. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with [Subsection 2.2\(A\)\(17\)](#).

## 7.12 ACCESSORY USE AND STRUCTURE STANDARDS

- A. GENERAL PROVISIONS. The following standards shall apply within all zoning districts:
1. Order of Establishment. No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the issuance of a permit for a principal use or structure. All accessory uses and structures shall be permitted only in association with the principal use or structure.
  2. Incidental to principal. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with the operation of, the principal use of the lot. This shall be shown through the height, area, bulk, extent and purpose to the principal use served and shall not exceed the required heights, setbacks, or area standards established by this section.
  3. Setback. Accessory structures shall be located no closer to the front lot line than the front building façade line of the principal use.
    - a. Exceptions. Accessory structures in Agriculture Residential (AGR) zoning districts may be located in any location on the lot or parcel subject to compliance with all other applicable provisions of this ordinance. (Amended Ordinance 2013-16)
  4. Separation. Any detached accessory structure shall be located:
    - a. a minimum of five (5) feet from any accessory or principal structure in residential zoning districts.
    - b. a minimum of ten (10) feet from any accessory or principal structure in non residential districts.
  5. Height. Accessory structure height shall be in accordance with the [Table 4.4: Residential Lot Standards](#) and [Table 4.5: Non-Residential Lot Standards](#) unless specifically allowed as otherwise by this section or by the height exemptions of [Section 7.7 Height Standards](#).
  6. Placement. Accessory structures shall not encroach upon any required landscaping buffer yards or easements. No accessory structures shall be placed in any operable septic fields or septic field easements.
  7. Design Compatibility. Accessory uses and structures shall be compatible in design and material to the principal use on the lot on which it is situated.
- B. PERMITTED ACCESSORY USES AND STRUCTURES. The Planning and Building Director shall determine whether or not accessory uses are permitted based on consistency of each use with the intent of the district in which it is located. Accessory uses and structures may include but are not limited to the following:
1. Appurtenant Features. Such appurtenant features as walks, driveways, curbs, drainage

installations, mailboxes, lamp posts, bird baths, and structures of like nature.

2. Fixed Structures. Outdoor fireplaces, doghouses, children’s play equipment when the lot requirements are adhered to.
3. Walls. Fences, walls, structural screens, retaining walls when they do not hinder vision clearance triangles or intersection visibility.
4. Plant Material. Trees, shrubs, flowers, or other plant material in any required front, side or rear yard provided that sight visibility triangles are not hindered.
5. Animals. Domestic pets and horses provided the keeping of the animals is not for profit and not construed as a kennel.
6. Sports equipment. Portable sports goals provided they are not in the right-of-way.
7. Accessory Dwelling Units. It is the intent of this section to permit, in the correct context, secondary dwellings as an alternative single family living arrangement. It is the intent that the occupancy is associated with the primary dwelling, and that the dwelling be held to the standards below. The restrictions herein are designed so that it remains clear that the property is a single lot and use, that the accessory dwelling appear subordinate in size and/or location, and that any potential nuisance is mitigated.
  - a. An accessory dwelling unit is permitted as a special exception in certain districts
  - b. One accessory dwelling unit may be permitted either within an accessory structure or as an independent accessory structure
  - c. The owner(s) of the single-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises.
  - d. Occupation of accessory dwelling units may be limited by the Board of Zoning Appeals.
  - e. The accessory dwelling unit shall not exceed 75% of the primary dwelling footprint and shall not exceed the greater of 720 square feet and 7% of lot coverage
  - f. An accessory dwelling unit shall be constructed no farther than 100 linear feet from the primary/principal dwelling
  - g. An accessory dwelling unit shall be constructed so as to maintain the appearance of the property as a residence and the approving body should consider the Residential Design Standards, Chapter 8.1
  - h. A minimum of two (2) off-street parking spaces, including the driveway, shall be provided.
  - i. A screening plan shall be a part of the approval process
8. Family-Care Homes
  - a. Day-Care Home Standards. Child day-care homes shall meet the definition established by I.C. 12-7-2-28.6 and shall be consistent with all applicable regulations of the State of Indiana.
  - b. Family Foster Homes. Foster family homes where children unrelated to the residents by blood or adoption are cared for.
  - c. Elder Day Care Homes. Elderly day cares homes shall be permitted provided

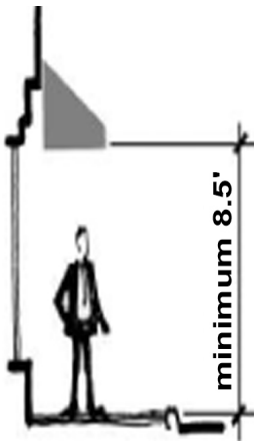
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that the maximum number of elderly persons receiving care, protection and supervision in any such home shall not exceed six (6) at any given time.

9. Home Occupation / Home-Based Business. Home-based businesses shall comply with all applicable provisions of the Home-Based Business Standards of [Section 7.9 Home-Based Business](#).
10. Off-street Motor Vehicle Parking And Loading Areas
  - a. Private residential garages and carports for the storage of motor vehicles are permitted, provided that such structures are accessory to private, residential uses, are used for the storage of motor vehicles, and are clearly accessory and not for commercial purposes.
  - b. Storage or parking of recreational vehicles (including travel trailer, boat trailer and the like) in the open is permitted, subject to the standards in [Subsection 7.2\(Q\)](#).
11. Multi-family Dwelling / Manufactured Home Park Accessory Uses and Structures. Where multi-family dwellings or manufactured home parks are permitted, customary incidental uses and accessory structures including but not limited to management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, shall also be permitted, subject to the following standards:
  - a. Area. The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed ten percent (10%) of the park and development site.
  - b. Subordinate Role. The accessory uses and structures shall be subordinate to the recreational character of the development.
  - c. Design Focus. The accessory uses and structures shall be located, designed and intended to serve only the needs of the development.
  - d. Visibility. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multi-family or manufactured home park facility.
  - e. Parking. Parking for accessory uses and structures shall be consistent with the Parking Standards of [Section 7.2 Off-Street Parking And Loading](#).
  - f. Display. There shall be no exterior display of vending machines and the like outside of facilities associated with multifamily or manufactured home park development.
12. Swimming Pools
  - a. Private Swimming Pools. No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be permitted in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:
    - 1) Indiana Swimming Pool Code (675 IAC 20); and
    - 2) Application for an Improvement Location Permit.

- b. Public Pools. Community or club swimming pools, where permitted, shall comply with the following conditions and requirements:
  - 1) The pool and accessory structures, thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line; and
  - 2) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or adjacent properties. The fence or wall must be constructed in accordance with 675 IAC 20, and be of a substantial material with openings (space between pickets) not greater than four (4) inches. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- 13. Waste / Recycling Containers. All dumpsters and other waste / recycling containers shall be screened consistent with Section 7.5 Landscaping Standards.
- 14. Outdoor Storage, Sales, and Display. Outdoor storage of merchandise in commercial and industrial districts is permitted only as regulated in Section 7.14 Outdoor Sales, Display, And Storage Standards. Accessory structures in commercial and industrial districts should not alter the character of the district.
- 15. Park & Recreation Facility Accessory Uses & Structures. Where park and recreation facilities are permitted, customary accessory uses & structures including but not limited to rest rooms, groceries, refreshment stands, restaurants, laundries, and sporting goods sales are also permitted, subject to the following standards:
  - a) Area. The maximum cumulative area occupied by accessory uses and structures, including any parking intended for accessory structure use that is separate from park and recreation area primary parking, shall not exceed ten percent (10%) of the park and recreation site.
  - b) Subordinate Role. The accessory uses and structures shall be subordinate to the recreational character of the development.
  - c) Design Focus. The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility.
  - d) Visibility. The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility.
  - e) Parking. Parking for accessory uses and structures shall be consistent with the standards of Section 7.2 Off-Street Parking And Loading.
- 16. Energy Conversion Equipment. Solar energy conversion systems. (Amended Ordinance 2009-27)
- 17. Communication Facilities. Satellite dishes or satellite or television antennas or amateur radio equipment in accordance with Section 7.8 Wireless Communication Facilities.
- 18. Building Features. Buildings and structures such as awnings, canopies, porte-cocheres, and similar provided that:
  - a. The bottom of the structure shall be no less than eight and one-half (8½) feet above the grade over a pedestrian way, or no less than twelve (12) feet above the grade over a driveway or interior access drive (e.g. drive through window); and





- b. The maximum projection of an awning and / or canopy shall:
  - 1) not extend more than eight (8) feet from or behind the facade of its supporting building, and
  - 2) not extend any closer to an imaginary perpendicular vertical plane located at the edge of pavement, curb or outside edge of a sidewalk than three (3) feet.

19. Residential Accessory Structures. For residential accessory structures including, but not limited to, small greenhouses, mini-barns, and gazebos, less than two hundred (200) square feet are exempt from obtaining an Improvement Location Permit but are not exempt from the maximum lot coverage standard or the minimum setback requirements of the applicable zoning district. (Amended Ordinance 2009-19)

20. Garage or Yard Sales. A garage or yard sale is defined as a public or private sale or auction conducted by the owner or occupier of a premises, and

- a. conducted with a residence, garage, other accessory buildings or outside thereof,
- b. of six (6) or more items of personal property owned or in the possession of the owner or occupier of the premises, which personal property was not acquired by the owner or occupier for the purpose of resale,
- c. conducted a maximum of three (3) times in any one (1) calendar year or on any premises located in any residential zone, not be conducted for more than three (3) consecutive days, and
- d. all personal property exhibited for sale outside any structure during a garage or yard sale or auction shall be removed from the outside and placed within a structure immediately following the last day of the sale. All signs erected for a garage or yard sale or auction shall likewise be removed within twenty-four (24) hours following the last day of the sale.

21. Agricultural Structures. All structures, whether principal or accessory, used exclusively for agricultural purposes shall be required to obtain electrical permits and shall be required to file a plot plan as described in Subsection 12.10(C) for the construction of new structures.

C. ACCESSORY USES THAT ARE NOT PERMITTED. The following accessory uses are not permitted in any zoning district within Hendricks County.

- 1. Outdoor storage or property that is unusable, discarded or in a state of disrepair such as, but not limited to: junk, lumber, building materials, parking of inoperative vehicles, junk, abandoned or unlicensed motor vehicles, motor vehicle parts or similar items, shall not be permitted in any District unless specifically permitted by the specific zoning district regulations. For permissible outdoor storage, refer to Section 7.14 Outdoor Sales, Display, And Storage Standards. (Amended Ordinance 2009-19)
- 2. All wild and exotic animals that are inherently dangerous to humans shall be prohibited. All other wild and exotic animals shall be restricted to those requiring state or federal permits and special exception approval by the Board of Zoning Appeals.
- 3. Motor vehicles used for storage.

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Accessory SECS



### 7.13 TEMPORARY USE AND STRUCTURE STANDARDS

- A. **INTENT.** The purpose of these temporary use & structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to (1) accommodate the temporary needs or properties and land uses, (2) ensure that temporary uses do not become permanent without proper scrutiny, and (3) protect the public welfare from the unique hazards that can be created by temporary uses and structures.
- B. **GENERAL TEMPORARY USE AND STRUCTURE STANDARDS APPLICABLE TO ALL ZONING DISTRICTS**
1. Temporary Structure Standards. All temporary structures shall conform to the following requirements:
    - a. **Applicable Development Standards.** Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this section.
    - b. **Temporary Structure Time Limits.** Any temporary structure used for a permitted primary use may be permitted for up to two (2) years, unless otherwise specified by this Ordinance.
    - c. All temporary uses shall occur outside of the right-of-way.
  2. Temporary Use and Structure Standards. Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:
    - a. **Permit Requirements.** All temporary uses and structures shall require an Improvement Location Permit unless otherwise specified in this section. No temporary use or structure, or the related signs, lighting, parking, etc., shall be constructed or placed upon a site prior to all necessary permits being obtained.
    - b. **Time Limits.** Temporary uses and/or structures that seek extensions of the initial time limits established in this section shall be subject to administrative approval.
      - 1) One (1) year extensions may be granted by the Director who may impose reasonable conditions as part of the approval.
    - c. **Removal.** All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.
  3. Construction Trailers. Construction trailers are permitted as temporary structures during times of construction activity. Construction trailers shall not be located in any setback, buffer yard, easement, or right-of-way.
  4. Construction Dumpsters. Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall not be located in any required setback, buffer yard, easement, or right-of-way.
  5. Standards
    - a. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.



- b. No public address systems or other noise-producing devices shall be permitted in a residential district.
- c. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- d. No banners, pennants, or unnecessary signs shall be permitted unless as otherwise specified. Refer to [Chapter 9: Sign Standards](#).
- e. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

C. RESIDENTIAL TEMPORARY USE AND STRUCTURE STANDARDS APPLICABLE TO THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS. The following temporary uses and structures are permitted as described below; no permit shall be required unless otherwise specified.

- 1. Garage/Yard Sales. Yard sales, garage sales, flea market sales and other similar permitted sales conducted in residential districts, shall be permitted no more than three (3) times in a calendar year and for no more than three (3) consecutive days. Garage/yard sales shall be distinguished from flea markets in that garage/yard sales are clearly incidental to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.
  - a. All items of personal property sold at a garage and/or yard sale shall be owned by the owner or occupier of the premises or by a participant at the sale. Personal property for sale must not be property that has been acquired by the owner expressly for the purpose of resale.
  - b. All personal property exhibited for sale outside any structure during a garage and/or yard sale shall be removed from the outside and placed within a building immediately following the last day of such sale. All signs erected for such garage and/or yard sale shall likewise be immediately removed at the conclusion of the sale.
- 2. Children's Roadside Stands. Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

D. SPECIAL EVENT. Definition. A Special Event is an activity, not incidental to the primary use, conducted outside over the course of an established 180 period. An activity conducted for more than the established 180 day period in a 12 month span shall be considered permanent. All events are required to obtain an Improvement Location Permit.

- 1. An event with components only in the 'By Right Permission' line of Table 7.19 are permitted to hold the event
- 2. An event with at least one (1) component in the 'Administrative Review' line of Table 7.19 must follow the process outlined in Section 12.16 Special Event Review Process.
- 3. An event with at least one (1) component in the 'Plan Commission Review' line of Table 7.19 must follow the process outlined in Section 12.16 Special Event Review Process.
- 4. The Planning and Building Director can require any proposal to submit to either review

process as they deem it necessary.

5. Exempt events. Events that occur at County owned facilities and/or take place on the County right-of-way (public events, marathons, and other similar activities) shall be exempt from this Ordinance and shall obtain permission from the Board of Commissioners.
6. A decision made under this section by the Plan Commission or Board of Zoning Appeals may be appealed to the Hendricks County Commissioners.

Table 7.19: Special Event Processes and Components						
		Components				
		Zoning District	Hours of Operation	Number of Vendors	Consecutive Days	Total Days in 180 Day Period
Processes	By Right Permission	Permitted	Sun-Thurs 7A-8P Fri & Sat 7A-10P	<6	1 or 2	<10
	Administrative Review	Permitted	Sun-Thurs 7A-9P Fri & Sat 7A-11P	6-24	More than 2	10-120
	Plan Commission Review	Special Exception or Not Permitted	Hours Beyond Administrative Review	24<	-	121-180

(Amended Ordinance 2017-15)

## 7.14 OUTDOOR SALES, DISPLAY, AND STORAGE STANDARDS

- A. GENERAL PROVISIONS. The following shall apply to all districts whether the use is permitted, special exception, accessory, or temporary:
  1. Approved and documented permanent outdoor sales, display, and storage areas shall be permitted accessory uses, tied to the primary use.
  2. Outdoor sales, display, and storage shall not be located in any setbacks, easements, right-of-way, or off-street parking or loading areas.
    - a. Motor vehicle sales and display may be permitted in off-street parking areas.
  3. Lighting shall comply with [Section 7.11 Outdoor Lighting](#).
  4. Outdoor sales, display, and storage shall be located behind the front or exterior wall of the main building facing any street and shall comply with all lot requirements of this Ordinance and with intersection visibility standards as set forth in [Section 7.4 Sight Visibility](#).
- B. SALES AND DISPLAY AREAS. Outdoor sales and display areas in compliance with the following requirements may be permitted in association with retail commercial uses.
  1. All outdoor sales and display areas, regardless of size, shall be hard-surfaced, dust-free pavement. The pavement type and thickness shall be reviewed at TAC prior to obtaining Plan Commission approval, taking into consideration soil conditions and traffic loading. Pervious pavements and pavers including durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the



system of which is specifically installed and designed for vehicular loads shall also be considered. Sales and display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition.

2. The max area for outdoor sales and display shall not exceed ten percent (10%) of the primary structure or primary tenant space.
3. Every approved permanent outdoor sales and display area shall be in close proximity to the facade of the primary structure.
4. Screening shall be provided for outdoor sales and display area that are greater than five hundred (500) square feet in size to reduce visibility of the outdoor sales and displays from the parking lot and primary roadways by installing a minimum twenty-four (24) inch opaque wall constructed from the same building material as the primary structure, and integrated into the design of the primary structure. The wall may be topped with a transparent fence.
  - a. Outdoor sale and display of merchandise within an area of five hundred (500) square feet or less shall not block handicapped parking areas, parking lot access aisles, and shall maintain a forty-two (42) inch clearance on all sidewalks.
5. A Type 1 landscaped buffer yard as described in [Table 7.6: Applicable Buffer Yard Types](#) and [Table 7.7: Buffer Yard Types Description](#) may also be used. Plant material may be clustered for better view of displays.

C. OUTDOOR STORAGE. Outdoor storage, in compliance with the requirements of this section is a permitted use and shall be considered primary or accessory to the principal use.

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1. General Standards that are applicable to all outdoor storage.
  - a. Screening. Outdoor storage of the types described below shall be screened with an opaque fence, split face block wall, continuous evergreen screen, or a combination of the three. The screen must measure a minimum of seven (7) feet in height. The fences or walls shall be compatible with or constructed from the same building material as the primary structure, and integrated into the design of the primary structure.
  - b. Primary. Outdoor storage shall be permitted as a primary part of a permitted use in the LI and MI zoning districts.
  - c. Accessory. Outdoors storage is accessory to a permitted principal use in all non-residential districts when it does not exceed the greater of 25% of the building footprint or 600 square feet.
2. Bulk Storage.
  - a. In any district in which bulk storage is permitted, structures, buildings, or above-ground tanks used for bulk storage of flammable or explosive liquids, gases, or other materials, shall be located no closer than 50 feet to the property line.
  - b. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

D. VEHICLE DISPLAY AND SALES. Motor vehicle dealerships shall be exempt from [Subsection 7.14\(B-C\)](#). The following regulations shall apply:

1. Perimeter Landscaping
    - a. Any combination of materials selected from the Landscape Materials Categories listed in [Table 7.8: Unit Value of Landscaping Material](#) which equals or exceeds a unit value of 2.5 for each one hundred (100) linear feet, along any exterior roadway, provided that at least fifty percent (50%) of the unit value shall be derived from Deciduous Shade Trees (Overstory) or Deciduous Ornamental Trees (Understory).
    - b. Any combination of materials selected from the Landscape Materials Categories listed in [Table 7.8: Unit Value of Landscaping Material](#) which equals or exceeds a unit value of 6 for each one hundred (100) linear feet, along any property that is zoned or used as residential, provided that at least fifty percent (50%) of the unit value shall be derived from Evergreen Trees and Shrubs or Earthen Mounds.
  2. Preparation, Repair, and Maintenance. The outdoor display, storage and parking of vehicles for sale shall be allowed, provided that all preparation, repair and maintenance of the vehicles shall be enclosed.
    1. Special Lot Standards:
      - a. Minimum Front Setback: twenty-five (25) feet
      - b. Minimum Side Setback: ten (10) feet
      - c. Minimum Rear Setback: fifteen (15) feet
  3. All outdoor sales and display areas, regardless of size, shall be hard-surfaced. Pavement type and thickness shall be approved by the County Engineer prior to Plan Commission approval, taking into consideration soil conditions and traffic loading. Pavers may also be used if approved by the Plan Commission. Pavers shall include durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads. Sales and display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition.
  4. No outdoor storage shall occur within any setback, easement, or right-of-way.
- E. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with [Subsection 2.2\(A\)\(17\)](#).

## 7.15 AIRPORT REGULATIONS

- A. APPLICABILITY. The standards of this section shall apply to all development proposed within the AD zoning district.
- B. AIR SAFETY LAND USE RESTRICTIONS. Notwithstanding any other provisions of this Ordinance, no use may be made of land within this zoning district in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use. The Hendricks County Plan Director shall require compliance with these restrictions as a condition of issuing an Improvement Location Permit/Building Permit.
  1. Marking And Lighting



- a. All lights or illumination used in conjunction with streets, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to Gordon Graham Field or in the vicinity thereof. All lights or illumination must conform to the regulations in [Section 7.11 Outdoor Lighting](#).
  - b. A structure or object of natural growth may require the installation, operation, and maintenance on the structure or object of natural growth any markers and lights necessary to indicate to aircraft the presence of an airport hazard.
  - c. Notwithstanding other provisions of this chapter, any structure over two hundred (200) feet above ground level shall have installed lighting in accordance with Federal Aviation Administration Advisory circular 70/7460-1K and amendments thereto on such structures. This lighting may include flashing red beacons, steady burning red obstruction lights, or high intensity obstruction lights. All required lighting must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1K and amendments thereto.
2. Emissions
- a. No operations of any type shall produce smoke, glare, or other visual hazards within this zoning district.
  - b. No operations of any type shall produce electronic interference with navigation signals or radio communications between the Airport and aircraft.
3. Height. Structure height shall be regulated by the standards of both this zoning district and Indiana Code 8-21-10 Regulation of Tall Structures.
- C. AIRPORT HAZARDS DESCRIBED AND PROHIBITED. An airport hazard is a land use, structure, or object of natural growth located in this zoning district that:
1. Exceeds the height limits of [Table 4.4: Residential Lot Standards](#), [Table 4.5: Non-Residential Lot Standards](#), and [Section 7.7 Height Standards](#).
  2. Interferes with visual, radar, radio, or other system of tracking, acquiring data relating to, monitoring, or controlling aircraft.
  3. Interferes with a pilot's ability to distinguish between airport lights and other lights, results in glare in the eyes of a pilot, or impairs visibility in the vicinity of the Airport.
  4. Creates a wildlife hazard, as defined by the Code of Federal Regulations Title 14, Part 139.
  5. Otherwise endangers or interferes with the landing, taking off, or maneuvering of an aircraft.
- D. NONCONFORMING USES, STRUCTURES, AND OBJECTS
1. Nonconforming Uses and Structures. Refer to [Chapter 3: Nonconformities](#).
  2. Nonconforming Objects of Natural Growth
    - a. Objects of natural growth existing before the effective date of this Zoning Ordinance which do not meet the requirements of this section shall be classified as nonconforming objects of natural growth, provided, however, that such object of natural growth shall not encumber the imaginary surfaces described in Indiana Code 8-21-10 (Regulation of Tall Structures) in which event the encumbrance may

- be removed in accordance with any available remedy provided by applicable law.
    - b. Nonconforming objects of natural growth that have been removed or destroyed shall not be replaced.
- E. AIRPORT, PRIVATE USE DEVELOPMENT STANDARDS. These standards shall apply to any private airport use where approved/permitted.
  - 1. Twenty (20) acre minimum lot size required;
  - 2. Such use shall be classified as an accessory use to a single-family residence;
  - 3. No structures, in relation to the airport, shall exceed forty (40) feet in height;
  - 4. Twenty-five (25) foot minimum side and rear setback;
  - 5. No structures, in relation to the airport, shall be placed in a front yard; and
  - 6. All applicable State and Federal Aviation guidelines must be met.

## 7.16 ENVIRONMENTAL STANDARDS

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### A. INTENT

- 1. The purpose of these environmental standards is to:
  - a. encourage the protection of unique environmental features; and
  - b. protect persons and property from the dangers presented by both the natural and built environments.
- 2. Some of the following standards refer to complementary State or Federal regulations, that are not enforced by the County, in order to increase awareness of these regulations.

### B. GENERAL ENVIRONMENTAL STANDARDS. The following environmental standards shall be applicable to all zoning districts:

- 1. Land Suitability. No land should be used, or structure erected where the land is unsuitable for such use or structure due to slopes, adverse soil or rock formations, erosion susceptibility, or any other feature determined by the Planning Director, County Surveyor, County Engineer, County Board of Health, or Plan Commission as likely to be harmful to the health, safety, and general welfare of the community.
- 2. Preservation of Natural Features. Existing natural features such as mature trees, streams, lakes, wetlands, streamside riparian areas, floodplains, and similar assets should 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.
  - a. Wetlands. Wetland areas shall be managed consistent with all applicable standards of the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management, U.S. Department of Agriculture, and other appropriate agencies.
  - b. Streamside Forests (Riparian Areas). All structures shall be set back a minimum



of twenty-five (25) feet from the top-of-bank, as determined by the County Surveyor. Within this required setback, preservation of native vegetation and minimal construction activity is encouraged subject to IC 36-9-27. Information produced by the National Resource Conservation Service as expressed in the Conservation Practice Standards for Riparian Forest Buffer (Code 391) or Forest Stand Improvement (Code 666) provide alternative sources for the management of riparian areas.

- c. Floodplains. Floodplains shall be managed consistent with the Applicable standards of [Chapter 10: Floodplain Management](#) of the Hendricks County Zoning Ordinance.
- d. Trees. When the preservation of existing trees is specified by the requirements of this Ordinance and/or by conditions placed on the approval of an application the following standards shall be met:
  - 1) Construction Activity. No construction activity damaging to the existing trees including the driving of construction vehicles and storage of construction materials shall occur within the drip-line of any tree to be preserved. Signs and construction fencing shall be used to demarcate the preservation areas.
  - 2) Tree Maintenance. All trees to be preserved shall be included in an easement recorded with the Hendricks County Recorder within five (5) days of Plan Commission approval. The easement shall include language that, subject to the approval of the Planning Director, requires the continued maintenance of the trees and prohibits the removal of healthy trees. Trees that are removed due to poor health, disease, or act of nature shall be replaced by the property owner prior to the conclusion of the next planting season (spring or fall, whichever is sooner). Replacement trees shall have a minimum trunk diameter of two (2) inches, measured at twelve (12) inches above the root ball.
3. Conservation of Historic Features. Existing historic features (such as those listed as outstanding, notable, or contributing in the Indiana Dept. of Natural Resources Indiana Historic Sites and Structures Inventory - Hendricks County Interim Report, listed in the National Register of Historic Places, or listed in the Indiana Register of Historic Sites and Structures), and similar irreplaceable assets should be preserved through harmonious and careful design.
4. Waste/Debris. All properties shall at all times be maintained and used only in clean, neat and well-groomed conditions, free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items.
  - a. Waste Stored Outdoors. No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease-carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot.



- b. Waste Stored in Structures. Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.
- c. Open Dumping. Open dumping shall not be permitted in any zoning district.
- 5. Environmental hazards
  - a. General Performance Standards. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of this Ordinance shall be so altered or modified to conflict with these standards.
    - 1) Fire Protection. Firefighting equipment and prevention measures acceptable to the applicable local fire protection officials shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
    - 2) Electrical Disturbance. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
    - 3) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, and shall meet the following specifications:
      - a) No use shall produce noise in excess of seventy-five (75) decibels, day or night.
      - b) No activity or operation producing noise, other than ordinary vehicle noise, shall be conducted so that noise from the activity or operation can be detected at any point off of the lot on which that use is located.
      - c) Public safety sirens and related apparatus used solely for public safety purposes shall be exempt from this standard.
    - 4) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
    - 5) Odor
      - a) No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable without the aid of instruments at any point along or beyond the lot lines.
      - b) Poisonous And Injurious Fumes And Gases
        - 1. The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort, and welfare or which shall cause injury or damage to property or business is prohibited.
        - 2. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following: The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit as set for the fume or gas in question in the

“Threshold Limit values for Toxic Materials in Industry” issued by the Indiana State Board of Health from the American Conference of Governmental Hygienists, latest issue.

- 6) Air Pollution
    - a) Discharge. No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or in conflict with public air.
  - 7) Heat And Glare. No use on a property shall produce any glare or heat that is detectable without the aid of instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Standards, but shall comply with [Section 7.11 Outdoor Lighting](#).
  - 8) Water Pollution. No use shall produce erosion or other pollutants whether liquid, solid or gas in such quantity as to be detrimental to adjacent properties or in conflict with public water quality standards, or without the necessary required approvals of the Indiana Department of Environmental Management.
  - 9) Waste Matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, debris, refuse, trash, construction material, garbage, litter in unfinished buildings, scrap metals, inoperable vehicles or rotting wood, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.
  - 10) Ground Absorption. Any and all chemicals or liquids that are a potential hazard for contamination must be contained so that there is no opportunity for ground absorption and contamination.
- b. Exemptions. The standards provided by this section shall be subject to the following exemptions:
- 1) Farming Operations. Any applicable “Right to Farm” laws may supersede these standards as they pertain to farming and agricultural uses.
  - 2) Exemptions. The following uses, activities, and circumstances shall be exempt from the standards established by this section:
    - a) Motor Vehicles. The operation of motor vehicles for the transportation of personnel, material, or products; and
    - b) Public Safety Alerts. Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.
- c. Applicability. All uses shall conform with any and all applicable requirements of the state and Federal governments (including the standards of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to applicable Hendricks County Code. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply. The Director shall issue violations for non-compliance in accordance with

Chapter 13: Violations and Enforcement.

- d. Interpretation. The standards established by this section provide general guidelines for discussing expectations with new and expanding uses, sites and structures. They also provide references to applicable State and Federal regulations. Where applicable the determination of conformance with these standards shall be determined by the Plan Commission, BZA, or Administrator when consistent with the petition review procedures established by this Ordinance.

7.17 MINERAL EXTRACTION OPERATIONS

- A. APPLICABILITY. The following rules and regulations shall apply to mineral extraction operations subject to the requirements of this section.
- B. PURPOSE. The purpose of this section is to establish reasonable and uniform limitations, safeguards and controls for the extraction of natural material or deposits, including, but not limited to sand, gravel, clay, rock or stone, earth or topsoil. Such controls are deemed necessary in the public interest to regulate practices which will provide for a more economic production of natural resources, and which will provide due consideration to the surface use of land.
- C. APPLICABILITY.
1. Within an urban area as defined by IC 36-7-4-1103: This section applies to mineral extraction operations permitted in the AGR and MI zoning districts as Special Exceptions. The Board of Zoning Appeals may add additional standards of operation beyond those required by this section.
  2. Within a non-urban area as defined by IC 36-7-4-1103: This section applies to mineral extraction operations permitted by right but subject to all applicable development standards and permitting procedures.
- D. FLOOD HAZARD AREAS. All mineral extraction operations within a flood hazard area shall be subject to the requirements of Chapter 10: Floodplain Management.
- E. MINERAL EXTRACTION OPERATIONS PERMIT. All mineral extraction operations shall require a Mineral Extraction Operations Permit that is in accordance with Section 12.13 Mineral Extraction Operations Permit.
- F. SPECIAL DEVELOPMENT STANDARDS
1. When the mineral extraction operation is located in a flood hazard area, the operation shall comply with Chapter 62 Floodplain Management.
  2. Any excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination, either during quarrying operations or the excavation of a sand and gravel pit or subsequent to the termination of said



mineral extraction operation.

3. All applicable requirements of the Hendricks County Stormwater Management Handbook shall be met.
4. Fencing and landscaping in conformance with a Type 1 Buffer yard as described in Tables 7.5 and 7.6 shall be placed at the perimeter of the property and maintained to screen cut slopes from public view.
5. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
6. When the mineral extraction operation is in close proximity to residential property and water bodies, steep slopes and hazardous equipment operations, suitable protective measures shall be taken to protect people and animals from harm.
7. The land areas exposed by the mineral extraction operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan.
8. Temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, roadway or alley, as existing or as proposed in the Thoroughfare Plan than fifty (50) feet where a sight screen is provided or seventy-five (75) feet in the case where no provision is made for sight screening.
9. All equipment used for the mineral extraction operation, and other earthen material shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.
10. All access roads shall be maintained as dust-free surfaces from the public street to within one hundred (100) feet of the loading point within the area for the mineral extraction operation.
11. Explosives shall be used only between sunup and sundown except in the case of an emergency.
12. All buildings, structures or equipment shall be removed, entirely, from the property within one (1) year after the expiration of the permit.
13. Dikes and other barriers and drainage structures shall be provided to prevent silting of drainage channels or storm drains in the area surrounding the operation.
14. Final cut slopes shall be treated to prevent erosion and topsoil shall be replaced on such slopes to support vegetation. Ground cover shall be planted in accordance with IDEM requirements after a cut slope is excavated to its final position, and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
15. Vehicles carrying materials from the site shall be loaded and covered in such a manner as to prevent spilling of any materials of a mineral nature while in transit upon roads and highways.
16. Any excavated area shall not collect and permit stagnant water to remain therein.
17. Off-street parking shall be provided on the site of the mineral extraction operation for

all equipment and employee vehicles.

18. Any proposed signs shall meet the requirements of [Chapter 9: Sign Standards](#).

## G. SITE ACCESS AND MATERIAL TRANSPORT ON PUBLIC ROADS

1. Access roads to any mineral extraction operation shall be limited to two (2) points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty (80) feet, and said eighty (80) feet shall be improved with dust-proof all-weather surface.
2. Access roads shall be located so as to have adequate site distance as determined by the County Engineer.
3. The transport of materials related to the mineral extraction operation shall follow the routes shown on the transportation plan approved by the County Engineer.

## H. RESTORATION

1. There shall be filed with the Director and/or the Plan Commission a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage, courses, or other improvements contemplated per [Section 12.10 Improvement Location Permit](#) or [Section 12.3 Development Plan Review And Approval](#) as determined by the Director.
2. All excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low-water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure:
  - a. That the excavated area shall not collect and permit to remain therein stagnant water; or
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to adjoining land area. The banks of all excavations not backfilled shall be sloped not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
3. There shall be filed with the Board of County Commissioners, a bond, payable to the County, and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by Ordinance of the Board of County Commissioners. The bond shall be released upon written certification of the County Engineer that the restoration is complete and in compliance with the restoration plan.

## 7.18 OPEN SPACE REQUIREMENTS

- A. INTENT. The following requirements shall govern the type and amount of open space for any tract of land which is the subject of an application for subdivision, land development



or both using the provisions of this article. The purpose of open space is to regulate the intensity of development, preserve natural features and vistas, enhance the aesthetics of the built environment, and supply functional recreational areas.

B. **OWNERSHIP.** The land must be held in single and separate ownership by the applicant or, in the case of multiple ownership, the tract must be developed according to a single plan with responsibility for its implementation and completion vested in a common authority.

C. **GENERAL PROVISIONS**

1. Open Space shall be large, contiguous areas to the greatest extent possible.
2. Connectivity between the open space and adjacent development, greenways, parks and the like shall be provided by a minimum twenty (20) foot wide accessway.
3. Where significant natural assets exist in a proposed development, the Plan Commission may require preservation. Areas devoted to natural or improved flood control channels and those sections subject to problems of flowage, floodway or drainage easements should be left in their unimproved, natural state.
4. Open space shall be designated as Common Area or placed in an easement.
5. The Plan Commission shall require that a legal plan or contract for the perpetuation, maintenance and function of all the common area or other common property be established and furnished to the Plan Commission to be approved by the County Attorney prior to final approval. The legal plan or contract shall assure that all such common areas shall be provided for in a satisfactory manner without expense to the County. The documents shall be recorded in the County Recorder's office by the applicant prior to occupancy of any building on the project.
6. The County shall pursue enforcement of standards and impose penalties in accordance with [Chapter 13: Violations and Enforcement](#) upon failure to maintain designated open space and any improvements within the open space.
7. Further subdivision of the open space or its use for other than conservation, agricultural, or passive recreation shall be prohibited. Structures and buildings accessory to the conservation, agricultural or passive recreation may be erected on the open space, subject to the standards in [Table 4.4: Residential Lot Standards](#), [Table 4.5: Non-Residential Lot Standards](#) (whichever table is applicable), and [Section 7.12 Accessory Use and Structure Standards](#), and subject to review of the site by the Plan Commission. Any restrictions on the established open space shall be recorded in a conservation easement to which the County is a signatory party.
8. Where applicable, a homeowners' or maintenance association shall be established for the purpose of permanently maintaining all open space and potential non-commercial recreational facilities. Such homeowner's or maintenance association agreements, guaranteeing continuing maintenance, and giving lien to the County in the event of lack of such maintenance, shall be submitted to the Board of Commissioners for approval prior to the issuance of any permits.

D. **NON-QUALIFYING OPEN SPACE.** Elements that do not qualify to be counted toward open space include:

1. Required private yards.
2. Street rights-of-way, open parking area and driveways for dwellings.
3. Land covered by buildings.
4. Required detention and retention ponds that are not visually or physically accessible or do not meet the standards of [Subsection 7.18\(F\)\(5\)](#).
5. The floodway of any stream, regulated drain, river or other water body.
6. Any area with slopes exceeding a twenty-five percent (25%) grade.
7. Any wetlands on the development site, unless preserved as a conservation area.

E. MINIMUM REQUIRED OPEN SPACE

Table 7.10 Minimum Required Open Space		
Zoning District	Percentage of Open Space	Notes
RA, RB,	8%	
RC, RD, PUD	12%	
RE, MHP	15%	
NB, GB, HB, PB	5%	Sites less than 3 acres are exempt
LI, MI	2%	

F. QUALIFYING OPEN SPACE

1. Conservation areas and wetlands preserved as conservation areas.
2. Floodplains
3. Woodlands
4. Riparian corridors
5. Retention and detention facilities with the following characteristics:
  - a. Perimeter Access. An easement of at least fifteen (15) feet from the top of bank with a minimum five (5) feet wide path of a material that meets the requirements of the ADA.
  - b. Access. An area of open space at least twenty (20) feet wide shall extend from a street right-of-way to the fifteen (15) foot perimeter access area of the detention area.
  - c. Planting. Native plant material is encouraged around the perimeter of retention ponds.
6. Development amenity areas containing semi-public areas such as:
  - a. plazas with seating and special features such as public art or fountains;
  - b. pocket parks with seating and landscaping;
  - c. decorative water features; and

Effective Date: October 1, 2008

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QUALITY GROWTH STRATEGY: ZONING ORDINANCE

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# Chapter 8: Design Standards



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### 8.1 RESIDENTIAL DESIGN STANDARDS

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All new major and minor subdivisions with the exception of Estate and Conservation Subdivision, and Planned Unit Developments, shall include the following minimum design standards. A petitioner shall also refer to the Hendricks County Residential Subdivision Design Guidelines which is adopted by the County Commissioners and which shall be used in addition to this chapter.

The Residential Subdivision Design Guidelines will assist major subdivision developers, designers, and builders to understand the County's expectations for well-designed, quality residences. Plats and Development Plans will be reviewed for consistency with the requirements in the Residential Subdivision Design Guidelines and the standards contained in this Ordinance. As needed, the Plan Commission reserves the right to allow modifications to some requirements contained in the Residential Subdivision Design Guidelines. The overall objective is to ensure that the main principles of the Residential Subdivision Design Guidelines are followed in each case. Procedures for modifications can be found within the Residential Subdivision Design Guidelines.

- A. **APPLICABILITY.** These standards shall apply to new single-family and two-family dwellings in major and minor subdivisions. Existing residential structures that expand or are altered by more than fifty (50) percent of the existing square footage shall also comply.
- B. **ANTI-MONOTONY.** Homes located in close proximity shall not be of the same front elevation. This does not prohibit the home to the rear from being the same front elevation.
  - 1. Mirror images of the same configuration/elevation do not meet the requirement.
  - 2. No house shall be of the same front elevation design as any other house within two (2) houses to each side of the subject lot nor directly across the street.
  - 3. No single front elevation design may be applied to more than twenty-five percent (25%) of the front elevations within any single phase of a development.
- C. **DRIVEWAY WIDTH.** The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:
  - 1. For single- and two-family residential uses the minimum driveway width shall be twelve (12) feet.
  - 2. The maximum driveway width at the property line shall be twenty (20) feet.
- D. **PEDESTRIAN CIRCULATION.** A sidewalk with a minimum five (5) foot width shall be included in developments of four (4) homes or more. A determination shall be made by the Director regarding infill lots.
- E. **MATERIALS.** Exterior materials shall be unit masonry (brick, stone, textured and colored split-face concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding (lap siding shall have a maximum nine (9) inch exposed board surface), or heavy-gauge vinyl. Vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute (VSI) through the VSI siding certification program. The minimum thickness of vinyl siding shall be 0.044 inches.

- F. FRONT FACADE. Each front elevation shall include architectural elements from the following list that total a minimum of four (4) points. Unless specified, all features are worth one (1) point.
1. Front porch, minimum eight (8) feet in width and four (4) feet in depth supported by columns and with a rail (2 points)
  2. A separate overhead door for each single garage bay
  3. Side-loaded or court-entry garage (2 points)
  4. Brick, stone or textured concrete masonry on one hundred percent (100%) of the front elevation (excluding openings)
  5. Turret
  6. Two (2) or more roof planes visible (change in elevation or direction of roof ridge) on the front of the house
  7. Veranda/balcony
  8. At least four (4) feet of relief at one or more points along the front or rear elevations
  9. Bay, dormer or oriel windows
  10. Decorative geometric front, rear and side gable roof vents or windows
  11. Architectural details such as quoins, pilasters, cornices, and dentil molding
- G. SIDE AND REAR FACADE. The side and rear elevations of a home which abut a right-of-way or private street, excluding alleys, and can be viewed from that street shall have at least two (2) of the following features on all sides:
1. Minimum thirty percent (30%) masonry as the exterior building material
  2. Full first-floor masonry wrap
  3. Pop-out room a minimum of three (3) feet by ten (10) feet such as sun room or breakfast nook (on viewable sides)
  4. Screen porch (on viewable sides)
  5. Bay or oriel windows (on viewable sides)
  6. Shutters and window grids
  7. Cantilevered second story (on viewable sides)
  8. Raised wood deck, a minimum of eight (8) feet by ten (10) feet (on viewable sides)
- H. ROOF. Roofs shall have a minimum twelve (12)-inch overhang on all sides.
- I. DOOR, WINDOW AND CORNER TRIM. All windows, doors and corners should have a nominal one (1) inch by four (4) inch wood or vinyl surround.
- J. LANDSCAPING. All single-family dwellings shall be landscaped in conformance with [Section 7.5 Landscaping Standards](#).
- K. COMMON OPEN SPACE. Common open space shall be required in conformance with [Section 7.18 Open Space Requirements](#) and the requirements of the Subdivision Control Ordinance.

### 8.2 MULTIFAMILY DESIGN STANDARDS

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- A. **APPLICABILITY.** All new multi-family developments (apartments, townhomes) of three (3) units or more are subject to the following standards. Multi-family Development in town centers may be subject to additional design guidelines in [Section 14.3 Town Center Overlay District \(TC-OL\)](#).
- B. **LAYOUT AND SITE PLANNING**
1. **Topography.** Buildings shall be sited in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten percent (10%).
  2. Attempts shall be made to preserve existing vegetation and natural features.
  3. **Building Orientation.** Multi-family building(s) shall be oriented to the street or county road, a common open space, or clustered to form neighborhoods. Multi-family buildings shall not be oriented to parking lots. Accessory buildings, including residential garages, storage buildings, etc., shall be located behind the primary building. No primary or accessory building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to the street or county road.
  4. Buildings shall be located so that the window to window distance between buildings or facing exterior walls shall not be less than forty (40) feet, as measured by a line perpendicular to the plane of the surface of said window. This distance may be reduced to not less than thirty (30) feet for an exposure where a room is a bathroom or laundry/utility room, or is used as a community or group meeting room or for a similar purpose.
  5. Individual buildings shall be located to avoid more than two (2) buildings with parallel orientations to a public street, unless offset by more than twenty (20) feet. Vary the orientation to lessen the massing. The maximum length of a multi-family building shall not exceed one hundred sixty (160) feet. No more than eight (8) townhome units shall be attached in a single row.
  6. Off-street parking, driveway, drive aisles, carport, garage or service facilities may encroach into the side or rear yard as specified in but shall be no closer than ten (10) feet to any lot line. In no event shall parking be located in required landscaping areas.
  7. All sides of a building shall display a similar level of architectural features and materials.
- C. **OPEN SPACE.** Open space shall be required in conformance with [Section 7.18 Open Space Requirements](#) and the requirements of the Subdivision Control Ordinance.
- D. **VEHICULAR AND PEDESTRIAN CIRCULATION.** Create a hierarchy of internal drives.
1. Drives shall be a minimum of twenty (20) feet wide. The County may request wider drives if on-street parking is permitted.
  2. Multi-family developments with 150 units or more shall have at least two (2) points of ingress/egress.

3. The internal "street" system shall connect to surrounding neighborhood and local streets.
4. All internal sidewalks shall be a minimum of five (5) feet wide.
5. All internal sidewalks shall connect to adjacent residential areas, commercial areas, schools, parks, places of worship, and similar publicly accessible uses.

### E. FACADE

1. Variation. Architectural detailing, horizontal/vertical offsets, window details and other features shall be provided on all sides of the building to avoid featureless building massing, enhance character and style, and reduce the visual scale.
2. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and at intervals of not greater than sixty (60) feet.
3. Materials shall be durable and attractive. Visually heavier materials should be used as the building's foundation.
  - a. Exposed foundations shall be constructed of one or more of the following:
    - 1) Brick;
    - 2) Stone (limestone, granite, fieldstone, etc.); or
    - 3) Split-face, integrally-colored block or architectural pre-cast concrete that simulates natural material.
  - b. Facade walls shall be constructed of any combination of the following. A minimum of forty percent (40%) shall be masonry.
    - 1) Stone;
    - 2) Wood clapboard siding;
    - 3) Brick;
    - 4) Stucco or External Insulation and Finish System (E.I.F.S.), not to exceed twenty percent (20%) of the overall non-window facade area; or
    - 5) Cement fiber board (e.g., "Hardi-plank").
  - c. Facade Plane projections such as the following are encouraged:
    - 1) Veranda/balcony
    - 2) Sunroom
    - 3) Screened porch
    - 4) Breakfast nook
    - 5) Turret
  - d. The facades of townhomes should be detailed to differentiate individual units.

- F. ENTRIES. Entries shall be pedestrian-scaled and clearly defined and accented with such features as awnings, porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms and arches.

## G. ROOF

1. Minimum Pitch for pitched roofs shall be 5:12.
2. Materials. Quality roof materials such as tile, slate, standing-seam metal, three-dimensional asphalt or fiberglass shingles shall be used on all structures.
3. Minimum Eave/Overhang Width. All multifamily buildings shall have eaves or overhangs a minimum of twelve (12) inches deep on all sides.
4. Roof Articulation. Roofs shall display a variety of forms and articulation to reduce apparent scale. Elements such as dormers, gables, cross gables, hipped, secondary hipped or gabled roofs can be used to achieve this appearance.
5. Flat roofs shall contain a cornice or moulding, and vary in height or shape every fifty (50) feet.
6. Rooftop mechanical equipment shall either be fully screened with architecturally compatible materials on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining streets, residential zones or uses.

## H. AUTOMOBILE STORAGE. A minimum of fifty percent (50%) of required parking spaces shall be covered.

1. Garage Access. All attached garages shall provide access internally from the garage to individual units.
2. Minimum garage depth shall be twenty-two (22) feet.
3. Minimum garage width shall be twelve (12) feet.
4. Carport. Where established, carports shall:
  - a. Meet all setback standards around the perimeter of the site applicable to a primary structure.
  - b. Be designed in keeping with the primary structure, and the materials shall be compatible with those of the primary structure.
5. No more than two (2) garage structures shall be located adjacent to each other end-to-end.

## I. WINDOWS. Windows are required on all sides of the building that are:

1. Adjacent to a street; or
2. Adjacent to a common area.
3. Windows should be enhanced with divided lights, grids, transom windows, keystone, lintels or trim/architrave.

## J. DESIGN COMPATIBILITY. All structures within the multifamily development shall be compatible. Similar styles, color, architectural detail and materials shall be used for garages, carports, grouped mailboxes, laundry facilities, clubhouses, shelters, etc.

- K. MECHANICAL AND UTILITY EQUIPMENT SCREENING. All mechanical equipment including ground-, roof-, and building-mounted, shall be completely screened from view. Screening can be achieved by landscaping, fences or walls for ground-placed equipment, and the use of parapet walls or other roof designs for roof-mounted equipment. Screening enclosures shall be architecturally compatible with the primary structure.
- L. DUMPSTER AND STORAGE AREA SCREENING. Dumpsters and storage area screening shall conform to the regulations of [Section 7.5 Landscaping Standards](#).
- M. LANDSCAPING. Landscaping requirements are set forth in [Section 7.5 Landscaping Standards](#).
- N. LIGHTING. Standards for parking lot, site and building lighting are set forth in [Section 7.11 Outdoor Lighting](#).

### 8.3 NON-RESIDENTIAL DESIGN STANDARDS

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- A. APPLICABILITY. All non-residential development, with the exception of agricultural uses in agricultural zoning districts, shall meet or exceed the requirements of this section, in addition to all other applicable development standards established by this Ordinance. These non-residential standards shall apply to the following:
  - 1. New structures with permits submitted on or after the effective date of this ordinance;
  - 2. Expansions greater than thirty-five percent (35%) of pre-existing site, structure or building; and
  - 3. Expansions to structures that may be less than thirty-five percent (35%) but result in a structural addition greater than 20,000 square feet in gross floor area.
- B. SITE LAYOUT
  - 1. Site planning which encourages compatibility between the site and the buildings and between all buildings on the site is encouraged. Where natural or existing topographic patterns contribute to a development, they shall be preserved and integrated. Modification to topography shall be permitted where it contributes to the overall development.
  - 2. The orientation of buildings shall promote interaction with the street or county road and provide a pedestrian friendly environment. All primary and outlot site buildings shall be arranged so that they complement existing development. The buildings shall frame a corner or enclose a "main street" type corridor. Buildings on islands surrounded by parking should be avoided.
  - 3. Newly installed infrastructure and service revisions necessitated by exterior alterations shall be underground. To the extent possible, all existing overhead utilities shall be relocated underground.
- C. OPEN SPACE. Open space shall be required in conformance with [Section 7.18 Open Space Requirements](#) and the requirements of the Subdivision Control Ordinance.

- D. ACCESS. Major and minor arterials and major collector streets must have reasonable restrictions as to the numbers and location of access points. To provide safe and sufficient traffic movement to and from adjacent lands:
  1. Frontage roads, access roads, and other internal drives shall be constructed to create a hierarchy of roads for safe on-site circulation. These internal drives shall provide pedestrian access and landscaping.
  2. Shared access shall be coordinated with contiguous lots. Access at the side or rear of buildings is encouraged.
  3. New access points onto the major and minor arterials within the corridor overlay zone shall be coordinated with existing access points whenever possible and approved by the County Engineer.
  4. Cross-access easements shall be required between adjacent compatible developments.
    - a. No curb cuts shall be within two hundred (200) feet of any intersection of public roads, and no curb cut shall be within six hundred (600) feet of any intersection along US 36 between Danville and the eastern border of Hendricks County.
      - 1) Within two hundred (200) feet of public road intersections and within six hundred (600) feet of US 36 intersections, the only permitted access shall be "right in/right out" access.
    - b. Opposing curb cuts shall align squarely or be offset no less than one hundred twenty-five (125) feet.
    - c. Stub Streets shall be built in all cases where adjacent lots have reasonable potential for development.
  5. Entry Drive. The commercial entry drive should be appropriate to the size of the development, incorporate signage, lighting, landscaping and set the tone for the development.
  6. No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area used or zoned for residential purposes.
  
- E. PARKING LAYOUT. In addition to the minimum requirements, a maximum of fifty percent (50%) of the required parking shall be located between the front facade and the primary street. The balance of the parking shall be to the rear or side of the primary building. Refer to [Section 7.2 Off-Street Parking And Loading](#) for parking standards.

A curbed and landscaped cart corral.



- F. CART CORRALS. Cart corrals for developments over fifty thousand (50,000) square feet shall be curbed, and may be landscaped and covered.
  
- G. PEDESTRIAN FACILITIES.
  1. A connection shall be established from abutting streets with sidewalks to the entrance of primary structures through the use of sidewalks and special demarcation. (Amended Ordinance 2009-19)
  2. Pedestrian areas in parking lots or across interior drives shall be demarcated

# 8.3 Non-Residential Design Standards



with special paving, color or height change, or striping for increased safety.

- 3. Sidewalks shall be a minimum of six (6) feet wide and shall connect the commercial areas to adjacent residential, office and recreational uses.
- 4. Sidewalks in Industrial Districts shall be required on at least one (1) side of each street.
- 5. Sidewalks adjacent to customer entries shall be a minimum of eight (8) feet wide.

H. ARCHITECTURAL DESIGN. All non-residential building walls shall have architectural features which increase visual interest, reduce undifferentiated masses and relate to the pedestrian scale.

1. Facades Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the building style

2. Offsets and Projections. Buildings with continuous facades that are ninety (90) feet or greater in width shall be designed with offsets (projecting or recessed) not less than two (2) feet deep, and over intervals of not greater than sixty (60) feet.

a. For Warehouse buildings in Industrial and PB districts, the offsets and projections may be substituted for color variations or other techniques that break up massing.

3. Storefronts. Ground-floor retail shall be transparent for seventy-five percent (75%) of the total ground level facade.

4. Exterior materials. Building facades may be constructed from wood, stone, masonry, E.I.F.S., cement fiber board, split-face, textured concrete, heavy gauge vinyl, metal or glass or other materials which provide the same desired quality. Products other than those listed below must be approved by the Plan Commission

a. Buildings constructed of metal shall be permitted only in the agriculture (AGB,AGI, AGR) and major industrial (MI) districts.

1) Buildings that do not exceed fifty percent (50%) metal shall be permitted in the light industrial (LI) districts, and must contain other design elements such as concrete or masonry bases, pitched roofs, enhanced entries or color variation.

b. Structures shall be constructed using a minimum of fifty percent (50%) masonry as described below.

1) Masonry construction may consist of brick, granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

2) Brick material used for masonry construction shall be composed of hard-fired all-weather standard size brick or other all-weather facing brick.

3) Buildings that do not contain fifty percent (50%) masonry shall be permitted in the Industrial (MI, LI) and Planned Business (PB) districts, and must contain other design elements such as articulated parapets, pitched roofs, enhanced entries, and color variations.

c. Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bush-hammered, sand-blasted, pattern stamped, or other concrete finish. Concrete masonry units (CMU or block) shall be textured or split-face, and otherwise not smooth.



Pedestrian-scaled architecture in both urban (above) and suburban (below) settings.

Amended Ord 2001-32

Amended Ord. 2019-32



- d. Office uses may use: Architectural metal panels, glass (up to 75% of the facade area) and ornamental metal.
  5. Roof Design. The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched, use stepped parapet walls, three dimensional cornices, dimensioned or integrally-textured materials, or be sloped with overhangs and brackets. Parapets shall not exceed more than one-third (1/3) the height of the supporting wall.
  6. Four-sided Architecture. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.
  7. Color. Compatible materials and colors should be used throughout to unify development. The colors should reflect natural tones of the environment and be subtle, harmonious and non-reflective. Accents shall be compatible.
  8. Entry Features. Entryway features are only required at the primary entrance to the structure and shall include elements such as: covered entries, integral planters, awnings, raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5:12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design.
- I. MAINTENANCE. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.
1. Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view with fencing, walls or landscaping.
  2. All accessory buildings and structures shall be constructed with materials that are similar and compatible with materials used in the principal structure.
- J. MECHANICAL EQUIPMENT SCREENING AND PLACEMENT.
1. Roof-mounted equipment on exposed roofs shall be completely screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
  2. All ground- and building-mounted mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance. Landscaping may be used for this purpose.
  3. Ground-mounted, commercial-grade mechanical equipment such as walk-in freezers.
    - a. Design. The unit shall be screened by a masonry wall that complements the architecture of the primary structure. Walls attached to the primary structure shall be designed as an architecturally integrated part of the primary structure. The wall shall be sufficient to dampen any noise generated while the unit is in operation.
    - b. Height. The wall shall be equal to the height of the unit plus two (2) feet.
    - c. Access. The enclosure shall be accessed via an opaque gate.

- d. Orientation. The gate shall not face a residential property, or a right-of-way within fifty (50) feet.
- e. Setback. All mechanical equipment shall be located a minimum of fifty (50) feet from the property line, and shall not be located within a front or side setback.
- 4. Utility substations shall be screened with a fence that is at least fifty percent (50%) opaque and at least six (6) feet in height, and the exterior wall of the fence shall be landscaped with a Type 1 Buffer yard comprised solely of evergreen species.
  - 1) The fence may not be chain-link.
- K. SIGNAGE STANDARDS. Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates. Signs shall be in conformance with [Chapter 9: Sign Standards](#) unless otherwise specified below.
- L. LANDSCAPING PLAN. Landscaping shall be in conformance with [Section 7.5 Landscaping Standards](#). Plans shall be prepared and submitted with the Development Plan.
  - 1. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan; credit toward required in-kind landscaping may be given.
- M. SITE AMENITIES. Site amenities provide attractive spaces and the possibility of interaction. Site amenities such as patios, plazas, mini-parks, squares, water features and public art should be incorporated in the required open space for the development.
- N. LIGHTING. Lighting shall be in conformance with [Section 7.11 Outdoor Lighting](#).
- O. OPERATIONAL COMPATIBILITY WITH SURROUNDING DEVELOPMENT. The Plan Commission may impose conditions on the approval of a project including but not limited to:
  - 1. the placement of trash receptacles;
  - 2. location of delivery and loading zones;
  - 3. hours of refuse removal; and
  - 4. hours of sign illumination.
- P. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with Subsection 2.2(A)(17). (Amended Ordinance 2009-19)

## 8.4 COMMUNITY DESIGN CONSIDERATIONS

- A. INTERIOR RUMBLE STRIP. Rumble strips should be installed adjacent to raised medians or other interior curbs to draw attention to the presence of the median during adverse weather conditions or other circumstances where visibility is low. Rumble strips should be designed so that adverse riding conditions are not created for on-street cyclists.

- B. NEIGHBORHOOD STREET LIGHTING. Lights should be installed along neighborhood streets. They should be no taller than twenty (20) feet and should be fully shielded or full cutoff fixtures.
- C. STREET ADDRESSES. Business and residence address lettering should be a minimum height of six (6) inches, should take into consideration the contrast of lettering and background colors, and should be externally illuminated.
- D. STREET ELEMENTS. The community should work with INDOT to encourage increased pavement markings standards, brighter stop lights, and larger and/or easily readable letters for street names/street signs.
- E. STREET WIDTH. Street width and right-of-way easement requirements should take into consideration the necessary width of roadways through low-traffic, residential neighborhoods. Large road widths can interrupt the benefits of high-density neighborhoods and the safety of pedestrians who cross the street.
- F. TRANSPORTATION. Safe and nearby pedestrian walkways/trailways, bikeways, and public transit should be created to increase a residence's visitability and aid in transportation accessibility for individuals without motor vehicle access.
- G. IMPACT FEES AND FISCAL IMPACT ANALYSIS (FIA). Impact fee assessments and FIA's should account for fewer commuters among the retire population of an age-targeted neighborhood.

## Chapter 9: Sign Standards



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### 9.1 PURPOSE

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- A. To promote the public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions.
- B. To allow businesses, institutions, and individuals to exercise their right to free speech by displaying an image on a sign, and to allow audiences to receive such information.
- C. To promote and maintain visually attractive residential, retail, commercial, historic, and industrial districts.
- D. To provide for reasonable and appropriate communication and identification for signage in commercial districts in order to foster successful businesses.
- E. To provide for reasonable and appropriate communication for signage in industrial districts.
- F. To encourage the use of creative and visually attractive signs.
- G. To ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, while still maintaining a safe and orderly pedestrian and vehicular environment.
- H. To protect property values.

### 9.2 APPLICABILITY, MESSAGE SUBSTITUTION AND SEVERABILITY

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- A. **APPLICABILITY.** All signs shall be erected, placed, established, created, or maintained only in conformance with the standards, procedures, exemptions, and other requirements of this chapter. In addition, the provisions of [Chapter 12: Petitions, Permits, and Procedures](#) and [Chapter 13: Violations and Enforcement](#) relating to permits, fees, penalties, and a method of enforcement shall also apply. Where approval of a permit, variance, review of a plot plan as described in [Subsection 12.10\(C\)](#), or design approval has been obtained, any applicable conditions of that approval shall supersede the requirements of this chapter.
- B. **MESSAGE SUBSTITUTION.** The owner of any sign which is otherwise allowed by this Chapter may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.
- C. **SEVERABILITY.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

## 9.3 SIGN PERMIT PROCESS

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The following procedure shall apply to all signs requiring a sign permit.

- A. APPLICATION. Application for a sign permit shall be filed with the Director and shall include the following information:
  - 1. Clear and legible master signage plan as described in [Subsection 12.12\(C\)](#) showing the location of the sign(s) which is (are) the subject of the permit, the existing right-of-way, and the right-of-way as designated in the Thoroughfare Plan. The applicant shall use the greatest right-of-way distance to determine the sign setback.
  - 2. An indication of all existing and anticipated signs on the same property and for the same use.
  - 3. A dimensioned drawing showing the size of the sign area and the height of the sign.
  - 4. Description of sign materials.
  - 5. Type of illumination.
  - 6. Mounting details.
  - 7. Landscape plan, as applicable.
  - 8. Any other information the Director deems necessary to determine compliance with this Ordinance.
- B. TIME LIMIT TO REVIEW COMPLETE APPLICATIONS. Staff shall have fourteen (14) business days to issue or deny the application once a complete application has been submitted.
- C. EFFECT OF SIGN PERMIT ISSUANCE. A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
- D. EXPIRATION. A sign permit shall become null and void if a Certificate of Completion has not been issued within one (1) year of the date the permit was issued.

## 9.4 GENERAL PROVISIONS

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- A. GENERAL REQUIREMENTS. Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign within the jurisdiction of the Area Plan Commission, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the jurisdiction of the Area Plan Commission.
- B. SIGN PERMIT REQUIRED. A sign permit shall be required for all applicable signs. In addition, signs that require a sign permit shall be subject to approval by the Director or Area Plan Commission in conjunction with their sign approval authority. Only signs that comply with the provisions of this Chapter shall be approved.
- C. CONSTRUCTION STANDARDS
  - 1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.

2. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
3. If possible, signs shall not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, or other features.
4. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
5. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
6. Signs shall be structurally designed in compliance with ANSI and ASCI standards.
7. Signs shall have a disconnecting switch located in accordance with the provisions of the National Electric Code.
8. Signs may be internally or externally illuminated provided that:
  - a. Light sources shall be shielded from all adjacent buildings and streets.
  - b. Lighted signs shall not be located within fifty (50) feet of a residential use.
  - c. All lighted signs shall comply with [Section 7.11 Outdoor Lighting](#) of this Ordinance.
9. Electronic Message Center (EMC)
  - a. An EMC shall not exceed an illuminance level of 0.3 foot candle above ambient light conditions when measured at a distance specified in the Sign Area and Measurement Distance table below.

Sign Area and Measurement Distance			
Sign Area (sq. ft.)	Measurement Dist. (ft.)	Sign Area (sq. ft.)	Measurement Dist. (ft.)
10	32	95	97
15	39	100	100
20	45	110	105
25	50	120	110
30	55	130	114
35	59	140	118
40	63	150	122
45	67	160	126
50	71	170	130
55	74	180	134
60	77	190	138
65	81	200	141
70	84	220	148
75	87	240	155
80	89	260	161
85	92	280	167
90	95	300	173

For signs with an area other than those listed in the table (ex., 12 sq. ft.) the measurement distance may be calculated using the following formula: Measurement Distance =  $\sqrt{(\text{Sign Area sq. ft.} \times 100)}$

- b. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two (2) decimal places. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the Sign Area and Measurement Distance Table.
  - c. A digital sign shall have its brightness regulated with an automatic brightness control tied to the ambient light level.
  - d. Sign copy shall change at intervals of no less than eight (8) seconds. Copy may fade out and fade in, but copy shall not appear or disappear in any pattern, spiral, or movement, or migrate from a side, top or bottom. Any such effects shall cause the sign to be considered a prohibited sign.
  - e. A digital sign shall not interfere with the effectiveness of, or obscure, an official traffic sign, device, or signal.
  - f. The sign shall include an automatic device which renders a blank screen in the event of a malfunction.
  - g. A digital sign shall require a sign permit prior to installation.
- D. LANDSCAPING. Landscaping, consisting of shrubs and perennial groundcover, shall be provided for ground-mounted freestanding signs, as indicated in [Table 9.1](#), at a rate of two (2) square feet of landscaping per one (1) square foot of total sign area.
- 1. Maintenance of landscaping shall comply with the requirements of [Section 7.5\(E\)\(1\)](#) except that landscaping may be treated to prevent the message area of the sign from being obscured.
  - 2. The use of native or drought-tolerant plantings, and the application of stone, mulch or other water-conserving materials are encouraged.
- E. MAINTENANCE. Every sign, including those specifically exempt from permits and permit fees, shall be maintained in good repair and in a safe, clean, and attractive condition.
- F. ABANDONED SIGNS. A sign, including the sign face, all poles, frames, supports, and other elements, shall be removed by the owner of the premises upon which the sign is located if the site and/or structure is abandoned for a period of six (6) months or more.
- G. INTERPRETATION. The Director shall have the authority to interpret the provisions of this Chapter.
- H. ENFORCEMENT. The enforcement of violations of the provisions of this Chapter shall be as provided by [Chapter 13: Violations and Enforcement](#).



### 9.5 MEASUREMENT STANDARDS

#### A. SIGN AREA.

##### 1. Wall Signs.

- a. For a wall sign which is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- b. For a wall sign composed of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape, or a combination of geometric shapes, which form or approximate the perimeter of all elements in the display, the frame, also including any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Director, shall not be included in the total area of the sign.

##### 2. Freestanding Signs.

- a. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
  - 1) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
  - 2) Architectural features that are either part of the building or part of a freestanding structure, and are not an integral part of the sign, and which may consist of landscaping, building, or structural forms complementing the site in general.

##### 3. Aggregate Sign Area.

- a. Aggregate sign area, where applicable, shall refer to the sum total of all signs on a lot or parcel.
- b. Exempt signs shall not be included in the aggregate sign area for a lot or parcel.
- c. Aggregate sign area maximums per parcel.

Zoning District	AGR	AGB AGI	RA-RE MHP	NB TC-OL	GB	HB	PB	LI	MI	PP
Aggregate Sign Area (sf)	64	200	50 <sup>1</sup> /32 <sup>2</sup>	200	300	300	300	300	300	200
- Multiple Tenant					600	600				
AD district: Residential development shall follow residential standards. Commercial development shall follow GB standards.										
<sup>1</sup> Institutional uses within residential districts only. <sup>2</sup> Subdivision entrance sign only.										

#### B. SIGN HEIGHT.

1. The height of a freestanding sign shall be measured from the highest part of the sign, including decorative and supporting elements, to the grade of the nearest street, or to the natural grade beneath the sign, whichever the Director determines is most appropriate given the physical characteristics of the site.

## 9.6 BUILDING FRONTAGES

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- A. **BUILDING UNIT.** The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
- B. **PRIMARY AND SECONDARY FRONTAGE.** The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
  - 1. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
  - 2. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage in [Subsection A above](#).

## 9.7 LENGTH OF BUILDING FRONTAGES

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- A. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Director or Area Plan Commission as clearly unrelated to the frontage criteria.
- B. For buildings with two (2) or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
- C. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

## 9.8 PROHIBITED SIGNS

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- A. **SIGN TYPES.** The following sign types are prohibited in all zoning districts.
  - 1. Animated, flashing, rotating signs, tethered balloons, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those specifically exempt from regulation in [Section 9.9 Exempt Signs](#) or [Subsection 9.4\(C\)\(9\) Electronic Message Centers](#).
  - 2. Signs on vehicles when they are parked on public or private property primarily for the purpose of displaying the sign.
  - 3. Signs containing any words or symbols that would cause confusion because of their resemblance to highway, traffic control or direction signals.
  - 4. Merchandise, equipment, products, vehicles, or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
  - 5. Signs located on trees, utility poles, public benches, or any other form of public property or within any public right-of-way unless specifically permitted by regulation. These are sometimes referred to as “snipe” signs.

6. Portable signs on trailer frames.
7. Sidewalk signs such as A-frames, T-frames, and sandwich boards.
8. Any sign not specifically permitted or that clearly does not meet the purpose of this chapter shall be prohibited.

## 9.9 EXEMPT SIGNS

- A. **EXEMPT SIGNS.** Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or project. With the exception of flags and real estate signs, exempt signs shall be no greater than six (6) square feet in area or four (4) feet in height. Exempt signs shall be located no closer than ten (10) feet from any property line or from any right-of-way line as defined by the Thoroughfare Plan, with the exception of incidental/directional signs (see [Section 9.9\(K\)](#)). Exempt signs shall comply with the Hendricks County Building Code. The following signs shall be exempt from permit requirements under this Chapter.
1. Public/Safety Sign. Any public purpose and/or safety sign and any other notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.
  2. Temporary Residential Signs. Temporary signs displaying non-commercial speech in residential zoning districts.
    - a. One (1) temporary sign may be displayed per residential property for a maximum period of forty-five (45) calendar days.
    - b. During federal, state, or local election periods, two (2) temporary signs shall be permitted per residential property for a total for a maximum of forty-five (45) calendar days. Maximum area per sign remains six (6) square feet.
  3. Works of Art. Works of art which do not include a commercial message.
  4. Address Signs.
  5. Family Event Signs.
    - a. One (1) family event sign shall be permitted per dwelling unit in residential zoning districts.
    - b. A family event sign may be displayed up to fifteen (15) days before the event. Removal shall be required within seven days after the event.
  6. Real Estate Signs. Real estate for sale signs.
  7. Flags.
  8. Foundation Stones. Foundation stones, nameplates, or other integral features of a structure.
  9. Decorations. Holiday/cultural decorations in residential zoning districts.
  10. Interior Signs. Signs erected inside a building that is not legible from outside such building.
  11. Incidental/Directional Signs.
    - a. Incidental/directional signs shall be set back at least two (2) feet from all public rights-of-way.

12. Identification Signs.
  - a. An identification sign for the purpose of identifying only the name and/or address of the occupant, provided that the sign shall not exceed two (2) square feet in area.
13. Contractor Signs.
  - a. A maximum of two (2) contractor signs per parcel is allowed. Maximum area per sign remains six (6) square feet in residential districts. Maximum area per sign is thirty-two (32) square feet in all other zoning districts.
14. Yard or Garage Sale Signs.

## 9.10 NONCONFORMING SIGNS

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- A. Legal nonconforming permanent signs may continue to exist after passage of this Chapter. Illegal nonconforming signs will be removed and changed in accordance with the provisions of this Chapter.
- B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations. However, legal nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style sign may also be changed by right, and such change does not constitute a structural alteration nor does it trigger loss of legal nonconforming status.
- C. Legal nonconforming temporary signs must be removed within two (2) months of the passage of this Chapter.
- D. Ownership. The status of a legal nonconforming sign is not affected by changes in ownership.
- E. Once a sign is altered to conform or is replaced with a conforming sign, the legal nonconforming rights for that sign are lost and a legal nonconforming sign may not be re-established.
- F. Loss of nonconforming sign status.
  1. Abandonment. See Chapter 15, "Abandoned Sign."
  2. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards; however:
    - a. Repair and Maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or repair.
    - b. Unintentional Destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

## 9.11 PERMANENT SIGNS

- A. GENERAL PROVISIONS. The signs specified in the permanent signs table ([Table 9.1](#)) are permitted to be erected or maintained upon any structure, building lot, plot, or parcel of land, subject to the standards listed in [Table 9.1](#), the limitations of this Chapter, and the issuance of the appropriate permit, unless specifically required to obtain additional approval. If it is possible to define a sign using more than one of the definitions found in [Chapter 15 Definitions](#), and one of the corresponding sign types is referenced in [Table 9.1](#), then the sign type that provides the most restrictive standard shall apply. In any instance where the provisions of [Table 9.1](#) conflict with the textual provisions of this section, the textual provisions shall govern.
- B. SETBACK. No sign shall encroach into the right-of-way of any public or private street and shall be located outside of the Sight Visibility Triangle per [Section 7.4 Sight Visibility](#). Entry signs placed in the right-of-way, such as in the median of a boulevard, shall be prohibited unless approved by the County Engineer. All signs other than subdivision entry signs and directional/incidental signs shall be set back at least ten (10) feet from all public right-of-way as determined by the Thoroughfare Plan or by actual right-of-way width, whichever is greater. Subdivision entry signs and directional/incidental signs shall be set back at least two (2) feet from all public right-of-way as determined by the Thoroughfare Plan or by actual right-of-way width, whichever is greater.
- C. ADDRESS IDENTIFICATION. On-site non-residential use identification signs shall contain an address plate identifying the property. Characters shall be a minimum of six (6) inches in height and shall be clearly visible from the public right-of-way day and night. Address plates shall not be calculated against the allowed sign area.
- D. ILLUMINATED SIGNS. In addition to standards in this Chapter, all illuminated signs must conform to [Section 7.11 Outdoor Lighting](#) and [Chapter 14: Overlay Districts](#).
  - 1. Signs in non-residential districts or for non-residential uses may be internally or externally illuminated. Signs in residential districts or for residential uses and in the Neighborhood Business (NB) and Preservation and Park (PP) zoning districts, shall only be externally illuminated. Signs for non-residential uses may also be illuminated through the use of indirect lighting such as backlighting a reverse channel sign.
  - 2. The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will create a negative impact on residential properties in direct line of sight to the sign.
  - 3. Lighted signs shall not be located within fifty (50) feet of a residential use.
  - 4. In agricultural districts, signs for residential and non-residential uses shall follow the respective illumination standards for each development type.

### E. PERMANENT SIGN TABLE (TABLE 9.1)

Table	Zoning Districts (See Chapter 4 for district definitions)
AG	AGB, AGI
AGR	AGR
RES	RA, RB, RC, RD, RE, MHP
COM	NB, GB, HB, PB, LI, MI, AD*, PP
S	Special Exception
*Use RES standards for residential uses and COM standards for non-residential uses.	

Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:


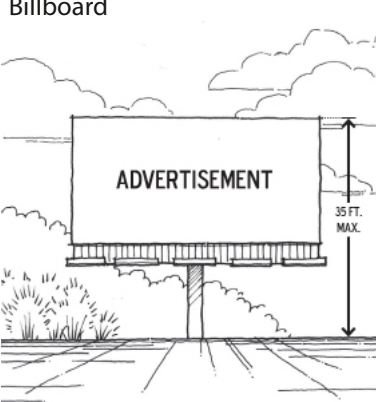


Sign Type	AG	AGR	RES	COM	Specifications:
<b>Awning</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 1 per Awning</li> <li>b. Sign Face Area 50% of Awning</li> <li>c. Height NA</li> <li>d. Depth/Projection 8 ft</li> <li>e. Clearance 8.5 ft</li> <li>f. Setback 9.11(F)(1)(e), 3 ft from edge of pavement or curb</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination NA/ 9.11(F)(1)(f.)</li> <li>i. Electronic Message Center No</li> <li>j. Other 9.11(F)(1); Not permitted in PP District</li> </ul>
<b>Billboard</b> 				S	<ul style="list-style-type: none"> <li>a. Quantity (max.) 1 Sign with 2 Faces</li> <li>b. Sign Face Area 300 sf</li> <li>c. Height 35 ft</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 660 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination No/Yes, 9.11(D)</li> <li>i. Electronic Message Center Yes</li> <li>j. Other 9.11(F)(2)</li> </ul>
<b>Canopy</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 1</li> <li>b. Sign Face Area 6 sf</li> <li>c. Height NA</li> <li>d. Depth/Projection NA</li> <li>e. Clearance 8.5 ft</li> <li>f. Setback NA</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination NA/Internal Only, 9.11(D)</li> <li>i. Electronic Message Center No</li> <li>j. Other NA</li> </ul>
<b>Directional/Incidental</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) NA</li> <li>b. Sign Face Area 6 sf (logo plus text)</li> <li>c. Height 4 ft</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 2 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination No/Yes, 9.11(D)</li> <li>i. Electronic Message Center No</li> <li>j. Other NA</li> </ul>

Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:

Sign Type	AG	AGR	RES	COM	Specifications:
<b>Directory Wall Sign</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 2</li> <li>b. Sign Face Area 8 sf</li> <li>c. Height NA</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback NA</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination No/Yes, 9.11(D)</li> <li>i. Electronic Message Center No</li> <li>j. Other 4" Letters Minimum</li> </ul>
<b>Home Business</b> 		S	S		<ul style="list-style-type: none"> <li>a. Quantity (max.) 1</li> <li>b. Sign Face Area 6 sf</li> <li>c. Height NA</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 10 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination NA/No</li> <li>i. Electronic Message Center No</li> <li>j. Other 9.11(F)(4)</li> </ul>
<b>Menu Board</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 2</li> <li>b. Sign Face Area 72 sf</li> <li>c. Height 8 ft</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 10 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination Yes, 9.4(D)/Yes, 9.11(D)</li> <li>i. Electronic Message Center Yes</li> <li>j. Other NA</li> </ul>
<b>Monument, Agricultural</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 1 (Entrance Sign Only)</li> <li>b. Sign Face Area 32 sf</li> <li>c. Height 6 ft sign, 8 ft decorative elements</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 10 sf</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination Yes, 9.4(D)/External, 9.11(D)</li> <li>i. Electronic Message Center No</li> <li>j. Other NA</li> </ul>

Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:

Monument, Commercial	AG	AGR	RES	COM	Specifications:	
					a. Quantity (max.)	1 Sign per Frontage
					b. Sign Face Area	50 sf (primary frontage), 24 sf (secondary frontage)
					c. Height	6 ft sign, 8 ft decorative elements
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	10 ft; 50 ft from residentially zoned property
					g. Time of Display	NA
					h. Landscaping/Illumination	Yes, 9.4(D)/Yes, 9.11(D)
					i. Electronic Message Center	Yes
					j. Other	9.11(F)(3), Multi-tenant allowed 25% more face area
					a. Quantity (max.)	1 Sign per Frontage
					b. Sign Face Area	24 sf
					c. Height	6 ft
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	10 ft; 50 ft from residentially zoned property
					g. Time of Display	NA
					h. Landscaping/Illumination	Yes, 9.4(D)/Yes, 9.11(D)
					i. Electronic Message Center	No
					j. Other	9.11(F)(3)
					a. Quantity (max.)	1
					b. Sign Face Area	50 sf
					c. Height	6 ft sign, 8 ft decorative elements
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	10 ft; 50 ft from residentially zoned property
					g. Time of Display	NA
					h. Landscaping/Illumination	Yes, 9.4(D)/Yes, 9.11(D)
					i. Electronic Message Center	Yes
					j. Other	9.11(F)(3), Changeable copy or EMC max. 25%
					a. Quantity (max.)	1 Sign per Entrance
					b. Sign Face Area	32 sf
					c. Height	6 ft sign, 8 ft decorative elements
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	10 ft
					g. Time of Display	NA
					h. Landscaping/Illumination	Yes, 9.4(D)/External, 9.11(D)
					i. Electronic Message Center	No
					j. Other	NA



Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:

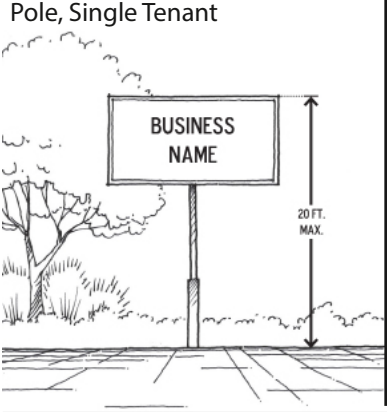
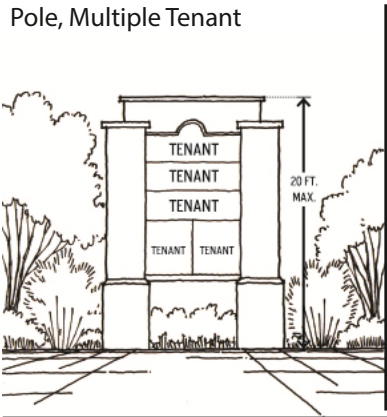
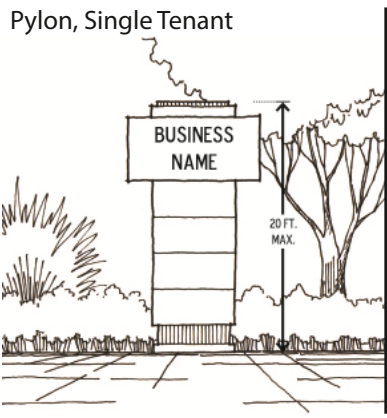
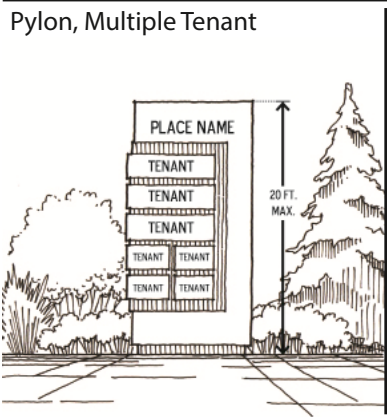
AG	AGR	RES	COM	Specifications:																				
				<p><b>Pole, Single Tenant</b></p> 																				
			<b>S</b>	<table border="1"> <tr><td>a. Quantity (max.)</td><td>1 (Except PP, NB, TC-OL)</td></tr> <tr><td>b. Sign Face Area</td><td>100 sf</td></tr> <tr><td>c. Height</td><td>20 ft</td></tr> <tr><td>d. Depth/Projection</td><td>NA</td></tr> <tr><td>e. Clearance</td><td>NA</td></tr> <tr><td>f. Setback</td><td>10 ft</td></tr> <tr><td>g. Time of Display</td><td>NA</td></tr> <tr><td>h. Landscaping/Illumination</td><td>No/Yes, 9.11(D)</td></tr> <tr><td>i. Electronic Message Center</td><td>Yes</td></tr> <tr><td>j. Other</td><td>9.11(F)(5)</td></tr> </table>	a. Quantity (max.)	1 (Except PP, NB, TC-OL)	b. Sign Face Area	100 sf	c. Height	20 ft	d. Depth/Projection	NA	e. Clearance	NA	f. Setback	10 ft	g. Time of Display	NA	h. Landscaping/Illumination	No/Yes, 9.11(D)	i. Electronic Message Center	Yes	j. Other	9.11(F)(5)
a. Quantity (max.)	1 (Except PP, NB, TC-OL)																							
b. Sign Face Area	100 sf																							
c. Height	20 ft																							
d. Depth/Projection	NA																							
e. Clearance	NA																							
f. Setback	10 ft																							
g. Time of Display	NA																							
h. Landscaping/Illumination	No/Yes, 9.11(D)																							
i. Electronic Message Center	Yes																							
j. Other	9.11(F)(5)																							
				<p><b>Pole, Multiple Tenant</b></p> 																				
			<b>S</b>	<table border="1"> <tr><td>a. Quantity (max.)</td><td>1 (Except PP, NB, TC-OL)</td></tr> <tr><td>b. Sign Face Area</td><td>150 sf</td></tr> <tr><td>c. Height</td><td>20 ft</td></tr> <tr><td>d. Depth/Projection</td><td>NA</td></tr> <tr><td>e. Clearance</td><td>NA</td></tr> <tr><td>f. Setback</td><td>10 ft</td></tr> <tr><td>g. Time of Display</td><td>NA</td></tr> <tr><td>h. Landscaping/Illumination</td><td>No/Yes, 9.11(D)</td></tr> <tr><td>i. Electronic Message Center</td><td>Yes</td></tr> <tr><td>j. Other</td><td>9.11(F)(6)</td></tr> </table>	a. Quantity (max.)	1 (Except PP, NB, TC-OL)	b. Sign Face Area	150 sf	c. Height	20 ft	d. Depth/Projection	NA	e. Clearance	NA	f. Setback	10 ft	g. Time of Display	NA	h. Landscaping/Illumination	No/Yes, 9.11(D)	i. Electronic Message Center	Yes	j. Other	9.11(F)(6)
a. Quantity (max.)	1 (Except PP, NB, TC-OL)																							
b. Sign Face Area	150 sf																							
c. Height	20 ft																							
d. Depth/Projection	NA																							
e. Clearance	NA																							
f. Setback	10 ft																							
g. Time of Display	NA																							
h. Landscaping/Illumination	No/Yes, 9.11(D)																							
i. Electronic Message Center	Yes																							
j. Other	9.11(F)(6)																							
				<p><b>Pylon, Single Tenant</b></p> 																				
			<b>S</b>	<table border="1"> <tr><td>a. Quantity (max.)</td><td>1 (Except PP, NB, TC-OL)</td></tr> <tr><td>b. Sign Face Area</td><td>100 sf</td></tr> <tr><td>c. Height</td><td>20 ft</td></tr> <tr><td>d. Depth/Projection</td><td>NA</td></tr> <tr><td>e. Clearance</td><td>NA</td></tr> <tr><td>f. Setback</td><td>10 ft</td></tr> <tr><td>g. Time of Display</td><td>NA</td></tr> <tr><td>h. Landscaping/Illumination</td><td>No/Yes, 9.11(D)</td></tr> <tr><td>i. Electronic Message Center</td><td>Yes</td></tr> <tr><td>j. Other</td><td>9.11(F)(5), 2 ft minimum width</td></tr> </table>	a. Quantity (max.)	1 (Except PP, NB, TC-OL)	b. Sign Face Area	100 sf	c. Height	20 ft	d. Depth/Projection	NA	e. Clearance	NA	f. Setback	10 ft	g. Time of Display	NA	h. Landscaping/Illumination	No/Yes, 9.11(D)	i. Electronic Message Center	Yes	j. Other	9.11(F)(5), 2 ft minimum width
a. Quantity (max.)	1 (Except PP, NB, TC-OL)																							
b. Sign Face Area	100 sf																							
c. Height	20 ft																							
d. Depth/Projection	NA																							
e. Clearance	NA																							
f. Setback	10 ft																							
g. Time of Display	NA																							
h. Landscaping/Illumination	No/Yes, 9.11(D)																							
i. Electronic Message Center	Yes																							
j. Other	9.11(F)(5), 2 ft minimum width																							
				<p><b>Pylon, Multiple Tenant</b></p> 																				
			<b>S</b>	<table border="1"> <tr><td>a. Quantity (max.)</td><td>1 (Except PP, NB, TC-OL)</td></tr> <tr><td>b. Sign Face Area</td><td>150 sf</td></tr> <tr><td>c. Height</td><td>20 ft</td></tr> <tr><td>d. Depth/Projection</td><td>NA</td></tr> <tr><td>e. Clearance</td><td>NA</td></tr> <tr><td>f. Setback</td><td>10 ft</td></tr> <tr><td>g. Time of Display</td><td>NA</td></tr> <tr><td>h. Landscaping/Illumination</td><td>No/Yes, 9.11(D)</td></tr> <tr><td>i. Electronic Message Center</td><td>Yes</td></tr> <tr><td>j. Other</td><td>9.11(F)(6), 2 ft minimum width</td></tr> </table>	a. Quantity (max.)	1 (Except PP, NB, TC-OL)	b. Sign Face Area	150 sf	c. Height	20 ft	d. Depth/Projection	NA	e. Clearance	NA	f. Setback	10 ft	g. Time of Display	NA	h. Landscaping/Illumination	No/Yes, 9.11(D)	i. Electronic Message Center	Yes	j. Other	9.11(F)(6), 2 ft minimum width
a. Quantity (max.)	1 (Except PP, NB, TC-OL)																							
b. Sign Face Area	150 sf																							
c. Height	20 ft																							
d. Depth/Projection	NA																							
e. Clearance	NA																							
f. Setback	10 ft																							
g. Time of Display	NA																							
h. Landscaping/Illumination	No/Yes, 9.11(D)																							
i. Electronic Message Center	Yes																							
j. Other	9.11(F)(6), 2 ft minimum width																							

Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:


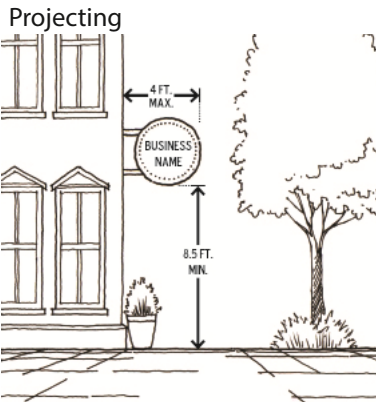
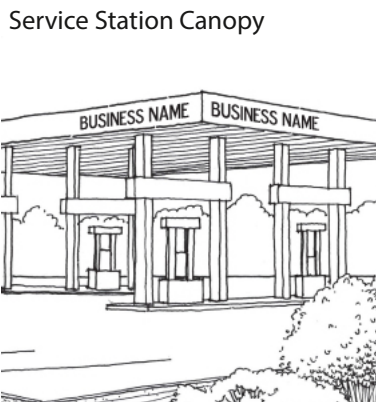

Post	AG	AGR	RES	COM	Specifications:	
	█	█			a. Quantity (max.)	1 per Frontage
					b. Sign Face Area	20 sf
					c. Height	5 ft
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	10 ft
					g. Time of Display	NA
					h. Landscaping/Illumination	Yes, 9.4(D)/No
					i. Electronic Message Center	No
					j. Other	NA
	█				a. Quantity (max.)	1 per Frontage
					b. Sign Face Area	12 sf (primary frontage), 8 sf (secondary frontage)
					c. Height	NA
					d. Depth/Projection	4 ft
					e. Clearance	8.5 ft
					f. Setback	NA
					g. Time of Display	NA
					h. Landscaping/Illumination	No/Yes, 9.11(D)
					i. Electronic Message Center	No
					j. Other	9.11(F)(7)
	█				a. Quantity (max.)	1 per Frontage
					b. Sign Face Area	16 sf
					c. Height	NA
					d. Depth/Projection	NA
					e. Clearance	NA
					f. Setback	NA
					g. Time of Display	NA
					h. Landscaping/Illumination	No/ Yes, 9.11(D)
					i. Electronic Message Center	No
					j. Other	9.11(F)(8)(c)
	█				a. Quantity (max.)	1 per Frontage
					b. Sign Face Area	12 sf (primary frontage), 8 sf (secondary frontage)
					c. Height	NA
					d. Depth/Projection	4 ft
					e. Clearance	8.5 ft
					f. Setback	NA
					g. Time of Display	NA
					h. Landscaping/Illumination	No/Yes, 9.11(D)
					i. Electronic Message Center	No
					j. Other	9.11(F)(7)

Table 9.1: Permanent Sign Table **AG AGR RES COM** Specifications:






AG	AGR	RES	COM	Specifications:
				
				<ul style="list-style-type: none"> <li>a. Quantity (max.) 1</li> <li>b. Sign Face Area 9.11(F)(9), Within allowable sign area</li> <li>c. Height 9.11(F)(9)</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 10 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination NA/ 9.11(D)</li> <li>i. Electronic Message Center No</li> <li>j. Other Permitted on Monument and Wall Signs only</li> </ul>
				
				<ul style="list-style-type: none"> <li>a. Quantity (max.) 1 Sign per Frontage</li> <li>b. Sign Face Area 2:1 Primary, 1:1 Secondary (Square feet:Linear feet)</li> <li>c. Height 9.11(F)(11)(a)</li> <li>d. Depth/Projection 12 inches from wall</li> <li>e. Clearance NA</li> <li>f. Setback NA</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination No/Yes, 9.11(D), 9.11(F)(10)(a)(3)</li> <li>i. Electronic Message Center No</li> <li>j. Other 9.5(A)(3) Aggregate Sign Area Max., 9.11(F)(10)(a)</li> </ul>
				
				<ul style="list-style-type: none"> <li>a. Quantity (max.) 1 per Tenant Frontage</li> <li>b. Sign Face Area 9.11(F)(10)(b)</li> <li>c. Height 9.11(F)(10)(b)</li> <li>d. Depth/Projection 12 inches from wall</li> <li>e. Clearance NA</li> <li>f. Setback NA</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination No/Yes, 9.11(D), 9.11(F)(10)(a)(3)</li> <li>i. Electronic Message Center No</li> <li>j. Other 9.5(A)(3) Aggregate Sign Area Max., 9.11(F)(10)(b)</li> </ul>
				
				<ul style="list-style-type: none"> <li>a. Quantity (max.) Plan Commission Approval, 9.11(F)(11)</li> <li>b. Sign Face Area Plan Commission Approval, 9.11(F)(11)</li> <li>c. Height Plan Commission Approval, 9.11(F)(11)</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 2 ft</li> <li>g. Time of Display NA</li> <li>h. Landscaping/Illumination Plan Commission Approval/No</li> <li>i. Electronic Message Center No</li> <li>j. Other 9.11(F)(11)</li> </ul>

Table 9.1: Permanent Sign Table

AG AGR RES COM Specifications:

Window	AG	AGR	RES	COM	Specifications:
					a. Quantity (max.)
					9.5(A)(3) Aggregate Sign Area Max.
					b. Sign Face Area
					25% of window area
					c. Height
					NA
					d. Depth/Projection
					NA
					e. Clearance
					NA
				f. Setback	
				NA	
				g. Time of Display	
				NA	
				h. Landscaping/Illumination	
				NA	
				i. Electronic Message Center	
				No	
				j. Other	
				9.11(F)(12)	

## F. PERMANENT SIGN STANDARDS (SUPPLEMENTAL TO TABLE 9.1)

1. Awning Signs. Lettering, logos, symbols, and graphics are allowed on a shed (slope) portion of the awning and valance portion of the awning.
  - a. Signs shall be applied flat against the awning surface.
  - b. The sign area shall not exceed fifty percent (50%) of the shed plus valance.
  - c. The lowest point of the awning shall not be closer than eight and one-half (8.5) feet above the adjacent grade.
  - d. Only permanent signs that are an integral part of the awning shall be allowed. Temporary signs shall not be placed on awnings.
  - e. The maximum projection of an awning shall not exceed eight (8) feet from the building facade nor be any closer to an imaginary perpendicular vertical plane located at the street edge of pavement, curb or outside edge of a sidewalk than three (3) feet.
  - f. In the NB zoning district, awnings shall not be lighted from under the awning (backlit awning) so that the awning appears internally illuminated. External lighting directed downwards is allowed.
2. Off-Premise Advertising/Billboard Signs. Off-premise advertising/billboard signs shall be permitted only by Special Exception and only in the Major Industrial (MI) District.
  - a. Off-premise advertising/billboard signs shall not be permitted within six hundred sixty (660) feet of any right-of-way as designated by the Thoroughfare Plan or the actual right-of-way, whichever is greater.
  - b. Sign Area. Off-premise advertising/billboard sign area shall not exceed three hundred (300) square feet.
  - c. Number of Displays. An off-premise advertising/billboard sign shall not contain more than two (2) advertising signs per sign surface.
  - d. Extensions Permitted. Temporary extensions or embellishments integrally incorporated into the sign surface having: a vertical height of no more than four (4) feet above the top of a sign; a maximum horizontal dimension of no more than one (1) foot beyond the sides of the sign; and, a maximum vertical dimension of one (1) foot below the bottom of the sign, shall be permitted.
  - e. Spacing Between Off-Premise Advertising/Billboard Signs. The minimum distance between off-premise advertising/billboard signs shall be as specified below:
    - 1) Linear Spacing. The minimum distance between off-premise advertising/billboard signs located along and oriented towards the same side of a public street shall be two thousand five hundred (2,500) linear feet and is subject to the following:
      - a) The spacing requirement shall be applied equally to both sides of the street at the same time, regardless of whether the off-premise signs are on the same side of the street, whether the off-premise signs are in the same block or are in different blocks separated by an intersecting street;
      - b) For purposes of applying the spacing requirements to off-premise advertising/billboard signs, pole or ground signs shall be treated the same, whether double-faced or single-faced; and,

- 2) Measurement of Linear Spacing. The method of measurement of the spacing between off-premise advertising/billboard signs oriented towards the same street shall be along the centerline of the street to which the off-premise sign is oriented from the point in the street's centerline closest to the leading edge of the off-premise sign.
  - f. Minimum Side and Rear Setback for Off-Premise Advertising/Billboard Signs.
    - 1) Side and Rear Setback. The minimum side or rear setback for an off-premise sign shall be the same as required for an accessory structure in the applicable zoning district.
  - g. Maximum Height of Off-Premise Advertising/Billboard Signs. The maximum height of an off-premise advertising/billboard pole sign shall not exceed thirty-five (35) feet in height above grade.
  - h. Construction of Off-Premise Advertising/Billboard Signs. The supports, uprights, bracing and framework of an off-premise advertising/billboard pole sign shall be of steel construction.
  - i. Separation from Residential Districts. No off-premise advertising/billboard sign shall be located within six hundred sixty (660) feet of any residential district.
3. Monument Signs.
- a. Shall not exceed eight (8) feet in height. Within NB and PP zoning districts ground signs shall not exceed six (6) feet in height.
  - b. Shall be set back a minimum of ten (10) feet from a street right-of-way as designated in the Thoroughfare Plan or actual right-of-way, whichever is greater, and ten (10) feet from all side and rear property lines.
  - c. Shall be a minimum of one hundred (100) feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.
  - d. Shall be constructed of decorative brick, stone, or other masonry, wood or metal.
4. Home Business Signs. Board of Zoning Appeals (BZA) approved Home Businesses are eligible for a post sign of up to six (6) square feet in size. No other displays, signs, or advertisements associated with a Home Business shall be permitted. Home Occupations are not eligible for signage of any kind.
5. Pylon and Pole Signs, Single Tenant. Pole signs are permitted by right on lots or parcels in the applicable zoning districts with primary building frontage on roads designated as urban or rural principal arterials by the Thoroughfare Plan currently in effect and by special exception on all other lots or parcels. Pylon signs are permitted by right along all road classifications in the applicable zoning districts. Single tenant pylon and pole signs shall:
- a. Not exceed twenty (20) feet in height.
  - b. Have a message area not to exceed one hundred (100) square feet.
  - c. Be set back in minimum of ten (10) feet from all public right-of-way as determined by the Thoroughfare Plan or by actual right-of-way width, whichever is greater.
6. Pylon and Pole Signs, Multi-Tenant. Pylon and pole signs are permitted by right on lots or parcels in the applicable zoning districts with primary building frontage on roads designated as urban or rural principal arterials by the Thoroughfare Plan currently in effect and by special exception on all other lots or parcels. Structures and/

or centers under one ownership containing multiple businesses may be allowed one (1) monument or pole sign for the structure or center for the joint use of all tenants for which the facility is designed, including any outlots. These signs are permitted if the following criteria apply and are met.

- a. Signs shall be allowed only for parcels with at least one hundred fifty (150) feet of frontage adjoining a public street. In addition, pylon signs are only allowed when a building is set back from the right-of-way a minimum of seventy-five (75) feet.
  - b. The sign shall be setback a minimum of ten (10) feet from all public right-of-way as determined by the Thoroughfare Plan or by actual right-of-way width, whichever is greater.
  - c. The supporting structure of a pylon sign shall not include exposed metal pole(s), but shall be surrounded by a decorative cover that is architecturally compatible with the sign cabinet and the architectural character of buildings on the site.
  - d. There shall be a minimum of one hundred (100) feet between freestanding signs on adjoining sites to ensure adequate visibility for all signs.
  - e. Freestanding signs shall be a minimum of fifty (50) feet from a lot line of any residentially zoned or used property.
  - f. These signs shall not count towards the aggregate signage for an individual tenant.
  - g. Sign Area. Multi-tenant pylon and pole signs shall have a message area not to exceed one hundred fifty (150) square feet.
7. Projecting and Suspended Signs. A maximum of one (1) sign per frontage on a public or private street shall be permitted per business.
- a. No projecting or suspended sign shall, at its lowest point, be less than eight and one-half (8.5) feet above grade level.
  - b. Projecting and suspended sign area shall not exceed twelve (12) square feet for the primary frontage and eight (8) square feet for a secondary frontage.
  - c. Projecting signs shall extend no more than four (4) feet from the facade of the building. Proof of insurance may be required.
  - d. Projecting signs shall not project into an alley or parking area more than three (3) feet and shall not be less than fourteen (14) feet above the surface where vehicles are allowed.
  - e. Projecting signs shall not be closer than ten (10) feet to another projecting sign or to a freestanding sign or five (5) feet from an interior property line or line dividing two (2) separate business frontages.
8. Service Station Signs. The following regulations shall be applicable to service stations, in addition to all other provisions of this Chapter.
- a. Monument Signs. See [Section 9.11\(F\)\(3\)](#).
  - b. Wall Signs. One (1) wall sign is permitted per building frontage.
    - 1) The area of a wall sign shall not exceed one (1) square foot for each lineal foot of building frontage.
  - c. Service Station Canopy Signs.
    - 1) Signs on service station canopies shall be limited to logos only.

- 2) Number. One (1) canopy sign per street frontage.
- 3) Area. The area of a canopy sign shall not exceed sixteen (16) square feet per frontage.
- 4) Additional Regulations. Canopy signs shall not extend beyond the gable or fascia board of the canopy.
- 5) Color branding shall be permitted and shall not count towards the aggregate sign total.
- d. Pylon/Pole Signs. See [Section 9.11\(F\)\(6\)](#).
- 9. Time and Temperature Display (Digital) Signs.
  - a. Time and temperature displays shall be included within the allowable sign area of permitted monument and wall signs.
- 10. Wall Signs.
  - a. One (1) sign shall be permitted per building frontage on a public or private street. Wall signs:
    - 1) Shall not extend above an eave or parapet, or above or below a fascia on which they are located. Sign length shall not exceed eighty percent (80%) of the length of the fascia.
    - 2) Shall not project more than twelve (12) inches from the wall.
    - 3) May be either internally or externally illuminated in all districts with the exception of the NB or PP zoning district or unless as otherwise noted in this Ordinance.
    - 4) Shall be a maximum area of two (2) square feet per one (1) linear foot of the primary tenant frontage and signs for secondary frontages shall be calculated at a rate of one (1) square foot per one (1) linear foot of the tenant facade. In the NB zoning district or the TC-OL zoning district, sign area shall be based on one and one-half (1½) square feet per one (1) linear foot. Sign area shall be subject to aggregate sign area per lot/parcel as specified in [Table 9.1: Permitted Signs](#).
  - b. For multi-store and upper-floor uses, if the upper-floors of any structure are occupied by a use that is separate and distinct from any that is located on the ground floor, that use shall be permitted a wall sign. The upper wall sign:
    - 1) shall not exceed one (1) square foot of sign area for every one (1) linear foot of tenant frontage, with a maximum square footage of fifty (50) square feet.
    - 2) shall be located on the structure between the eaves, cornices, or other roof elements and the top of windows on the uppermost floor
- 11. Wayfinding Signs. Non-illuminated signs displayed strictly for direction, safety or convenience of the public including signs which identify rest room, parks, parking area entrances, shopping/entertainment districts shall be permitted upon presentation to, and approval of, the Area Plan Commission.
- 12. Window Signs. Window signs shall not exceed twenty-five percent (25%) of the window area. For the purpose of this requirement, a window is any glazed area, including glass curtain walls.
  - a. Signs shall be allowed only on windows located on the ground floor and second story of either a designated primary or secondary building frontage.



### 9.12 TEMPORARY SIGNS

- A. GENERAL PROVISIONS. Temporary signs are allowed in addition to the number of permanent signs allowed for the property. However, combinations of permanent and temporary window signs shall not cover more than twenty-five percent (25%) of any window. In the case of an inconsistency between regulations provided in the sign table and regulations provided for general or specific sign types, the general regulations or regulations for specific sign types shall take precedence.
- B. ILLUMINATION. The sign may not be illuminated.
- C. SETBACK. The sign shall be placed a minimum of ten (10) feet from any public right-of-way and any other property line.

#### D. TEMPORARY SIGN TABLE (TABLE 9.2)

Table	Zoning Districts (See Chapter 4 for district definitions)
AG	AGB, AGI
AGR	AGR
RES	RA, RB, RC, RD, RE, MHP
COM	NB, GB, HB, PB, LI, MI, AD*, PP
S	Special Exception

\*Use RES standards for residential uses and COM standards for non-residential uses.

Table 9.2: Temporary Sign Table

AG AGR RES COM Specifications:


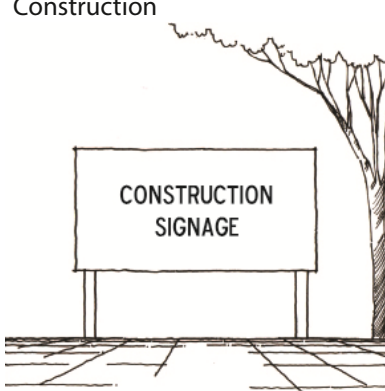
	AG	AGR	RES	COM	Specifications:
<b>Banner</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 1</li> <li>b. Sign Face Area 24 sf</li> <li>c. Height NA</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback NA</li> <li>g. Time of Display 30 days per calendar year</li> <li>h. Landscaping/Illumination NA/No</li> <li>i. Permit Required</li> <li>j. Other 9.12(E)(1)</li> </ul>
<b>Construction</b> 					<ul style="list-style-type: none"> <li>a. Quantity (max.) 2 per Property</li> <li>b. Sign Face Area 32 sf</li> <li>c. Height NA</li> <li>d. Depth/Projection NA</li> <li>e. Clearance NA</li> <li>f. Setback 10 ft</li> <li>g. Time of Display Removed when Certificate of Occupancy Obtained</li> <li>h. Landscaping/Illumination NA/No</li> <li>i. Permit Required</li> <li>j. Other 9.12(E)(2)</li> </ul>

Table 9.2: Temporary Sign Table

AG AGR RES COM Specifications:

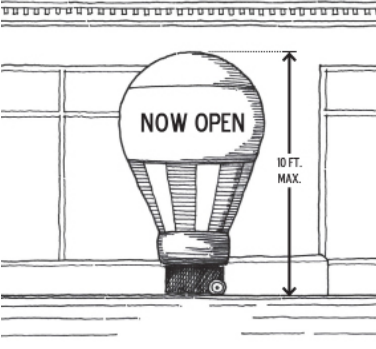
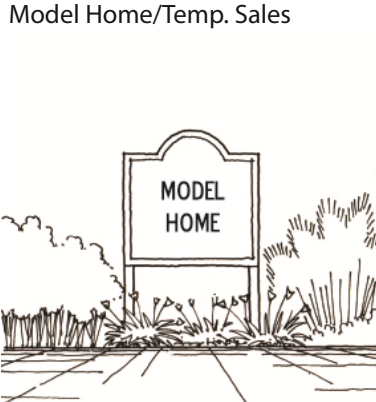

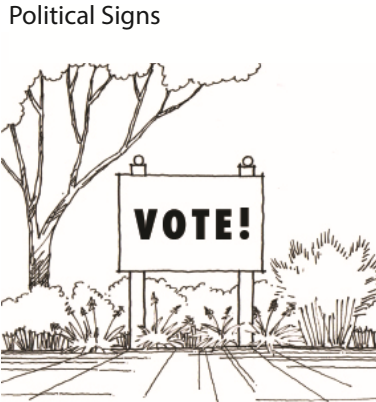
AG	AGR	RES	COM	Specifications:
				<p><b>Inflatable Objects</b></p> 
				<p>a. Quantity (max.) 1</p> <p>b. Sign Face Area NA</p> <p>c. Height 10 ft</p> <p>d. Depth/Projection NA</p> <p>e. Clearance NA</p> <p>f. Setback 10 ft</p> <p>g. Time of Display 7 consecutive days, twice per year, 9.12(E)(3)(c)</p> <p>h. Landscaping/Illumination NA/No</p> <p>i. Permit Required</p> <p>j. Other 9.12(E)(3)</p>
				<p><b>Model Home/Temp. Sales</b></p> 
				<p>a. Quantity (max.) 1 per Model Home (4 sf max.), 9.12(E)(4)</p> <p>b. Sign Face Area 32 sf aggregate sign area for all model homes</p> <p>c. Height NA</p> <p>d. Depth/Projection NA</p> <p>e. Clearance NA</p> <p>f. Setback 10 ft</p> <p>g. Time of Display NA</p> <p>h. Landscaping/Illumination NA/No</p> <p>i. Permit Required</p> <p>j. Other 9.12(E)(4)</p>
				<p><b>Ornamental, Seasonal, Special Event Banners</b></p> 
				<p>a. Quantity (max.) 1</p> <p>b. Sign Face Area 24 sf</p> <p>c. Height NA</p> <p>d. Depth/Projection NA</p> <p>e. Clearance NA</p> <p>f. Setback 10 ft</p> <p>g. Time of Display 14 consecutive days, twice per year, 9.12(E)(5)(c)</p> <p>h. Landscaping/Illumination NA/No</p> <p>i. Permit Not Required</p> <p>j. Other 9.12(E)(5)</p>
				<p><b>Political Signs</b></p> 
				<p>a. Quantity (max.) 1</p> <p>b. Sign Face Area 32 sf</p> <p>c. Height NA</p> <p>d. Depth/Projection NA</p> <p>e. Clearance NA</p> <p>f. Setback 10 ft</p> <p>g. Time of Display NA Amended Ord. 2016-12</p> <p>h. Landscaping/Illumination NA/No</p> <p>i. Permit Not Required</p> <p>j. Other NA</p>

Table 9.2: Temporary Sign Table

AG AGR RES COM Specifications:


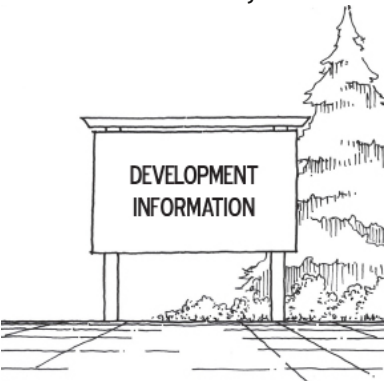
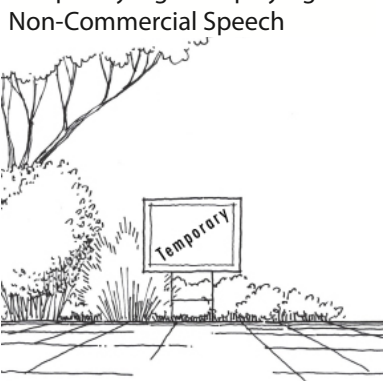


	AG	AGR	RES	COM	Specifications:
<b>Real Estate</b> 	■	■	■	■	a. Quantity (max.) 2 b. Sign Face Area 16 sf residential, 32 sf commercial c. Height NA d. Depth/Projection NA e. Clearance NA f. Setback 10 ft g. Time of Display Removed 7 days after Sale/Rent/Lease, 9.12(E)(6) h. Landscaping/Illumination NA/No i. Permit Not Required j. Other 9.12(E)(6)
<b>S/TFR Subdivision Project</b> 	■	■			a. Quantity (max.) 1 per Frontage b. Sign Face Area 32 sf c. Height NA d. Depth/Projection NA e. Clearance NA f. Setback 10 ft g. Time of Display 9.12(E)(7)(d) h. Landscaping/Illumination NA/No i. Permit Required j. Other 9.12(E)(7)
<b>Temporary Signs Displaying Non-Commercial Speech</b> 	■	■			a. Quantity (max.) 9.12(E)(8)(c) b. Sign Face Area 6 sf c. Height NA d. Depth/Projection NA e. Clearance NA f. Setback 10 ft g. Time of Display 45 days, 9.12(E)(8)(c) h. Landscaping/Illumination NA/No i. Permit Not Required j. Other 9.12(E)(8)
<b>Window Signs, Temporary</b> 				■	a. Quantity (max.) 1 per Window b. Sign Face Area 40% of Window c. Height NA d. Depth/Projection NA e. Clearance NA f. Setback NA g. Time of Display 9.12(E)(9)(c) h. Landscaping/Illumination NA i. Permit Not Required j. Other 9.12(E)(9)

Table 9.2: Temporary Sign Table

AG AGR RES COM

Specifications:

Yard Sale	AG	AGR	RES	COM	Specifications:
					a. Quantity (max.)
					b. Sign Face Area
					c. Height
					d. Depth/Projection
					e. Clearance
					f. Setback
					g. Time of Display
					h. Landscaping/Illumination
					i. Permit
					j. Other

E. TEMPORARY SIGN STANDARDS (SUPPLEMENTAL TO TABLE 9.2). In no instance shall this provision be interpreted as temporarily or permanently permitting any sign prohibited by [Section 9.5 Prohibited Signs](#) of this Chapter. The following types of signs are permitted as temporary signs and may require a sign permit.

1. **Banners.** One (1) banner shall be permitted per business that meets the following provisions:
  - a. Banners shall not exceed twenty-four (24) square feet in area and shall be limited to thirty (30) days total per one-year (365-day) period.
  - b. The banner shall be affixed by all four (4) corners to the building (excluding the roof) where the use associated with the banner is located.
  - c. Banners shall be associated with non-residential uses only.
  - d. To ensure compliance with the regulations contained in this Chapter, a sign permit shall be required in order to erect, move, alter, change copy on, or reconstruct any banner.
2. **Construction Signs.** Construction signs shall be permitted on construction sites, provided that they meet the following provisions:
  - a. Construction signs shall not exceed more than two (2) per property, and shall not exceed thirty-two (32) square feet per sign in all zoning districts.
  - b. Construction signs shall be removed when a Certificate of Occupancy is obtained.
  - c. To ensure compliance with the regulations contained in this chapter, a sign permit shall be required in order to erect, move, alter, change copy on, or reconstruct any development construction sign.
3. **Inflatable Objects.** Inflatable objects shall be permitted, provided that they meet the following provisions:
  - a. Inflatable objects shall not exceed more than one (1) per property or business use (whichever is greater) at any time
  - b. No single inflatable object shall exceed ten (10) feet in height.
  - c. No property or business use (whichever is greater) shall make use of any inflatable sign or signs more than seven (7) consecutive days two (2) times per calendar year.

- d. Inflatable objects shall be associated with non-residential uses only.
  - e. To ensure compliance with the regulations contained in this Chapter, a sign permit shall be required in order to erect, move, alter, change copy on, or reconstruct any inflatable object.
4. Model Home/Temporary Sales Facility Signs.
- a. Wall, awning, or ground signs shall be permitted on the lot of the sales facility and limited to an aggregate square footage not exceeding thirty-two (32) square feet of sign area.
  - b. Individual model homes may have one (1) sign not to exceed four (4) square feet.
  - c. Signs shall be placed in a manner consistent with [Section 7.4 Sight Visibility](#).
  - d. Model home/temporary sales facility signs require a sign permit.
5. Ornamental, Seasonal, or Special Event Banners.
- a. Ornamental, seasonal, or special event banners do not require a sign permit.
  - b. Signs that are installed by local governments and mounted to light standards or placed on public property shall be permitted.
  - c. Non-residential special event signs, such as grand opening, fair, carnival, circus, festival, or similar event signs shall be permitted on the lot where the special event is to occur. These signs shall be permitted for no more than fourteen (14) consecutive days, no more than twice (2) per year.
6. Real Estate Signs. Real estate signs shall be permitted, provided they meet the following provisions:
- a. Real estate signs do not require a sign permit.
  - b. Real estate signs shall not exceed more than two (2) per property, and shall not exceed a sign area of sixteen (16) square feet per sign in single-family residential zoning districts and thirty-two (32) square feet per sign in all other zoning districts.
  - c. Real estate signs associated with commercial or individual home sales shall be removed within seven (7) days from the time the premises is sold, rented, or leased.
  - d. Real estate signs associated with residential subdivision sales shall be removed when fifty percent (50%) of the planned subdivision has been occupied.
7. Single or Two Family Dwelling Subdivision or Multi-Family Dwelling Project Signs. One (1) Project Sign, which may include the name of the subdivision or project, owner, developer, engineer, homebuilder, lender, or other professional involved in the design and construction of the subdivision or project, shall be permitted per single or two family dwelling subdivision or multi-family dwelling project on each exterior street frontage after the issuance of Preliminary Plat approval for a single or two family dwelling subdivision or for a multi-family dwelling project, provided that such sign:
- a. Shall not be illuminated;
  - b. Shall maintain a minimum setback of ten (10) feet from the proposed right-of way and shall be outside of any required sight triangle;
  - c. Shall not exceed thirty-two (32) square feet in sign surface area;

## 9.13 Conversion To A Permanent Sign



- d. Shall be removed not later than ten (10) days after having sold or leased eighty percent (80%) of the single, two family lots or multi-family development; and,
  - e. To ensure compliance with the regulations contained in this chapter, a sign permit shall be required in order to erect, move, alter, change copy on, or reconstruct any construction sign.
8. Temporary signs displaying non-commercial speech in residential zoning districts.
- a. Temporary signs displaying non-commercial speech in residential zoning districts do not require a sign permit.
  - b. Temporary signs displaying non-commercial speech shall be no more than six (6) square feet in area.
  - c. One (1) temporary sign displaying non-commercial speech may be displayed per residential property for a maximum period of forty-five (45) calendar days.
9. Window Signs.
- a. Window signs do not require a sign permit.
  - b. Signs and decorations painted on or applied to windows pertaining to holidays and seasonal events where the signs contain no reference to the goods or services sold or provided by the establishment, and that are less than forty percent (40%) of the window area, shall be permitted.
  - c. All signs and/or decorations shall be removed within ten (10) days following the applicable holiday.
10. Garage Sale/Yard Sale Signs.
- a. Garage sale/yard sale signs shall be no more than six (6) square feet in surface area and shall be no higher than three (3) feet above adjacent grade.
  - b. Garage sale/yard sale signs may be erected no more than three (3) days prior to the event and shall be removed within one (1) day after the event.
  - c. Garage sale/yard sale signs do not require a sign permit.

### 9.13 CONVERSION TO A PERMANENT SIGN

- A. No sign manufactured, designed, and otherwise intended for use as a temporary sign shall be used as a permanent sign.

### 9.14 ENFORCEMENT

- A. The enforcement of violations of the provisions of this Chapter shall be controlled by Chapter 13: Violations and Enforcement.

# Chapter 10: Floodplain Management



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10.1	Statutory Authorization, Findings of Fact, Purpose, and Objectives.....	10-1
10.2	General Provisions .....	10-2
10.3	Administration .....	10-4
10.4	Provisions for Flood Hazard Reduction.....	10-6
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**ORDINANCE NO. 2019-40\_\_\_\_\_**

**AN AMENDMENT TO THE HENDRICKS COUNTY ZONING ORDINANCE BY AMENDING  
CHAPTER 10 FLOODPLAIN MANAGEMENT AND CHAPTER 15 DEFINITIONS**

**WHERE AS,** the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on August 12, 2008 and which became effective on October 1, 2008;

**WHERE AS,** the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be Amended;

**WHERE AS,** the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment (TZA 05/19) and voted to forward a favorable recommendation to the County Commissioners;

**WHERE AS,** the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commissioner's recommendations, and find that the adoption of the amendment would promote the health, safety and convenience of the people of Hendricks County; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Amendment of Chapter 10 Floodplain Management as follows:

Amendment of Chapter 15 Definitions:

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## 10.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. STATUTORY AUTHORIZATION. The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Hendricks County does hereby adopt the following floodplain management regulations.

### B. FINDING OF FACT.

1. The flood hazard areas of unincorporated Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

C. STATEMENT OF PURPOSE. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.
6. Make federal flood insurance available for structures and their contents in the jurisdiction of the Hendricks County Area Plan Commission (including the unincorporated areas of Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville) by fulfilling the requirements of the National Flood Insurance Program.

D. OBJECTIVES. The objectives of this chapter are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

## 10.2 GENERAL PROVISIONS.

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- A. LANDS TO WHICH THIS CHAPTER APPLIES. This chapter shall apply to all SFHAs and known flood prone areas within the jurisdiction of the Hendricks County Area Plan Commission.
- B. BASIS FOR ESTABLISHING REGULATORY FLOOD DATA. This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below.
  1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Hendricks County Area Plan Commission shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Hendricks County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated September 25, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
  2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Hendricks County Area Plan Commission delineated as an "A Zone" on the Hendricks County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 25, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
  3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
  4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
- C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT. A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.
- D. COMPLIANCE. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.

E. ABROGATION AND GREATER RESTRICTIONS. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

G. INTERPRETATION. In the interpretation and application of this chapter all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Hendricks County, the Towns under the jurisdiction of the Hendricks County Area Plan Commission, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

I. PENALTIES FOR VIOLATION. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Hendricks County.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

### 10.3 ADMINISTRATION

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A. DESIGNATION OF ADMINISTRATOR. The Board of Commissioners of Hendricks County hereby appoints the Director of the Planning and Building Department to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.

B. PERMIT PROCEDURES. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location,

dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.
  - a. A description of the proposed development.
  - b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
  - c. A legal description of the property site.
  - d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
  - e. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
  - f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
  - g. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (Subsection 10.3(C)(6) for additional information.)
  
2. Construction Stage. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer, or architect and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

3. Finished Construction.

Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 086-0-33 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The

administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

1. Review all floodplain development permits to assure that the permit requirements of this chapter have been satisfied.
2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Subsection 10.4(E) and 10.4(G)(1) of this chapter and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
5. Maintain and track permit records involving additions and improvements to residences located in the floodway.
6. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
7. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter.
8. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
10. Review certified plans and specifications for compliance.
11. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Subsection 10.3(B).
12. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Subsection 10.3(B).
13. Perform a minimum of three inspections to ensure that all applicable chapter and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure's footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.
14. Stop Work Orders
  - a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.
  - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Subsection 13.3 Construction Process Violations.

15. Revocation of Permits
  - a. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - b. The Floodplain Administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.
16. Inspect sites for compliance. This section of the zoning ordinance is essential for the county to remain a participant in the National Flood Insurance Program (NFIP). Failure to comply with these regulations may cause the county to be expelled from the NFIP. Therefore, it is essential for the health, safety and welfare of each property subject to this section to remain in compliance and to ensure that Hendricks County remain in good standing with the NFIP, and to further that end, the County officials authorized to enforce said program shall have the right to enter and inspect properties located in the floodplain.

#### 10.4 PROVISIONS FOR FLOOD HAZARD REDUCTION.

- A. GENERAL STANDARDS. In all SFHAs and known flood prone areas the following provisions are required:
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
  2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
  3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
  4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
  5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
  6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
  8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter.
  10. Parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
  11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced

by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

- a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
- b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
- c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
- d. The fill or structure shall not obstruct a drainage way leading to the floodplain.
- e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
- f. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
- g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this ordinance.

B. SPECIFIC STANDARDS. In all SFHAs, the following provisions are required:

1. In addition to the requirements of Subsection 10.4(A), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - a. Construction or placement of any structure having a floor area greater than 400 square feet.
  - b. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
  - c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
  - d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
  - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
  - f. Reconstruction or repairs made to a repetitive loss structure.
  - g. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.
2. Residential Structures. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a

structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection 10.4(B)(4).

3. Non-Residential Structures. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection 10.4(B)(4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
  - a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in Subsection 10.3(C)(12).
  - b. Floodproofing measures shall be operable without human intervention and without and outside source of electricity.
4. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
- b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- g. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- h. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Subsection 10.4 (B)(4). Periodic inspections



will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the office of the Hendricks County Recorder.

- i. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Hendricks County Recorder.

5. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
- b. The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e. The top of the lowest floor including basements shall be at or above the FPG.
- f. Fill shall be composed of clean granular or earthen material.

6. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:
  - 1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 2) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Subsection 10.4 (B)(4).
  - 3) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
  - 1) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- 2) Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Subsection 10.4 (B)(4).
  - 3) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- c. Recreational vehicles placed on a site shall either:
- 1) be on site for less than 180 days,
  - 2) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - 3) meet the requirements for "manufactured homes" as stated earlier in this section.

7. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
- a) Shall not be used for human habitation.
  - b) Shall be constructed of flood resistant materials.
  - c) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
  - d) Shall be firmly anchored to prevent flotation.
  - e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
  - f) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Subsection 10.4 (B)(4).
8. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

#### C. STANDARDS FOR SUBDIVISION PROPOSALS.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

- D. CRITICAL FACILITY. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 0.2 percent annual chance (500 year) floodplain. Construction of new critical facilities shall be permissible within the 0.2 percent annual chance floodplain if no feasible alternative site is

available. Critical facilities constructed within the 0.2 percent annual chance floodplain shall have the lowest floor elevated to or above the 0.2 percent annual chance flood elevation at the site for the BFE + 3 feet, whichever is the highest. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the 0.2 percent annual chance flood elevation or the BFE + 3 feet, whichever is the highest, shall be provided to all critical facilities to the extent possible.

#### E. Standards for Identified Floodways.

1. Located within SFHAs, established in Subsection 10.2(B), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)
2. No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 10.4 of this chapter have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.
3. No new residential or non-residential principal buildings are allowed within identified floodways. In instances where there is a lack of information and detailed studies, the boundaries of the floodway shall be established by DNR, provided the upstream drainage area is greater than one square mile.
4. No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse affect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
5. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

F. STANDARDS FOR IDENTIFIED FRINGE. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 10.4 of this chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. STANDARDS FOR SFHAs WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

1. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Section 10.4 of this chapter have been met.

2. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 10.4 of this chapter have been met.

3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

H. STANDARDS FOR FLOOD PRONE AREAS. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Section 10.4

## 10.5. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

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- A. DESIGNATION OF VARIANCE AND APPEALS BOARD. The Board of Zoning Appeals shall hear and decide Appeals and requests for variances from requirements of this chapter.
- B. DUTIES OF VARIANCE AND APPEALS BOARD. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision to the Hendricks County Circuit Court.
- C. VARIANCE PROCEDURES. In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;
1. The danger of life and property due to flooding or erosion damage.
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  3. The importance of the services provided by the proposed facility to the community.
  4. The necessity of the facility to a waterfront location, where applicable.
  5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
  6. The compatibility of the proposed use with existing and anticipated development.
  7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
  10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- D. CONDITIONS FOR VARIANCES.
1. Variances shall only be issued when there is:
    - a. A showing of good and sufficient cause.
    - b. A determination that failure to grant the variance would result in exceptional hardship.
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
  2. No variance for a residential use within a floodway subject to Subsection 10.4(E) or (G)(1) of this chapter may be granted.
  3. Any variance granted in a floodway subject to Subsection 10.4(E) or (G)(1) of this chapter will require a permit from the Indiana Department of Natural Resources.
  4. Variances to the Provisions for Flood Hazard Reduction of Subsection 10.4(B), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
  5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. (Refer to Subsection 10.5(F).)
7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Subsection 10.5(E).)
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Subsection 10.5(E).)

E. VARIANCE NOTIFICATION. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
2. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

F. HISTORIC STRUCTURE. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

G. SPECIAL CONDITIONS. Upon the consideration of the factors listed in Section 10.5, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

## 10.6. SEVERABILITY.

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If any section, clause, sentence, or phrase of the Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

## Chapter 15. Definitions.

### Floodplain Management Section

Unless specifically defined below, words or phrases used in Chapter 10 shall be interpreted so as to give them the meaning they have in common usage and to give Chapter 10 its most reasonable application.

Accessory structure (appurtenant structure) means a structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of Chapter 10.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Boundary River means the part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a structure or any addition to a structure;

2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
  3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
  4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
  5. Mining, dredging, filling, grading, excavation, or drilling operations;
  6. Construction and/or reconstruction of bridges or culverts;
  7. Storage of materials; or
  8. Any other activity that might change the direction, height, or velocity of flood or surface waters.
- "Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.



Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations means Chapter 10 of the zoning ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain Management Regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of Chapter 10) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest elevation described among the following:

1. The top of the lowest level of the structure.
2. The top of the basement floor.
3. The top of the garage floor, if the garage is the lowest level of the structure.
4. The top of the first floor of a structure elevated on pilings or pillars.
5. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
  - b. the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
  - c. such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to affect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed, and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Subsection 10.2(B). The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of the Hendricks County Area Plan Commission subject to inundation by the regulatory flood. The SFHAs of Hendricks County are generally identified as such on the Hendricks County, Indiana and Incorporated Areas Flood Insurance Rate Map dated September 25, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "*repetitive loss*" or "*substantial damage*" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of Chapter 10, which permits construction in a manner otherwise prohibited by Chapter 10 where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with Chapter 10. A structure or other development without the elevation, other certification, or other evidence of compliance required in Chapter 10 is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

1. A Zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:
  - a. Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
  - b. Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
  - c. Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
  - d. Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
  - e. Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
  - f. Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the

flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

2. Zone X means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.
3. Zone A (see definition for A zone)
4. Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

EFFECTIVE DATE.

This ordinance shall be in full force and effect on \_\_\_\_\_.

Passed by the Board of Commissioners of Hendricks County, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_.

Board of Commissioners  
Hendricks County, Indiana

\_\_\_\_\_  
Phyllis A Palmer, President

\_\_\_\_\_  
Matthew D Whetstone, Vice President

\_\_\_\_\_  
Bob Gentry, Member

Attest: \_\_\_\_\_  
Nancy Marsh, Auditor

Section Amended  
Ord. 2019-20 and  
Ord. 2019-40

## 10.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

- A. **STATUTORY AUTHORIZATION.** The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Hendricks County does hereby adopt the following floodplain management regulations.
- B. **FINDINGS OF FACT.**
1. The flood hazard areas of unincorporated Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. (Amended Ordinance 2009-20)
  2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
- C. **STATEMENT OF PURPOSE.** It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
  2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
  4. Control filling, grading, dredging, and other developments which may increase erosion or flood damage;
  5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
  6. Make federally subsidized flood insurance available for structures and their contents in the jurisdiction of the Hendricks County Area Plan Commission (including the unincorporated areas of Hendricks County and the incorporated Towns of Amo, Coatesville, North Salem, and Stilesville,) by fulfilling the requirements of the National Flood Insurance Program. (Amended Ordinance 2009-20)
- D. **OBJECTIVES.** The objectives of this chapter are:
1. To protect human life and health;
  2. To minimize expenditure of public money for costly flood control projects;



3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and;
7. To ensure that potential home-buyers are notified that property is in a flood area.

## 10.2 GENERAL PROVISIONS

- A. **LANDS TO WHICH THIS CHAPTER APPLIES.** This chapter shall apply to all SFHAs within the jurisdiction of Hendricks County Area Plan Commission. (Amended Ordinance 2009-20)
- B. **BASIS FOR ESTABLISHING REGULATORY FLOOD DATA.** This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.
1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs shall be as delineated on the 100-year flood profiles in the Flood Insurance Study (FIS) of Hendricks County and Incorporated Areas, and the corresponding Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency and dated September 25, 2009. (Amended Ordinance 2009-20)
  2. The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of the County delineated as an "A Zone" on the FIRM of Hendricks County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- C. **ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.** A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities in areas of special flood hazard.
- D. **COMPLIANCE.** No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this chapter and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this chapter and other applicable regulations.
- E. **ABROGATION AND GREATER RESTRICTIONS.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **DISCREPANCY BETWEEN MAPPED FLOODPLAIN AND ACTUAL GROUND ELEVATIONS**

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a Letter of Map Amendment (LOMA).

G. INTERPRETATION.

1. In the interpretation and application of this chapter all provisions shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and,
  - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
2. Unless specifically defined in [Chapter 15: Definitions](#), words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

H. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of Hendricks County, the Towns under the jurisdiction of the Hendricks County Area Plan Commission, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Amended Ordinance 2009-20)

- I. PENALTIES FOR VIOLATION. Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Hendricks County.
1. A separate offense shall be deemed to occur for each day the violation continues to exist.
  2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
  3. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

### 10.3 ADMINISTRATION

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- A. DESIGNATION OF ADMINISTRATOR. The Board of Commissioners of Hendricks County hereby appoints the Director of the Planning and Building Department to administer and implement the provisions of this chapter and is herein referred to as the Floodplain Administrator.
- B. PERMIT PROCEDURES. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms available in the Planning and Building Department prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. The Floodplain Development Permit shall accompany any required Development Plan or Plat. Specifically, the following information is required:
1. Application stage.
    - a. A description of the proposed development;
    - b. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
    - c. A legal description of the property site;
    - d. A site Development Plan showing existing and proposed development locations and existing and proposed land grades;
    - e. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
    - f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
    - g. Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;
  2. Construction stage. Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey, or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
- C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this chapter. The Administrator is further authorized to render

interpretations of this chapter, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all Floodplain Development Permits to assure that the permit requirements of this chapter have been satisfied;
2. Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to [Subsection 10.4\(E\)](#) and [Subsection 10.4\(G\)\(1\)](#) of this chapter, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such permits are to be maintained on file with the Floodplain Development Permit;
5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this chapter.
7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with [Subsection 10.3\(B\)](#);
10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with [Subsection 10.3\(B\)](#);
11. Review certified plans and specifications for compliance.
12. Stop Work Orders
  - a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease.
  - b. Such notice shall be in accordance with [Section 13.3 Construction Process Violations](#).
13. Revocation of Permits
  - a. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the chapter, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the

permit or approval was based.

- b. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.
14. Inspect sites for compliance. This section of the zoning ordinance is essential for the county to remain a participant in the National Flood Insurance Program (NFIP). Failure to comply with these regulations may cause the county to be expelled from the NFIP. Therefore it is essential for the health, safety and welfare of each property subject to this section to remain in compliance and to ensure that Hendricks County remain in good standing with the NFIP, and to further that end, the County officials authorized to enforce said program shall have the right to enter and inspect properties located in the floodplain. (Amended Ordinance 2009-20)

## 10.4 PROVISIONS FOR FLOOD HAZARD REDUCTION

- A. GENERAL STANDARDS. In all SFHAs the following provisions are required:
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
  2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
  3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
  4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
  5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
  9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter; and,
  10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this chapter, shall be undertaken only if said non-conformity is not further, extended, or replaced.

B. SPECIFIC STANDARDS. In all SFHAs, the following provisions are required:

1. Applicability. In addition to the requirements of [Subsection 10.4\(A\)](#), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations: (Amended Ordinance 2009-20)
  - a. Construction or placement of any new structure having a floor area greater than 400 square feet;
  - b. Addition or improvement made to any existing structure:
    - 1) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land); (Amended Ordinance 2009-20)
    - 2) with a previous addition or improvement constructed since the community's first floodplain ordinance. (Amended Ordinance 2009-20)
  - c. Reconstruction or repairs made to a damaged structure that is valued at more than fifty percent (50%) of the market value of the structure (excluding the value of the land) before damages occurred;
  - d. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days;
  - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - f. Reconstruction or repairs made to a repetitive loss structure.
2. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of [Subsection 10.4\(B\)\(4\)](#).
3. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
  - a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in [Subsection 10.3\(C\)\(10\)](#).
  - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. Elevated Structures. New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - 1) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
    - 2) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
    - 3) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
    - 4) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
    - 5) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms; and
    - 6) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
5. Structures Constructed on Fill. A residential or non-residential structure may be constructed on a permanent landfill in accordance with the following:
  - a. The fill shall be placed in layers no greater than one (1) foot deep before compacting to ninety-five (95%) of the maximum density obtainable with the Standard Proctor Test method.
  - b. The fill should extend at least ten (10) feet beyond the foundation of the structure before sloping below the FPG.
  - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
  - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
  - e. The top of the lowest floor including basements shall be at or above the FPG.
6. Standards for Structures Constructed with a Crawlspace. A residential or non-residential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
  - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

- b. Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area. The bottom of the openings shall be no more than one (1) foot above grade; and
  - c. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
  - d. Utility systems within the crawlspace must be elevated above the flood protection grade.
  - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
  - f. Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
  - g. The interior grade of the crawlspace must be at or above the base flood elevation.
7. Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
    - 1) outside a manufactured home park or subdivision;
    - 2) in a new manufactured home park or subdivision;
    - 3) in an expansion to an existing manufactured home park or subdivision; or
    - 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
  - b. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
  - c. Recreational vehicles placed on a site shall either:
    - 1) be on site for less than 180 days; and,
    - 2) be fully licensed and ready for highway use (defined as being on its wheels



or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

- 3) meet the requirements for "manufactured homes" as stated earlier in this section.

C. STANDARDS FOR SUBDIVISION PROPOSALS.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

- D. CRITICAL FACILITY. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 0.2 percent annual chance (500 year) floodplain. Construction of new critical facilities shall be permissible within the 0.2 percent annual chance floodplain if no feasible alternative site is available. Critical facilities constructed within the 0.2 percent annual chance floodplain shall have the lowest floor elevated to or above the 0.2 percent annual chance flood elevation at the site for the BFE + 3 feet, whichever is the highest. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the 0.2 percent annual chance flood elevation or the BFE + 3 feet, whichever is the highest, shall be provided to all critical facilities to the extent possible.

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E. STANDARDS FOR IDENTIFIED FLOODWAYS.

1. Located within SFHAs, established in [Subsection 10.2\(B\)](#) are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. [IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a

floodway permit) for the fill is required from the Indiana Department of Natural Resources.]

2. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

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3. No new residential or non-residential buildings are allowed within identified floodways. In instances where there is a lack of information and detailed studies, the boundaries of the floodway shall be established on an individual basis for land development.

4. No development shall be allowed which, acting along or in combination with existing or future development, will increase the regulatory flood more than 0.14 or (1) foot: and

5. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the FEMA revise the regulatory flood data

F. STANDARDS FOR IDENTIFIED FRINGE. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 10.4 Provisions for Flood Hazard Reduction of this chapter have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. STANDARDS FOR SFHAs WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS/FRINGES.

1. Drainage area upstream of the site is greater than one (1) square mile:

a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

b. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

c. Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and

the provisions contained in [Section 10.4 Provisions for Flood Hazard Reduction](#) of this chapter have been met.

2. Drainage area upstream of the site is less than one (1) square mile:
  - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100-year flood elevation for the site.
  - b. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in [Section 10.4 Provisions for Flood Hazard Reduction](#) of this chapter have been met.
3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

## 10.5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

- A. DESIGNATION OF VARIANCE AND APPEALS BOARD. The Board of Zoning Appeals as established by Board of Commissioners of Hendricks County shall hear and decide appeals and requests for variances from requirements of this chapter.
- B. DUTIES OF VARIANCE AND APPEALS BOARD. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision to the Hendricks County Circuit Court, as provided by Statute.
- C. VARIANCE PROCEDURES. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and;
  1. The danger of life and property due to flooding or erosion damage;
  2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  3. The importance of the services provided by the proposed facility to the community;
  4. The necessity to the facility of a waterfront location, where applicable;
  5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  6. The compatibility of the proposed use with existing and anticipated development;
  7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  8. The safety of access to the property in times of flood for ordinary and emergency

vehicles;

9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. CONDITIONS FOR VARIANCES.

1. Variances shall only be issued when there is:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and,
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to [Subsection 10.4\(E\)](#) or [Subsection 10.4\(G\)\(1\)](#) of this chapter may be granted. (Amended Ordinance 2009-20)
3. Any variance granted in a floodway subject to [Subsection 10.4\(E\)](#) or [Subsection 10.4\(G\)\(1\)](#) of this chapter will require a permit from the Indiana Department of Natural Resources. (Amended Ordinance 2009-20)
4. Variances to the Provisions for Flood Hazard Reduction of [Subsection 10.4\(B\)](#), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
7. Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See [Subsection 10.5\(E\)](#)).
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the FEMA or the Indiana Department of Natural Resources upon request (See [Subsection 10.5\(E\)](#)).

- E. VARIANCE NOTIFICATION. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the FEMA. Any applicant to whom a

variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
  2. Such construction below the base flood level increases risks to life and property.
- F. HISTORIC STRUCTURE. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- G. SPECIAL CONDITIONS. Upon the consideration of the factors listed in Section 10.5 Floodplain Management Variance Procedures, and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

# Chapter 11: Special Residential Subdivision Designations



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### 11.1 CHAPTER INTRODUCTION

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- A. Proposed major residential subdivisions may be allowed within the Agriculture, Residential (AGR) zoning district without rezoning to a residential zoning district if the following conditions are met:
1. The proposed major residential subdivision must achieve the designation of either Conservation Subdivision or Estate Subdivision.
  2. The Plan Commission finds that the proposed major residential subdivision meets the intent of the requested designation.
- B. Proposed major residential subdivisions that do not achieve Conservation Subdivision or Estate Subdivision status must pursue the rezoning of land from the AGR zoning district to an appropriate residential zoning district.

### 11.2 CONSERVATION SUBDIVISIONS

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- A. **PURPOSE.** Conservation subdivisions are intended to accomplish all of the following:
1. Encourage the efficient and creative use of land in harmony with its natural features.
  2. Minimize the consumption of open space by limiting the network of streets and utilities.
  3. Preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitats, and unique topography, as well as historic or archaeological resources.
  4. Provide useable open space and, where appropriate, recreational facilities.
  5. Preserve the visual character of the neighborhood.
  6. Ensure high-quality design and site planning of developments to enhance the neighborhoods in which they occur.
  7. Promote interconnected greenways and corridors throughout the community.
  8. Meet the goals and objectives of the Comprehensive Plan.
- B. **APPLICABILITY.** The Commission may grant conservation subdivision designation for any parcel or contiguous parcels of at least five (5) acres in any district permitting single-family and multiple family residences, subject to the regulations and conditions herein.
- C. **CRITERIA FOR CONSERVATION SUBDIVISION DESIGNATION.** The Commission may grant conservation subdivision status upon finding that it complies with the purposes and standards of this section, and is superior in design to a conventional subdivision with regard to those elements addressed in the purpose statement.
- D. **PROCEDURAL REQUIREMENTS**
1. Pre-application meeting. A pre-application meeting between the Commission staff and applicant is required.

2. Neighborhood meeting. In addition to any required meetings, the applicant is strongly encouraged to meet with residents in the area of the proposed development and with other interested parties well in advance of the public hearing. The Plan Commission may consider the degree to which an applicant informs neighbors about the project in its determination to grant conservation subdivision status.
3. On-site review with staff. A detailed review of the project shall be conducted on site with Plan Commission staff.
4. Plat and Development Plan Review. Consideration of conservation subdivision designation shall follow the regular plat process, as specified in the Subdivision Control Ordinance, and the Development Plan Review process as specified in [Section 12.3 Development Plan Review And Approval](#). Additional application requirements for the conservation subdivision designation are found in the Hendricks County Conservation Subdivision Development Standards Guidebook.
5. Granting or denying conservation subdivision designation. The Commission shall approve, conditionally approve, or deny a conservation subdivision designation as part of its findings of fact at the primary plat/Development Plan stage.

## E. OPEN SPACE

1. General requirements
  - a. A conservation subdivision shall contain at least forty-five percent (45%) open space (gross area).
  - b. Open space shall be an integrated part of the project rather than an isolated element.
  - c. Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space less than one hundred (100) feet wide shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
  - d. The location, size, character, and shape of open space shall be appropriate to its intended use.
  - e. A minimum of seventy percent (70%) of all dwelling units within the development shall abut or overlook designated open space. The Commission may reduce this standard where, in the opinion of the Commission, such a reduction will result in enhanced overall site design and superior compliance with the purposes of this section.
  - f. Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
  - g. Designated open space shall be shown on all subdivision plans and on the recorded plat.
2. Areas not considered open space. The following land areas are not considered open space for the purposes of this section
  - a. Public or private road rights-of-way.



- b. Platted lots.
- 3. Areas which may be included in open space. The following areas may be included as open space.
  - a. Land within the designated floodway.
  - b. Designated wetlands.
  - c. Easements
  - d. Drainage ways
  - e. Lands whose slope and/or soils make them particularly susceptible to erosion when disturbed by development activities.
  - f. Lakes and ponds.
- 4. Permitted uses of open space
  - a. Conservation and protection of any identified significant natural areas, or other environmentally sensitive areas where development might threaten water quality or ecosystems.
  - b. Conservation and protection of any identified important historic resources.
  - c. Provision of active and/or passive outdoor recreation.
  - d. Retention of productive farmland or forestland for continued agricultural and/or forestry use.
  - e. Landscaped stormwater detention and retention areas, and land designed as a biologically functional part of an approved decentralized sewage disposal system.
  - f. Creation of native and/or other natural features where none exist.
  - g. Other uses found by the Commission to be compatible with the proposed design and consistent with the purposes of this section.
- 5. Allowable structures. Any structure accessory to a recreation, conservation, or agriculture use consistent with the intent of the open space area may be erected within the open space, subject to Commission approval.
- 6. Ownership of open space
  - a. Designated open space shall be set aside in an irrevocable conveyance in a form that is acceptable to the Commission
  - b. Conveyance of designated open space shall be made to one or more of the following entities:
    - 1) A local government or other public agency.
    - 2) A non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in Subsection 11.2(E)(6)(c). Such organization shall be acceptable to the Commission as a bona fide conservation organization.
    - 3) A corporation or trust owned, or to be owned, by the owners of lots or residential units within the development (i.e., a homeowners' association)

and placed under conservation restriction as specified in [Subsection 11.2\(E\)\(6\)\(c\)](#).

- 4) Other responsible management entity acceptable to the Commission, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in [Subsection 11.2\(E\)\(6\)\(c\)](#).
- c. Conservation Restriction. A permanent conservation or agricultural preservation restriction, approved by the Commission and enforceable by Hendricks County, shall be recorded to ensure that such land shall be kept in an open or natural state in perpetuity.
7. Management of open space. An open space management plan shall be submitted with the application. At the primary plat and Development Plan stage, the plan may be conceptual in nature but shall include enough detail to satisfy the Commission that it meets the following requirements. At the secondary plat and Development Plan stage, the plan shall be in fully executable form. The management plan shall include:
  - a. Provisions for the use, restrictions of use, ownership, maintenance and perpetual preservation of the open space areas.
  - b. Allocation of responsibility and establishing guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements, and including provisions that the restrictions, uses, and maintenance requirements may be enforced by adjoining land owners, Hendricks County, and/or the applicable responsible management entity.
  - c. Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space, and an outline of the means by which such funding will be obtained or provided.

## F. NUMBER OF DWELLING UNITS

1. Units Permitted. The number of dwelling units permitted in a conservation subdivision shall be determined by the following formula:
  - a.  $[\text{Total area of land subject to the application}] - [\text{Total area of jurisdictional wetlands and other water bodies}] - [\text{Total area of floodway}] - [\text{Land other than "wet/dry detention" excluded from development in Section 2.11(1)(d) of the Subdivision Control Ordinance}] = \text{Applicable Land Area}$ .
  - b.  $[(\text{Applicable Land Area}) \times (0.9)] / [\text{Minimum lot area established by zoning}] = \text{Number of Dwelling Units}$ .
  - c. Density bonus.
    - 1) For subdivisions served by septic systems:  $[\text{Number of Dwelling Units}] \times 1.10 = \text{Total Number of Dwelling Units}$ .
    - 2) For subdivisions served by sewer systems:  $[\text{Number of Dwelling Units}] \times 1.05 = \text{Total Number of Dwelling Units}$ .

2. Optional Density Incentives
  - a. Additional open space incentive: An optional density incentive may be permitted when the proposed subdivision contains more than fifty percent (50%) open space (gross area). One (1) additional dwelling unit may be permitted for each five (5) acres of open space over fifty percent (50%).
  - b. Public access to open space incentive: An optional density incentive may be permitted when the development provides for public access to open space areas within the development. One (1) additional dwelling unit may be permitted for each five (5) acres of land open to public use. Open space that is open to public use shall be accessible from a public roadway and adequate parking shall be provided to meet anticipated demand. Open space with public access shall meet the requirements of Subsection 11.2(E).
  - c. Natural drainage system incentive. An optional density incentive may be permitted when the proposed subdivision applies natural methods and best management practices (BMPs) for stormwater management. Up to three (3) additional dwelling units may be permitted for drainage systems using a combination of structural and manufactured BMPs which incorporate natural or biological elements (example: a dry detention pond with extensive natural plantings or a manufactured separator in combination with a treatment wetland). Up to five (5) additional dwelling units may be permitted with a drainage system exclusively composed of natural elements.
3. Maximum number of dwelling units permitted. The density bonus and optional density incentives may be used in combination. In no case shall the maximum permitted number of dwelling units be greater than a fifteen percent (15%) increase in the number of dwelling units permitted under Subsection 11.2(F)(1)(b).

#### G. DEVELOPMENT STANDARDS

1. Dimensional standards. Dimensional standards in the proposed subdivision shall be based on the provisions of the latest edition of the Hendricks County Conservation Subdivision Development Standards Guidebook.
  - a. Minimum lot size: No minimum lot size.
  - b. Minimum lot frontage: No minimum lot frontage.
  - c. Setbacks: Setbacks shall be approved by the Commission.
2. Street and sidewalk standards
  - a. Street and sidewalk standards in the proposed subdivision shall be based on the provisions of the latest edition of the Hendricks County Conservation Subdivision Development Standards Guidebook.
  - b. Reduction of street and sidewalk standards: The Commission may reduce applicable street and sidewalk standards of the Subdivision Control Ordinance where, in the opinion of the Commission, such reductions will result in enhanced overall site design and provide adequate and safe access for the development.

## H. ARCHITECTURAL STANDARDS

1. Architectural standards in a conservation subdivision shall be based on the provisions of the latest edition of the Hendricks County Conservation Subdivision Development Standards Guidebook.
2. Modification of architectural standards. The Commission may modify architectural standards where, in the opinion of the Commission, such modifications will result in enhanced overall design and superior compliance with the purposes of this section.

## I. STORMWATER STANDARDS

1. Management of stormwater quantity and quality for conservation subdivisions shall meet the requirements of the current Hendricks County Stormwater Management Ordinance. In addition, applicants shall incorporate into the subdivision design a combination of the following pre-approved best management practices (BMPs) for post-construction stormwater quality management as detailed in Chapter 8, Table 8-1 (Pre-approved Post-construction BMPs) and Appendix D (Post-construction BMPs) of the current version of the Hendricks County Stormwater Technical Standards Manual, as amended:
  - a. Bioretention
  - b. Constructed Wetland
  - c. Filter Strip
  - d. Vegetated Swale
  - e. Wet Pond
2. Alternatively, the applicant may propose innovative post-construction BMPs as prescribed by Chapter 8 of the Hendricks County Stormwater Technical Standards Manual. Such alternative BMPs shall meet the requirements of the Stormwater Management Ordinance and must include natural or biological elements in the treatment process.
3. Purely structural or manufactured water quality treatment practices alone will not be acceptable stormwater quality management systems for conservation subdivisions under this section.

## J. WASTEWATER TREATMENT AND DISPOSAL STANDARDS. Conservation design subdivisions must be served by either:

1. Publicly Owned Treatment Works (POTW) as defined by 327 IAC 3-1-2, or
2. By decentralized or cluster on-site sewage disposal (including lagoons, constructed wetlands, drip fields, mounds, etc.). Decentralized systems may be considered only with appropriate Responsible Management Entity (RME) oversight and maintenance, in perpetuity. The Developer must commit to in perpetuity Responsible Management Entity oversight of the financing and operation and maintenance of the wastewater facilities. The treatment system must receive all federal, state and local permits prior to approval; and must receive approval of the system for RME oversight from the

Commission, the Hendricks County Health Department, and the Hendricks County Regional Sewer District, in concept, prior to preliminary approval. Final permits and approvals must be received prior to final application.

3. Any development that does not propose to connect to a POTW must be either under a County On-site Waste Management District, the Hendricks County Regional Sewer District, or another acceptable Responsible Management Entity acceptable to the County Commissioners, the Commission, and the Hendricks County Board of Health. If the Regional Sewer District does not elect to take the proposed system into their jurisdiction, or if the Hendricks County Commissioners do not wish to include the area in an On-site Waste Management District under their jurisdiction, then the proposed wastewater treatment system would not be allowed by the APC.

### 11.3 ESTATE SUBDIVISIONS

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- A. **PURPOSE.** The purpose of the Estate subdivision is to (1) discourage bland and characterless suburban residential design, (2) promote architectural variety and interest in residential neighborhoods, and (3) bolster the quality of neighborhood life.
- B. **ESTATE DESIGNATION**
  1. The Estate designation is a special land use classification conferred by the Plan Commission within single family residential zoning districts. The Estate designation is not a zoning district itself. Consequently, Estate developments fall under both the special Estate provisions of this section plus other provisions that apply to the applicable zoning district generally.
  2. The Estate designation shall be distinguished by an "(E)" added to the applicable zoning classification on the official Zoning Map. For example, an Estate subdivision in the RA/Rural Residential zoning district shall be shown on the official Zoning Map as RA(E)/Rural Residential.
- C. **APPLICABILITY.** The Estate designation shall apply to detached single family residential major plats located in single family residential zoning districts which have received the Estate designation from the Plan Commission as described in this section.
- D. **APPLICABILITY TO ABUTTING AND ADJOINING LAND.** Certain specified provisions of this section shall apply to land abutting or adjoining property receiving the Estate designation.
- E. **DEVELOPMENT STANDARDS.** The minimum lot standards shall be as shown in the following accompanying table.

Minimum Lot Area	None	
Maximum Gross Density	2 units per acre (central sewer)	
	1 unit per 1.5 acres (septic system)	
Minimum Lot Width	None	
Maximum Lot Coverage	35 percent for single family uses	
	5 percent or 600 square feet of the total lot area, whichever is greater, for accessory uses	
Minimum Lot Frontage	50 feet	
Minimum Ground Floor Living Area	2,400 square feet single story	
	1,500 square feet multi-story first story, 2,800 square feet total	
Maximum Height	40 feet principal structure	
	18 feet accessory structure	
Minimum Front Setback	Feet from ROW	When fronting on:
	50 feet	urban principal arterial
	50 feet	urban minor arterial
	45 feet	urban collector
	35 feet	urban local road
	80 feet	rural principal arterial
	50 feet	rural minor arterial
	45 feet	rural collector
	35 feet	rural local road
Minimum Side Setback	15 feet	
Minimum Rear Setback	15 feet	
Minimum Dwelling Width	24 feet	
Landscaping Along Perimeter Roads	Minimum Type 2 Landscaping per <a href="#">Table 7.7: Buffer Yard Types Description</a>	

- F. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS. Off-street parking and loading requirements shall be as regulated by the applicable zoning district and [Section 7.2 Off-Street Parking And Loading](#).
- G. SIGN REQUIREMENTS. Sign requirements shall be as regulated by the applicable zoning district and [Chapter 9: Sign Standards](#).
- H. BUFFER YARD REQUIREMENTS. Buffering standards shall be as regulated by the applicable zoning district and [Section 7.5 Landscaping Standards](#).

- I. ARCHITECTURAL STANDARDS. Residential construction in Estate designated developments shall comply with the architectural standards found in the current version of the publication Estate Subdivision Architectural Standards.
- J. ESTATE SUBDIVISION APPROVAL PROCESS
1. Eligible Development. A development eligible for the Estate designation shall be:
    - a. Zoned AGR.
    - b. Limited to major plats of detached single family residential use.
  2. Estate Designation Conferred By Plan Commission. The Plan Commission may confer the Estate designation on an eligible development.
  3. Permitted Use. Major plats receiving the Estate designation by the Plan Commission shall be a permitted use in that zoning district.
  4. Major Plat Approval Required. Petitioners for the Estate designation shall file for major plat approval in accordance with the Subdivision Control Ordinance.
  5. Plan Commission Findings of Fact.
    - a. The Plan Commission may confer the Estate designation by finding the following at the time of primary plat approval:
      - 1) The proposal is eligible for Estate designation.
      - 2) The proposal meets the purpose of the Estate designation.
    - b. These findings shall:
      - 1) Be made a part of the motion to approve the primary plat.
      - 2) Appear in the findings of fact for the primary plat.
      - 3) Be in addition to the regular findings of fact for primary plat approval.
- K. LAND ABUTTING AND ADJOINING ESTATE DESIGNATED PROPERTY. An important aspect of the Estate designation is its ability to protect a development's particular residential character by limited control of abutting and adjoining land use (see [Chapter 15: Definitions](#) for definitions of "Abut or Abutting" and "Adjoining"). For purposes of this subsection, land separated by a right-of-way greater than one hundred sixty (160) feet wide as specified in the Thoroughfare Plan shall not be considered abutting or adjoining and is not subject to this section.
1. Residential Major Plat Development On Undeveloped Abutting And Adjoining Land. Residential land abutting and adjoining an Estate designated development shall be subject to the following provisions at the time of rezoning, major plat approval, or both:
    - a. Perimeter residential lots abutting or adjoining an Estate designated development shall meet the Estate development standards of this section and the standards of the current version of the publication Estate Subdivision Architectural Standards.
    - b. Residential lots not abutting or adjoining the Estate designated development shall meet the development standards of the established zoning district and any other applicable standard.

2. Residential Minor Plat Development On Undeveloped Abutting And Adjoining Land. Legally established residential minor plats on abutting and adjoining land are not subject to this section.
3. Already Developed Abutting And Adjoining Land. Abutting and adjoining land with legally existing uses are not subject to this section.
4. Non-residential Development On Undeveloped Abutting And Adjoining Land. In evaluating a non-residential rezoning request on abutting and adjoining land, the Plan Commission shall give due regard to the:
  - a. Purpose of the Estate designation.
  - b. Proximity of the Estate development to the proposed non-residential zoning district and/or use.
  - c. Likely effects, either beneficial or detrimental, of the proposed non-residential zoning district and/or use on the Estate development.





# 11.3 Estate Subdivisions

CHAPTER 11: SPECIAL RESIDENTIAL SUBDIVISION DESIGNATIONS

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# Chapter 12: Petitions, Permits, and Procedures



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### 12.1 PURPOSE

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- A. This chapter contains procedures for processing petitions and permits required for development.

### 12.2 APPLICATION AND PERMIT TYPES

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- A. PETITIONS AND PERMITS. The petitions and permits include:
1. Development Plan Approval
  2. Development Standards Variance
  3. Special Exception Permit
  4. Administrative Appeal
  5. Zoning Map Amendment (“Rezoning”)
  6. Improvement Location Permit (Note: a building permit may also be required consistent with the provisions of the Hendricks County Building Code)
  7. Zoning Compliance Certificate
  8. Certificate of Occupancy
  9. Sign Permit
  10. Mineral Extraction Operation Permit
  11. Sexually Oriented Business Permit
- B. APPLICATION MATERIALS. All applications may be obtained from the Planning and Building Department. Fees shall be paid at the time all petition applications are submitted and at the time all permits are issued as specified in each individual procedure.
1. All applications shall be made on forms provided by the Planning and Building Department. Copies, necessary plans, and attachments shall be submitted as required by the adopted policies of the Director and the applicable Rules of Procedure, as amended, of the Plan Commission and Board of Zoning Appeals.
  2. Scheduling. All applications shall be assigned reference and/or docket numbers by the Director.
    - a. Petition Applications. Petition applications shall be scheduled by the Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this chapter and the appropriate adopted Calendars of Filing and Meeting Dates for the Board and/or Plan Commission.
    - b. Order of Action Taken. Action shall be taken on all applications in the order in which they were received.

## 12.3 DEVELOPMENT PLAN REVIEW AND APPROVAL

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- A. **PURPOSE.** The purpose of this chapter is to identify a procedure for the review and approval of Development Plans.
- B. **APPLICABILITY.** With the exception of a request to rezone, the Development Plan Review process may occur concurrently with any other Plan Commission review process. This review shall be completed within the procedures set forth in this section and all other applicable sections of this Ordinance.
1. **Development Plan Review Required.** The following list identifies the types of projects that require Development plan review:
    - a. New construction and site development for multifamily, commercial, institutional or industrial uses, non-residential subdivision (shopping center or office park), or a project involving a planned unit development (PUD) that does not require a plat.
    - b. A project where the conversion of a structure to a permitted use is being considered and where no exterior construction or site development is planned. Use conversions requiring Development Plan Review include changes from one of the following categories to another:
      - 1) Residential to commercial or industrial;
      - 2) Commercial to multifamily or industrial;
      - 3) Industrial to multifamily or commercial; and
      - 4) Single or two-family to multifamily or commercial.
    - c. A project where an existing multifamily, commercial, or industrial use is proposing an addition or expansion of the structure or the site that will have at least one or more of the following effects:
      - 1) Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;
      - 2) Alteration of on-site parking facilities by more than thirty-five percent (35%); and
      - 3) Addition to a structure that increases the floor area thirty-five percent (35%) or more of the existing structure.
    - d. The construction of public or private off-street parking areas in districts where they are permitted as set forth in this Ordinance.
  2. **Committee Review.** The Plan Commission may assign certain classes of Development Plan Review to a committee of the Plan Commission for hearing. Such a review shall be held on the same notice and heard in the same manner that they would be if heard by the Plan Commission.

3. Modifications. The Director shall have the authority to exempt requirements for a development plan, or exempt the development plan all together, if no physical or minimal change to property or structures on the property is occurring.
- C. GENERAL STANDARDS OF REVIEW. Development plans shall be reviewed taking into account the following standards:
1. Compatibility with surrounding land uses.
  2. Consistency with the Comprehensive Plan.
  3. Compliance with all applicable requirements of this Ordinance.
  4. Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.
  5. Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with particular emphasis on the following factors:
    - a. The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.
    - b. The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.
    - c. The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the development plan with existing and planned streets and adjacent developments.
    - d. Other factors provided for in this Ordinance.
- D. DEVELOPMENT PLAN REVIEW PROCEDURE.
1. Overview. The Development Plan Review Process consists of five (5) major steps in the following order:
    - a. Preliminary meeting with staff;
    - b. Submittal of the Primary Development Plan;
    - c. Technical Advisory Committee Review;
    - d. Plan Commission Approval; and
    - e. Submission of the Secondary Development Plan which serves as the construction drawings and administrative approval.
  2. Application and Meeting with Staff. The applicant shall first set up a meeting with staff to discuss submittal of a Preliminary and to obtain a schedule, guidance and requirements for submittal.
  3. Primary Development Plan Application. The Primary Development Plan submittal shall include the following items:
    - a. Application Form. This application form, when completed will contain general information including the name and location of the proposed development, as

well as the identification of all the property owners, the parcel number (part of or all of the parcel), and must be signed by the property owner(s) or include written authorization for an agent.

- b. **Application Fee.** The Preliminary and Secondary Development Plan applications must be accompanied by the payment of a fee as established by [Section 12.15 Fees](#). No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.
- c. **Application Material Format.** All drawings shall be provided in both hard copy and digital format in a manner specified on the application or by the Director.
- d. **Primary Development Plan Contents.** The applicant shall submit the required number of copies as specified in the application and the applicant shall follow procedures for distribution of required plans to the Technical Advisory Committee (TAC) members prior to the regularly scheduled meeting. The Plan shall include:
  - 1) General vicinity map;
  - 2) Property boundary lines including any easements and a legal description;
  - 3) Existing spot elevations and contours as appropriate;
  - 4) Benchmarks;
  - 5) Site layout plan including adjacent streets with vehicular and pedestrian circulation;
  - 6) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
  - 7) Parking and loading plan;
  - 8) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
  - 9) Conceptual signage;
  - 10) Conceptual lighting plan;
  - 11) Conceptual landscaping and screening plan;
  - 12) Open space and recreation plan;
  - 13) Refuse/trash storage areas;
  - 14) The location of and primary points of connection to existing utilities;
  - 15) The schedule of any phasing of the project;
  - 16) Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures and the number of parking spaces provided; and
  - 17) If applicable, a protected tree plan per [Subsection 7.5\(E\)\(6\), Preservation of Existing Vegetation](#).
- e. **Special Studies Required.** In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct

the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant.

- 1) **Transportation Impact Studies.** If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the "Applicant's Guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana" as may be amended from time to time in the development of the traffic study.
- 2) **Fiscal Impact Analysis.** New residential development of more than one hundred fifty (150) units shall be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.
- 3) Any necessary approval by federal, state, or other local agencies shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
  - a) **Federal Agencies**
    1. Federal Communications Commission
    2. Federal Aviation Administration
    3. Federal Emergency Management Agency
    4. Army Corps of Engineers
  - b) **State Agencies**
    1. Indiana Department of Environmental Management
    2. Indiana Department of Natural Resources
    3. Indiana Department of Transportation
    4. Indiana State Department of Health
  - c) **Local Agencies**
    1. Hendricks County Drainage Board
    2. Incorporated towns
    3. County Health Department
  - d) **Utility Companies**
    1. Public or private utilities for sanitary sewer or water services
- f. If applicable, include a letter of intent indicating that the applicant wishes to construct a model home prior to recording. The letter of intent must include the proposed lot number on which the model home will be constructed. A maximum of five (5) model homes may be permitted per development for single-family residential development and a maximum of four (4) units per multifamily development and a Certificate of Occupancy will not be issued for the model home until the subdivision or section thereof has been properly recorded. Certain

necessary improvements may be required of the developer prior to issuance of the building permit.

4. Technical Advisory Committee Review. Once the submittal for the primary development plan is deemed complete, the applicant shall appear at the regularly scheduled Technical Advisory Committee (TAC) to discuss the proposed project and receive comments from several County agencies and departments on the proposed project. The applicant may be required to submit a revised Development Plan prior to the preparation of packets for Plan Commission members. The TAC shall review the preliminary plan to determine if it is:
  - a. Consistent with the intent and purpose of this Ordinance;
  - b. Whether the proposed development advances the general welfare of the community and neighborhood; and
  - c. Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.
  - d. The TAC shall prepare a summary of project compliance with the Ordinance for presentation at the Plan Commission hearing.
5. Plan Commission Hearing. The Plan Commission Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure, as amended.
  - a. Possible Action. Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Development Plan application.
    - 1) The Plan Commission may impose conditions on the approval of a Development Plan if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.
6. Secondary Development Plan Submittal. The Plan Commission's approval of the Primary Development Plan shall be necessary before an applicant may obtain a Secondary Development Plan approval. The Director and the Technical Advisory Committee shall be responsible for review of the Secondary Development Plan (construction drawings) submittal which shall include the following items:
  - a. General vicinity map;
  - b. Property boundary lines including any easements and a legal description;
  - c. Elevation marks and contours as appropriate;
  - d. Benchmarks;
  - e. Traffic and circulation plan;
  - f. Pedestrian circulation plan or trail plan, if applicable according to the Comprehensive Plan Trails and Greenways map;



- g. Adjacent streets;
- h. Parking and loading plan in accordance with [Section 7.2 Off-Street Parking And Loading](#);
- i. Utilities plan showing existing and proposed location and sizes;
- j. Landscape plan indicating plant types, number, location, size and method of installation and in accordance with [Section 7.5 Landscaping Standards](#);
- k. Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
- l. Signage plan showing location, sign faces, representations, and size in accordance with [Chapter 9: Sign Standards](#);
- m. Final lighting plan in accordance with [Section 7.11 Outdoor Lighting](#), Outdoor Lighting;
- n. Open space and recreation plan;
- o. Refuse/trash storage areas;
- p. Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;
- q. Architectural Plan. The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials used (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;
- r. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.
- s. Plat-like Dedication Sheet, If Necessary. The following information shall be submitted for easements and rights-of-way if deemed necessary by the Plan Commission or its authorized designee:
  - 1) Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;
  - 2) Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
  - 3) Accurate location of all survey monuments erected, corners and other points established in the field in their proper places;
- t. The schedule of any phasing of the project; and
- u. A development summary indicating lot area, building square footage, lot coverage, building height, size of dwelling units/structures, area of hard surface provided, and the number of parking spaces required and provided.
- v. All drawings prepared for submission under this section must be prepared by a professional engineer, architect, or surveyor and must bear a professional seal from the State of Indiana. If, however, the Director determines that due to

the simplicity of the project, a professional seal may not be required, then this requirement may be waived.

7. Approval. After review of the Secondary Development Plan, the Director and the Technical Advisory Committee, shall approve or deny the Secondary Development Plan. The applicant may appeal the decision to the Board of Zoning Appeals. An applicant shall have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. This permit must be obtained in accordance with [Section 12.10 Improvement Location Permit](#). Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the Development Plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this chapter.
- E. PERFORMANCE GUARANTEE. A performance guarantee shall be provided for any exceptions granted. A performance guarantee may be provided for certain erosion control measures as determined by the Commission. The authority of administration and enforcement of the performance guarantee shall lie with the Board or its designated representative.
1. The types of performance guarantees allowed are as follows:
    - a. Completion of Improvements. All improvements not covered by a performance guarantee shall be installed in accordance with the design standards, principles, and specifications contained in these regulations and shall be inspected at such times during construction as required by these regulations;
    - b. Performance Bond. For those improvements granted an exception from installation prior to recording, a performance bond payable to the Board in the amount equivalent to one hundred ten percent (110%) of the estimated completion costs shall be posted by the developer prior to recording the final plat. This estimate shall be prepared by the design engineer and reviewed by the County Engineer. This performance bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency, and manner of execution;
    - c. Irrevocable Letter of Credit. In lieu of such a bond, the developer may submit an irrevocable letter of credit. In the event an irrevocable letter of credit is utilized, it shall be written for a minimum length of one (1) year; or
    - d. Cashiers Check. In lieu of such a bond, the developer may submit a cashiers check made payable to the Board. The alternative is only available in the amount of less than ten thousand dollars (\$10,000.00).
  2. Any performance guarantee submitted under this section shall be for a period not to exceed two (2) years. The Board may grant an extension of up to one (1) year for the completion of the improvements, based upon a request by the developer and evidence justifying the request. The Board may secure a new estimate of the cost of the improvements from the County Engineer. If the estimate has increased, the Board shall require an increase in the amount of the performance guarantee.

3. A performance guarantee shall be deemed by the Board to be in full force and effect until the time the guarantee is released by written notice by the Board.
  4. It shall be the responsibility of the developer to keep the performance guarantee current and not allow it to expire until all improvements have been accepted by the Board. If the performance guarantee does expire, no building permits will be issued to those lots within the subdivision or section thereof which required the performance guarantee until a new guarantee is provided.
  5. Upon completion of the improvements for which a performance guarantee has been provided, the developer shall request a release of the performance guarantee from the Hendricks County Planning and Building Department. The Planning and Building Department will conduct an inspection of the completed improvements. If the improvements have been completed to the satisfaction of the Planning and Building Department and if a suitable maintenance guarantee has been provided, then the Board shall release the performance guarantee. Appeals of Hendricks County Planning and Building Department decisions shall be made to the Board.
  6. As a condition of acceptance of this improvement on release of the performance guarantee, the Board shall require the developer to post a maintenance guarantee in an amount equal to twenty percent (20%) of the cost of the improvements.
    - a. The maintenance guarantee shall be one (1) of the following forms:
      - 1) Maintenance bond. This bond shall comply with all statutory requirements and shall be satisfactory to the County Attorney as to form, sufficiency and manner of execution; or
      - 2) Irrevocable Letter of Credit. In lieu of such bond, the developer may submit an Irrevocable Letter of Credit. In the event an Irrevocable Letter of Credit is used, it shall be written for a minimum length of one (1) year.
    - b. The maintenance guarantee shall be for a period of three (3) years.
- F. CONFORMANCE WITH DEVELOPMENT PLAN APPROVAL. The Plan Commission may consider the revocation of a Development Plan approval in the event that a proposed development, which occupancy permit has not been issued, is found to be in violation of the requirements of this Ordinance for the conditions attached to the approval by the Plan Commission. Should revocation be considered, the Plan Commission must schedule a meeting in which to consider the revocation and shall notify the original applicant or project representative of the date, time and place of the hearing at least fifteen (15) days in advance of the meeting by certified mail. In the event that the Plan Commission decides to revoke approval, the occupancy permit may not be issued until the Plan Commission certifies that the violation has been corrected. Where a violation involves a project where an occupancy permit has been issued, the violation shall be treated as a violation to this Ordinance and be subject to the penalty as specified in [Chapter 13: Violations and Enforcement](#).
- G. STAGED DEVELOPMENT. Where a proposed Development Plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of the initial approval providing that the initial stage is completed in conformance with the Development Plan and that the application commenced shall

be subject to the application and review requirements stated within this chapter and any additional amendments.

## 12.4 WRITTEN COMMITMENTS

- A. RULES GOVERNING COMMITMENTS. In accordance with IC 36-7-4-1015, during the time when a proposal is being considered by the Area Plan Commission or the Board of Zoning Appeals the owner of a parcel of land may make a new Commitment or modify the terms of a Commitment made when the proposal was before the Area Plan Commission or Board of Zoning Appeals. No further action of the Area Plan Commission or Board is required for a new Commitment to be effective. If a Commitment made when the proposal was before the Area Plan Commission or Board is modified and the effect of the modification is to make the Commitment more stringent, no further action of the Area Plan Commission or Board is required for the modified Commitment to be effective; however, if the effect of such a modification is to make the Commitment less stringent, then the modified Commitment must be ratified by the Area Plan Commission or Board to be effective. A Commitment made or modified under this provision is subject to the following rules:
1. Form. A commitment shall be documented on a Plan Commission-approved Commitment Recording Form.
  2. Recording, Copies. A Commitment shall be signed by the applicant and be recorded by the Planning & Building Department <sup>(Amended Ordinance 2011-19)</sup> in the office of the Hendricks County Recorder. It shall take effect upon the adoption of the proposal to which it relates within thirty (30) days of approval.
  3. Persons Bound. Unless it is modified or terminated by the Area Plan Commission or Board in accordance with Subsection 12.4(A)(5) below, a recorded Commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires an interest in the parcel. An unrecorded Commitment is binding on the owner of the parcel who makes the Commitment. An unrecorded Commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the Commitment.
  4. Enforcement. Refer to Section 13.2 Zoning Violations.
  5. A commitment automatically terminates if the zone map applicable to the parcel which the commitment relates is changed. <sup>(Amended Ordinance 2011-19)</sup>
  6. Modification or Termination by Commission or board. Except for a commitment automatically terminated under 12.4(A)(5), a Commitment may be modified or terminated only by a decision of the Area Plan Commission or Board made at a public hearing after notice of the hearing has been given under the Area Plan Commission's or Board of Zoning Appeals Rules of Procedure, as amended. <sup>(Amended Ordinance 2011-19)</sup>
  7. During the time a rezoning proposal is being considered by the Board of Commissioners, the applicant may make a new commitment or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission. <sup>(Amended Ordinance 2011-19)</sup>

### 12.5 ZONING MAP AND TEXT AMENDMENTS

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- A. **TEXT AMENDMENTS.** The following procedure, in accordance with IC 36-7-4-602, applies to a proposal to amend or partially repeal the text of the Zoning Ordinance:
1. **Initiation of Proposal.** The proposal may be initiated by either:
    - a. The Board of County Commissioners; or
    - b. The Plan Commission.
  2. **Contents of Application.** Applications for text amendments to the Zoning Ordinance shall contain the following information:
    - a. Name, address, and phone number of applicant;
    - b. Proposed amending Ordinance, approved as to form by the County Attorney;
    - c. A statement on how the proposed amendment relates to the comprehensive plan; and
    - d. A fee as established by the Board of County Commissioners.
  3. **Notice.** The Plan Commission shall give notice of a public hearing in accordance with the Plan Commission Rules of Procedure, as amended.
  4. **Public Hearing by Plan Commission.** The Plan Commission shall schedule a public hearing within sixty (60) days after a petition is received. The hearing shall be held in accordance with the Plan Commission Rules of Procedure, as amended.
  5. **Recommendation by Plan Commission.** Within ten (10) business days after the Plan Commission determines its recommendation, the Commission shall certify the proposal to the Board of County Commissioners with a favorable, unfavorable, or no recommendation (IC 36-7-4-605).
  6. **Action by Board of County Commissioners.** The Board of County Commissioners shall vote on the proposal within ninety (90) days after the Plan Commission certifies their recommendation. The Board of County Commissioners may adopt, deny, or recommend a modification of the text amendment proposal. If a modification is recommended, the proposal must be returned to the Plan Commission for a final vote of approval. If the modification is disapproved by the Plan Commission, the proposal with modification may be adopted only after a final confirming vote by the Board of County Commissioners. (IC 36-7-4-607)
  7. **Effective Date and Referendum.** Amendments adopted by the Board of County Commissioners shall become effective upon adoption.
- B. **ZONING MAP AMENDMENTS**
1. **General.** Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of County Commissioners may, by Ordinance, after receipt of recommendation from the Area Plan Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.
  2. **Consideration of Amendments.** In accordance with IC 36-7-4-603, when preparing and considering proposed amendments, the Plan Commission and the legislative

body shall pay reasonable regard to:

- a. the comprehensive plan;
  - b. current conditions and the character of current structures and uses in each district;
  - c. the most desirable use for which the land in each district is adapted;
  - d. the conservation of property values throughout the jurisdiction; and
  - e. responsible development and growth.
3. Procedure. The following procedure, in accordance with IC 36-7-4-602, applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:
- a. Initiation of Proposal. The proposal may be initiated either:
    - 1) By the Board of County Commissioners;
    - 2) By the Plan Commission; or
    - 3) By a petition signed by property owners who own at least fifty percent (50%) or more of the land involved.
  - b. Contents of Application. Applications for amendments to the official Zoning Map adopted as part of the Zoning Ordinance shall contain the following information:
    - 1) Name, address, and phone number of applicant;
    - 2) Proposed amending Ordinance, approved as to form by the County Attorney;
    - 3) Present use;
    - 4) Present zoning classification;
    - 5) Proposed use;
    - 6) Proposed zoning classification;
    - 7) A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and such other items as may be required;
    - 8) A parcel map and list identifying all property owners and their mailing addresses;
    - 9) A statement on how the proposed amendment relates to the comprehensive plan;
    - 10) A fee as established by the Board of County Commissioners; and
    - 11) Signature of property owner(s) or agent.
  - c. Additional Information. At the discretion of the Plan Commission, the applicant may be required to provide additional information or studies to demonstrate the impact that will occur as a result of the proposed development associated with the amendment (rezone) in question. The additional information may include:
    - 1) Submission to Indiana Department of Transportation
      - a) Before any zoning amendment is approved affecting any land within

three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of the centerline with any public road or highway, they shall give notice by mail to the Indiana Department of Transportation.

- b) The Plan Commission may proceed as required by law; however, the Board of County Commissioners shall not approve the amendment for thirty (30) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of County Commissioners that he shall proceed to acquire any land needed, then the Board of County Commissioners shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of County Commissioners that acquisition at this time is not in the public interest or upon the expiration of the thirty (30) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of County Commissioners shall proceed as required by law.
- 2) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections. The applicant shall reference the "Applicant's Guide to Transportation Impact Studies for Proposed Development Within Hendricks County, Indiana" as may be amended from time to time in the development of the traffic study.
- 3) Fiscal Impact Analysis. New residential development of more than one hundred fifty (150) units may be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.
- d. Notice. The Plan Commission shall give notice of a public hearing in accordance with the Plan Commission Rules of Procedure, as amended.
- e. Public Hearing by Plan Commission. The Plan Commission shall schedule a public hearing within sixty (60) days after a petition is received. The hearing shall be held in accordance with the Plan Commission Rules of Procedure, as amended.
- f. Recommendation by Plan Commission. Within ten (10) business days after the Plan Commission determines its recommendation, the Commission shall certify the proposal to the Board of County Commissioners with a favorable, unfavorable, or no recommendation (IC 36-7-4-605).
- g. Action by Board of County Commissioners. The Board of County Commissioners shall, within ninety (90) days after the Plan Commission certifies their recommendation, either adopt or deny the recommendation of the Plan Commission (IC 36-7-4-608).
- h. Effective Date and Referendum. Amendments adopted by the Board of County Commissioners shall become effective upon adoption.

## 12.6 DEVELOPMENT STANDARDS VARIANCE

See Also:

- A. **DEPENDENT ON BOARD APPROVAL.** In no case shall any variance to the terms of this Ordinance be authorized without the approval of the Board. Further, no decisions on previous applications shall serve to set a precedent for any other application before the Board. The procedure within this section shall apply to all variance applications.
- B. **APPLICATION.** The applicant shall submit a complete variance application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:
1. Plot or Development Plan. A plot plan, as described in Subsection 12.10(C), or a development plan prepared in accordance with the procedures set forth in Section 12.3 Development Plan Review And Approval and including such other information as the Board may be required to determine if the proposed variance request meets the intent and requirements of this Ordinance.
  2. Letter of Intent. A letter of intent to the Board describing the details of the variance request including but not limited to:
    - a. The ways in which the variance shall be consistent with the intent of the applicable section(s) of the Zoning Ordinance; and
    - c. Any written commitments being made by the petitioner.
  3. Such other information as may be required by the Board of Zoning Appeals.
  4. A fee as established by Ordinance.
- C. **PUBLIC NOTICE AND PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.** Notice of and procedures pertaining to the Public Hearing by the Board of Zoning Appeals shall be in conformance with the procedures set forth in the Board of Zoning Appeals Rules of Procedure, as amended.
- D. **DECISION CRITERIA.** In taking action on all variance requests, the Board shall use the following decision criteria, consistent with the requirements of the Indiana Code.
1. Development Standards Variance. The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes a determination in writing (consistent with IC 36-7-4-918.5), that:
    - a. **General Welfare.** The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
    - b. **Adjacent Property.** 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
    - c. **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.

[Section 10.5 Floodplain Management Variance Procedures](#)



- E. **CONDITIONS.** The Board may impose such reasonable conditions upon its approval as it deems necessary.
- F. **COMMITMENTS.** The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921. Such commitments shall be recorded in the Hendricks County Recorder's Office. A copy of the recorded commitments shall be provided to the Director for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.

### 12.7 SPECIAL EXCEPTION PROCEDURE

- A. **GENERAL.** This section addresses the approval procedure for uses designated as Special Exception Uses in a particular zoning district, according to [Table 4.3: Permitted and Special Exception Land Uses](#). Such particular use may be permitted and desirable in certain districts, but not without consideration in each case of the effect of the use upon neighboring land or the effect the neighboring land will have on the use. The determination is made by the Board of Zoning Appeals.
- B. **CONTENTS OF APPLICATION FOR SPECIAL EXCEPTION PERMIT.** An application for a special exception permit shall be filed with the Planning and Building Department by at least one (1) owner or agent of the owner of property for which such Special Exception is proposed. At a minimum, the application shall contain the following information:
  - 1. **Plot or Development Plan.** A plot plan, as described in [Subsection 12.10\(C\)](#), or a development plan prepared in accordance with the procedures set forth in [Section 12.3 Development Plan Review And Approval](#) and including such other information as the Board may be required to determine if the proposed Special Exception use meets the intent and requirements of this Ordinance.
  - 2. **Letter of Intent.** A letter of intent to the Board describing the details of the special exception request including but not limited to:
    - a. The ways in which the special exception shall comply with the applicable development standards of this Ordinance;
    - b. The ways in which the special exception shall be consistent with the intent of the applicable section(s) of the Zoning Ordinance; and
    - c. Any written commitments being made by the petitioner.
  - 3. Such other information as may be required by the Board of Zoning Appeals.
  - 4. A fee as established by Ordinance.
- C. **PUBLIC NOTICE AND PUBLIC HEARING BY THE BOARD OF ZONING APPEALS.** Notice of and procedures pertaining to the Public Hearing by the Board of Zoning Appeals shall be in conformance with the procedures set forth in the Board of Zoning Appeals Rules of Procedure, as amended.

## D. DECISION CRITERIA

1. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:
  - a. Is in fact a permitted Special Exception use as listed in each zoning district and appears on [Table 4.3: Permitted and Special Exception Land Uses of Chapter 4: Zoning Districts](#) for the zoning district involved;
  - b. Will be harmonious and consistent with the character of the zoning district and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan and the Zoning Ordinance;
  - c. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - d. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
  - e. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
  - f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
  - g. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
  - h. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
2. Other Considerations: When considering a special exception use request the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
  - a. topography and other natural site features;
  - b. zoning of the site and surrounding properties;
  - c. driveway locations, street access, and vehicular and pedestrian traffic circulation;
  - d. parking (including amount, location, and design);
  - e. landscaping, screening, and buffering of adjacent properties;
  - f. open space and other site amenities;
  - g. noise, loading areas, odor, and other characteristics of a business or industrial operation;
  - h. design and placement of any structures;

- i. placement, design, intensity, height, and shielding of lights;
  - j. traffic generation; and
  - k. general site layout as it relates to its surroundings.
3. All special exception uses shall comply with the development standards applicable to the zoning district in which they are located. In addition, the Board of Zoning Appeals may, as a condition of approval, identify additional development standards on a case-by-case basis. The Board may use those development standards that apply to districts in which the special exception use is a permitted use as a guide for identifying appropriate additional development standards.
4. In addition to complying with all other applicable requirements of Section 12.7(D), all special exceptions for noncommercial wind energy conversion systems shall comply with the following standards: (Amended Ordinance 2009-27)
  - a. The approval shall apply to a single wind energy conversion system only unless the BZA authorizes otherwise.
  - b. The building permit application shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
  - c. The wind energy conversion system tower and blades shall be painted white or gray or another non-reflective unobtrusive color.
  - d. The applicant shall comply with all applicable FAA requirements.
  - e. Noise produced by the wind energy conversion system under normal operating conditions shall comply with Zoning Ordinance Section 7.16(B)(5)(a)(3) Noise Standards.
  - f. If connected to a utility system, the wind energy conversion system shall meet the requirements for connection and operate as set forth in the electric utility's current service regulations applicable to wind energy conversion systems.
  - g. The wind energy conversion system shall be no nearer than 1.1 times the height of the wind energy conversion system to any property line, public right-of-way, railroad right-of-way, or overhead electrical transmission or distribution lines. For propeller turbines, the height shall be measured from the rotor blade at its highest point to the top surface of the wind energy conversion system foundation. For vertical axis turbines, the height shall be measured from the highest point of the unit to the top surface of the wind energy conversion system foundation. The distance shall be measured from the center of the foundation at the base of the tower.
  - h. Any other structures associated with the wind energy conversion system shall maintain the same minimum setbacks as listed in number 7.
  - i. The wind energy conversion system shall not be installed until evidence has been given that the utility company has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - j. If the wind energy conversion system is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving notice, restore

the system to operating condition. If the owner(s) fail to restore the system to operating condition within the six-month time frame, the owner shall be required to dismantle the wind energy conversion system for safety reasons.

- k. All signs, other than the manufacturer's identification or appropriate warning signs, shall be prohibited. Manufacturer's identification signs or appropriate warning signs shall not be located no more than five (5) feet above the base of the turbine.
- l. Illumination of the wind energy conversion system shall be prohibited unless required by the FAA.
- m. Climbing foot pegs or rungs below 12 feet on a freestanding tower shall be removed to prevent unauthorized climbing.

E. EXPIRATION OF SPECIAL EXCEPTION PERMIT. A Special Exception Permit shall be deemed to authorize only one (1) particular Special Exception use and the permit shall automatically expire if, for any reason, the use shall cease for more than one (1) year.

## 12.8 PUBLIC NOTICING PROCEDURE

A. GENERAL. For all public hearings, the notice shall be provided to the public consistent with the requirements of this section and the Rules of Procedure, as amended, of the Board of Zoning Appeals and the Plan Commission.

### B. PROCEDURES FOR NOTICE TO MUNICIPALITIES

1. Submit Application To Planning And Building Department And Area Towns. For any zoning district change or a Development Plan involving the development of more than fifty (50) acres and/or the development of two hundred (200) or more dwelling units that occurs within a township whose majority of land lies within a municipality as described in Table 12.1: Notice to Municipalities, the Director of Planning and Building will notify the municipality that corresponds to the township in question. Proof of mailing is required.
2. Optional Public Meeting. The notified municipality may hold a public meeting within thirty (30) days following the date that the application was filed regarding the district change or the Development Plan. A meeting held by a municipality is not a public hearing. Pursuant to Indiana Code, the official public hearing will be conducted by the Hendricks County Area Plan Commission.
3. Submit Written Comments Prior To Public Hearing. If a public meeting is conducted, written comments and minutes of this meeting shall be forwarded to the Hendricks County Area Plan Commission and its staff prior to the Hendricks County Area Plan Commission public hearing.

Table 12.1: Notice to Municipalities

Township of Proposal	Town to Notify
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Washington	Avon
Brown	Brownsburg
Lincoln	Brownsburg
Center	Danville
Union	Lizton
Middle	Pittsboro
Guilford	Plainfield

## 12.9 ADMINISTRATIVE APPEALS PROCEDURE

- A. INTENT. It is the intent of this Ordinance that all questions of interpretations and enforcement shall be first presented to the Director.
1. The Board may grant an appeal of any decision, interpretation, or determination made by the Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.
  2. The decisions of the Board shall be appealed to the courts as provided by Indiana law.
  3. It is further the intent of this Ordinance that the duties of the Board of County Commissioners in connection with this Ordinance shall not include hearing and deciding questions or interpretation and enforcement that may arise. The procedure for deciding those questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Board of County Commissioners shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges as stated in [Section 12.15 Fees](#).
- B. PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCE
1. Appeals. Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Director. An appeal shall be filed with the Director and with the Board of Zoning Appeals; such notice of appeal specifying the grounds upon which the appeal is being taken. The Director shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.
    - a. The appellant shall submit an administrative appeal application within ten (10) days of the Director's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:
      - 1) Original Submittals. Copies of all materials upon which the decision being appealed was based.
      - 2) Written Decisions. Copies of any written decisions that are the subject of the appeal.

- 3) **Appeal Basis.** A letter describing the reasons for the appeal noting specific sections of this Ordinance and other standards applicable in Hendricks County upon which the appeal is based.
2. **Stay Of Proceedings.** An appeal stays all further proceedings of the action appealed, unless the Director from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Director from whom the appeal is taken on due cause shown.
3. **Board Review and Action.** The Board will then, at a meeting scheduled consistent with the adopted Calendar of Filing and Meeting Dates, review the administrative appeal application and supporting information.
  - a. **Representation.** The appellant and any representative of the appellant must be present at the meeting to present the appeal.
  - b. **Testimony.** The Board shall consider a report from the Director and testimony from the applicant at the meeting and/or witnesses.
  - c. **Procedures.** The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the Board of Zoning Appeals Rules of Procedure, as amended.
  - d. **Possible Action.** Action by the Board shall be consistent with the Board of Zoning Appeals Rules of Procedure, as amended.
4. **Decision Criteria.** The Board shall only grant an appeal of such an administrative decision based on a determination in writing that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.

## 12.10 IMPROVEMENT LOCATION PERMIT

- A. **IMPROVEMENT LOCATION PERMITS REQUIRED.** No building or other structure shall be erected, demolished, moved, added to, or altered, changed, placed, or be established or changed in use, on platted or unplatted lands without a permit issued by the Director. The Improvement Location Permit shall be issued only in conformity with the provisions of this Ordinance, the Comprehensive Plan, Subdivision Control Ordinance, Building Code and any other applicable ordinance unless the Director receives a written order from the Board deciding an appeal, special exception, or variance. (Amended Ordinance 2009-19)
1. **Agricultural Structures.** All agricultural structures shall require an Improvement Location Permit but shall be exempt from building code inspections and building inspection fees. Review of exempt agricultural structure Improvement Location Permits shall require the following: (Amended Ordinance 2010-14)

- a. A signed and recorded affidavit affirming that the applicant is, in fact, building an exempt agricultural structure.
  - b. A plot plan as described in Subsection 12.10(C) to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.
  - c. Building plans to ensure compliance with Zoning Ordinance development standards.
  - d. An on-site inspection for compliance with all applicable ordinances.
  - e. Issuance of a Certificate of Compliance before occupancy of the structure.
2. Structures Exempt Under IC 36-7-8-3(d), the "Log Cabin Rule". All exempt structures shall require an Improvement Location Permit but shall be exempt from building code inspections and building inspection fees. Review of exempt structure Improvement Location Permits shall require:
- a. A signed and recorded affidavit affirming that the applicant is, in fact, building a structure under IC 36-7-8-3(d).
  - b. A plot plan as described in Subsection 12.10(C) to ensure that encroachment into designated floodplains, easements, public rights-of-way, or other non-buildable areas does not occur.
  - c. Submission of building plans to ensure compliance with Zoning Ordinance development standards.
  - d. An on-site inspection for compliance with all applicable ordinances.
  - e. Issuance of a Certificate of Compliance before occupancy of the structure.
- B. APPLICATION FOR IMPROVEMENT LOCATION PERMIT
1. The Director shall issue an Improvement Location Permit upon written application when the proposed structure, improvement, or use and its location conform in all respects to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, Storm Drainage, Erosion and Sediment Control Ordinance, Building Code, and any other applicable ordinances of Hendricks County.
  2. An application for an Improvement Location Permit can be obtained from the Hendricks County Planning and Building Department. The application shall be signed by the owner or agent attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or completed within two (2) years.
  3. Every application for an Improvement Location Permit shall be accompanied by one (1) copy of a plot plan, drawn to scale
- C. PLOT PLANS. Where applicable, a plot plan shall be signed and sealed by a professional engineer or licensed land surveyor. A plot plan shall show, at a minimum:
1. Name, address, and phone number of applicant;
  2. The location of the structure, improvement, or use to be altered, demolished, changed,

placed, erected, or located; <sup>(Amended Ordinance 2009-19)</sup>

3. Legal description of property;
4. Existing and proposed streets and alleys adjoining or within the lot and the manner in which the location is to be improved; and
5. Use of proposed structure;
6. Existing zoning district;
7. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon, the exact size and location of existing buildings on the lot, and the location and dimensions of the proposed building or alteration and other requirements as established by resolution by the Hendricks County Area Plan Commission;
8. The size of the yards and open spaces;
9. Type of structure, type of structural work, and structural plans in accordance with the requirements of the Hendricks County Building Code Ordinance;
10. Building height;
11. Number of off-street parking spaces and loading spaces;
12. Type and source of sewage disposal, and type and source of water supply;
13. Number of dwelling units; and
14. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.
  - a. Submittal of a development plan will be required for certain structures, including the requirements as established by resolution by the Hendricks County Area Plan Commission, certified by a land surveyor or engineer registered in the State of Indiana. A record shall be kept of all applications in the office of Planning and Building.

D. APPROVAL OF IMPROVEMENT LOCATION PERMIT. Within thirty (30) days after the receipt of an application, the Director shall either approve, approve with modifications, or disapprove the application in conformance with the provisions of this Ordinance. An applicant that has submitted a permit application containing any defect shall be notified of the defect. Any application that is not approved within thirty (30) days of the notice shall be disapproved. After, the Director shall have marked the copy either as approved, approved with modifications, or disapproved and attested to same by his signature on the copy. One (1) copy of plans, similarly marked, shall be retained by the Director. The Director shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance. Any decision of the Director concerning the issuance of an Improvement Location Permit may be appealed to the Board by any person claiming to be adversely affected by the decision.

E. SUBMISSION TO INDIANA DEPARTMENT OF TRANSPORTATION. Before any Improvement Location Permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Indiana Department of Transportation or any land within a radius of five hundred (500) feet from the point of



intersection of the centerline with any public road or highway under Indiana Department of Transportation's jurisdiction, the Director shall give notice, by mail, to the Indiana Department of Transportation that an Improvement Location Permit shall not be issued for thirty (30) days from the date the notice is received by the Indiana Department of Transportation.

If the Indiana Department of Transportation notifies the Director that acquisition at this time is not in the public interest or, upon the expiration of the thirty (30) day period or any extension agreed upon by the Indiana Department of Transportation and the property owner, the Director shall, if the application is in conformance with all provisions of this Ordinance, issue the Improvement Location Permit.

- F. EXPIRATION OF IMPROVEMENT LOCATION PERMIT. If the work described in any Improvement Location Permit has not been completed within two (2) years from the date of issuance, the permit shall expire. If the first required inspection has not been approved for the work described in any Improvement Location Permit within one (1) year from the date of issuance, the permit shall expire. One (1) extension, for either the start or completion time frame, may be granted by the Director for good cause shown by the applicant. The extension shall not exceed six (6) months in time.
- G. RECORD OF IMPROVEMENT LOCATION PERMIT. The Director shall maintain a record of all Improvement Location Permits.
- H. FAILURE TO OBTAIN AN IMPROVEMENT LOCATION PERMIT. Failure to obtain an Improvement Location Permit shall be a violation of this Ordinance and punishable under [Chapter 13: Violations and Enforcement](#).
- I. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLAN, PERMIT, AND CERTIFICATE. Improvement Location Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Director authorized only the use and arrangement, set forth in the approved plans and applications or amendments, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in [Chapter 13: Violations and Enforcement](#).

### 12.11 CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF COMPLETION

- A. CERTIFICATE REQUIREMENTS. No land shall be occupied or used and no structure or building erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any (non-exempt) purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Director stating that the building and use comply with all of the provisions of this Ordinance applicable to the building or premises or the use in the district in which it is to be located.
  - 1. No change shall be made in any building, structure, or part erected, reconstructed, or structurally altered without an Improvement Location Permit having been issued by the Director.

2. No permit shall be issued to make a change unless it is in conformance with the provisions of this Ordinance.
  3. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction, or structural alteration of a building or structure shall have been completed.
- B. TEMPORARY CERTIFICATE OF OCCUPANCY. A Temporary Certificate of Occupancy may be issued by the Director for a period of six (6) months during alterations or partial occupancy of a building or structure pending its completion. The Temporary Certificate of Occupancy may be renewed by the Director for a period not to exceed six (6) months for good cause shown by the applicant.
- C. RECORD OF CERTIFICATE OF OCCUPANCY. The Director shall maintain a record of all Certificates of Occupancy.
- D. FAILURE TO OBTAIN A CERTIFICATE OF OCCUPANCY. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable under [Chapter 13: Violations and Enforcement](#).
- E. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLAN, AND CERTIFICATE. Certificates of Occupancy issued on the basis of plans and applications approved by the Director authorized only the use and arrangement set forth in the approved plans and applications or amendments and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance and punishable as provided in [Chapter 13: Violations and Enforcement](#).
- F. CERTIFICATE OF COMPLETION. For structures that are not intended to be inhabited, such as pools and similar structures, a Certificate of Completion is required. The procedures and standards for a Certificate of Completion shall be the same as those for a Certificate of Occupancy, set forth in [Subsections 12.11\(A\) through \(E\)](#).

## 12.12 SIGN PERMIT

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- A. GENERAL PERMIT PROCEDURES. The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance, and the submission and review of Signage Plans under the Development Plan Review as established in [Section 12.3 Development Plan Review And Approval](#).
1. Applications. All applications for sign permits of any kind and for approval of Signage Plans shall be submitted to the Director on an application form, as part of the Development Plan Review process, or in accordance with the application specifications published by the Director.
  2. Fees. Applicable fees for a sign permit, as established by the fee schedule, shall be paid upon issuance of the permit.
  3. Completeness. Within fourteen (14) working days (excluding Saturday, Sunday, and

Holidays) of receiving an application for a sign permit or for a Signage Plan the Director shall review it for completeness. If the Director finds that it is complete, the application shall then be processed. If the Director finds that it is incomplete, the Director shall, within such five (5) day period, notify the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Ordinance.

4. Action. Within fourteen (14) working days (excluding Saturday, Sunday, and Holidays) of the submission of a complete application for a sign permit, the Director shall either:
  - a. Issue the sign permit if the sign that is the subject of the application conforms in every respect with the requirements of this Ordinance; or
  - b. Reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this Ordinance.

B. PERMITS TO CONSTRUCT OR MODIFY SIGNS. Permanent signs shall be erected, installed, modified or created only in accordance with a duly issued and valid sign construction permit from the Director. Such permits shall be issued only in accordance with the following requirements and procedures:

1. Permit for New Sign or for Sign Modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, including the location of either actual right-of-way or the right-of-way identified in the Thoroughfare Plan, whichever is greater. One (1) application and permit may include multiple signs on the same property.
2. Inspection. The Director shall cause an inspection of the property for which each permit for a new sign or for modification of an existing sign is issued. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the Director shall issue a Certificate of Completion. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Director shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by that date, the Director shall take appropriate action. If the construction is then complete, the Director shall issue a Certificate of Completion.

C. MASTER PLAN. No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan for the lot or parcel on which the sign will be erected has been submitted to the Director and approved by the Director as conforming with this section.

1. Individual Sign Permit and Master Signage Plan. For any lot or parcel on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Planning and Building Department a Master Signage Plan containing the following:
  - a. An accurate plot plan of the lot or parcel, at such scale as the Director may reasonably require;

- b. Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
  - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lots or parcels included in the plan under this chapter; and
  - d. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
  - e. Dimensions of lot including setbacks from right-of-way, either actual or based on the Thoroughfare Plan, whichever is greater.
2. Showing Window Signs on Master Signage Plan. A Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper-affixed, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
  3. Limit on Number of Freestanding Signs Under Master Signage Plan. The Master Signage Plan, for all lots or parcels with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one (1) for each street on which the lots or parcels included in the plan have frontage and shall provide for shared or common usage of such signs.
  4. Other Provisions of Master Signage Plans. The Master Signage Plan may contain such other restrictions as the owners of the lots or parcels may reasonably determine.
  5. Consent. The Master Signage Plan shall be signed by all owners or their authorized agents on such form as the Director shall require.
  6. Procedures. A Master Signage Plan shall be included in any Development Plan, planned unit Development Plan, or other official plan required by the County for the proposed development and shall be processed simultaneously with such other plan.
  7. Amendments. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms with all requirements of this section then in effect.
  8. Existing Signs Not Conforming to Master Signage Plan. Existing nonconforming signs shall be made conforming to current standards if new signage is proposed.
  9. Binding Effects. After approval of a Master Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this section. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, this Ordinance shall control.
- D. TIME LIMIT OF PERMIT. A sign permit shall expire one (1) year after issuance unless construction has begun.
- E. ASSIGNMENT OF SIGN PERMITS. A current and valid sign permit shall be freely transferable to a successor as owner of the property or holder of a business license for the same premises if there are no changes of any kind to the sign.

### 12.13 MINERAL EXTRACTION OPERATIONS PERMIT

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- A. APPLICABILITY. All mineral extraction operations shall require a Mineral Extraction Operations Permit.
- B. APPLICATION. An application for a Mineral Extractions Operations permit shall be accompanied by the following:
1. An estimate of time required for the removal of material.
  2. A final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
  3. A plot plan, as described in [Subsection 12.10\(C\)](#), drawn to scale showing at a minimum the area proposed to be included in the extraction or removal operation, all proposed structures, parking areas, buffering, and landscaping. Structures, parking lots, buffering, and landscaping shall meet all applicable development standards for the zoning district.
  4. A transportation plan approved by the County Engineer showing the routes to be taken on local roads by trucks and other heavy equipment associated with the mineral extraction operation. The routes chosen should maximize the public health, safety, and welfare. The County Engineer may modify the plan if such modification is reasonable and results in improved traffic safety.
  5. A local road maintenance plan approved by the County Engineer. The plan shall address the applicant's maintenance responsibilities regarding road damage caused by the transport of materials to and/or from the mineral extraction operation. The plan shall propose (1) a schedule of maintenance carried out by the applicant, (2) a schedule of compensation to the County to defray the cost of maintenance by the County, or (3) some combination of the two. The applicant's maintenance responsibilities shall be limited to that which is directly related to road damage caused by the mineral extraction operation.

### 12.14 SEXUALLY ORIENTED BUSINESS PERMIT

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- A. GENERAL PROVISIONS
1. A valid sexually oriented business permit issued by the County for the particular type of business shall be obtained prior to the establishment of or operation of a sexually oriented business.
  2. An application for a permit must be made on a form provided by the Hendricks County Planning and Building Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six

(6) inches.

3. The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and the Planning and Building Department.
4. The permittee shall, within thirty (30) days after the issuance of the permit referred to herein, deliver to the Planning and Building Department a list containing the names and addresses of all employees. The permittee shall update the list within thirty (30) days of any change or addition of employees. This list, or update, shall be signed, under oath, by the permittee.
5. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit as applicant.
6. The fact that a person possesses other types of state or county permits does not exempt him/her from the requirement of obtaining a sexually oriented business permit.

## B. ISSUANCE OF PERMIT

1. The Director shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
  - a. An applicant is under eighteen (18) years of age.
  - b. An applicant or an applicant's spouse is overdue in his payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to a sexually oriented business.
  - c. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
  - d. An applicant is residing with a person who has been denied a permit by the County to operate a sexually oriented business within the preceding twelve (12) months, or is residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
  - e. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the Planning and Building Department as being in compliance with applicable laws and Ordinance.
  - f. The permit fee required by this Ordinance has not been paid.
  - g. An applicant of the proposed establishment is in violation of, or is not in compliance with any of the provisions of this Ordinance.
2. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
3. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos

- a. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- 1) Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared;
  - 2) The application shall be sworn to be true and correct by the applicant;
  - 3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the sheriff or his designee;
  - 4) It is the duty of the owners and operators of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises;
  - 5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station;
  - 6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filled pursuant to Subsection (1) of this section;
  - 7) No viewing room may be occupied by more than one (1) person at any time;

- 8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level; and
- 9) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

b. A person having a duty under Subsection 12.14(B)(3)(a)(1-9) above commits a violation if he/she knowingly fails to fulfill that duty.

C. EXEMPTIONS. A modeling class operated in accordance with the requirements below shall be exempt from the issuance of a sexually oriented business permit of Section 12.14 Sexually Oriented Business Permit and shall not constitute a “sexually-oriented business” or an “adult use”. The modeling class shall be operated:

1. By a school, licensed by the State of Indiana; a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
  - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
  - b. where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
  - c. where no more than one (1) nude model is on the premises at any one time.

D. INSPECTION

1. An applicant or permittee shall permit representatives of the Hendricks County Sheriff’s Department, and any local fire department, Hendricks County Planning and Building Department, or other County departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a violation of this Ordinance if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

E. EXPIRATION OF PERMIT

1. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Subsection 12.14(B). Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
2. When the Director denies renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial. If, subsequent to denial, the Director



finds that the basis for denial of a renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the denial became final.

- F. **SUSPENSION.** The Director shall suspend a permit for a period not to exceed thirty (30) days if he determines that a permittee or an employee of a permittee has:
1. Violated or is not in compliance with any section of this Ordinance;
  2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
  3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; and
  4. Knowingly permitted gambling by any person on the sexually oriented business premises.
- G. **REVOCAION**
1. The Director shall revoke a permit if a cause of suspension in [Subsection 12.14\(F\)](#) occurs and the permit has been suspended with the preceding twelve (12) months.
  2. The Director shall revoke a permit if he/she determines that:
    - a. A permittee gave false or misleading information in the material submitted to the Planning and Building Department during the application process;
    - b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
    - c. A permittee or an employee has knowingly allowed prostitution on the premises;
    - d. A permittee or an employee has knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;
    - e. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises; or
    - f. A permittee is delinquent in payment to the County or State for any taxes or fees past due.
  3. When the Director revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date revocation became effective. If, subsequent to revocation, the Director finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.
- H. **TRANSFER PERMIT.** A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit any place other than the address designated in the application.
- I. **VIOLATIONS; SEXUALLY ORIENTED BUSINESS INJUNCTION.** A person who owns real estate upon which a sexually oriented business is located, operates, or causes to be operated a sexually oriented business without a valid permit or in violation of [Section 12.14 Sexually](#)

Oriented Business Permit is subject to a suit for injunction as well as prosecution for violations. Such violations shall be punishable by a fine of two thousand five hundred dollars (\$2,500.00) per violation. Each day that a violation exists shall constitute a separate offense. Suit may be commenced by the Hendricks County attorney or the Prosecuting Attorney of the 55th Judicial Circuit of Indiana.

## 12.15 FEES

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### A. ESTABLISHMENT OF FEES

1. The fees for all applicant costs incurred in this Ordinance shall be established by Hendricks County. Furthermore, no plan shall be accepted for filing and processing, as provided in this Ordinance, unless and until a filing fee is paid to the County and the application is deemed complete by the County.
2. The applicant shall be responsible for unforeseen expenses incurred by the County in reviewing the plan or any modifications to the plan. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, prepared reports, inspections, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereon.
3. Failure to pay the above costs within thirty (30) days of invoice shall stop all processing and review of the site Development Plans or shall cause suspension of all development activities on the site.

### B. SCHEDULE OF FEES

1. Hendricks County shall establish a schedule of fees for Improvement Location Permits, amendments, appeals, variances, special exception use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. Such expenses may include items such as the cost of using professional services to review plans or applications.
2. The schedule of fees shall be posted in the office of the Planning and Building Department.
3. Until all applicable fees have been paid in full, no action shall be taken on any application or appeal. Upon the finding of a zoning ordinance violation by a court of competent jurisdiction, the Court may award the County a reasonable attorney fee for the prosecution of said action.
4. All application and filing fees are nonrefundable regardless of the outcome of the application. This can be waived by the Director.

### 12.16 SPECIAL EVENT REVIEW PROCESS

- A. Purpose. The purpose of this chapter is to identify a procedure for the review and approval of Special Events
- B. Applicability. See Section Chapter 7.13(D) Special Events
- C. By Right Permission. All activities with no components exceeding the 'By Right Permission' line of Table 7.13 are permitted to hold the event without any additional review.
- D. Application Requirements. A complete submittal will include the following items:
  - 1. One (1) Application Form
    - a. This application form, when completed will contain general information including primary contact information, the name and location of the event, identification of all the property owners and event operators, the parcel number(s), existing zoning district, and must be signed by the property owner(s) or include written authorization for an agent.
  - 2. One (1) letter of intent. This letter shall describe, in sufficient detail, the proposed event and all activities associated with the event.
  - 3. One (1) Plan Plan which shall contain:
    - a. The location of all existing buildings and features
    - b. The location of all proposed buildings and features
    - c. Existing streets and alleys adjoining or within the lot
    - d. The distance between activities and property lines
    - e. The number and location of off-street parking and loading spaces
    - f. The type and source of sewage disposal, and type and source of water supply
    - g. Such matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance
    - h. The size, type, and location of all temporary signage
  - 4. Any necessary approval by local agencies which shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
    - a. Emergency Service Providers
    - b. County Health Department
    - c. County Highway Department
    - d. Hendricks County Drainage Board
    - e. County Clean Water Department
    - f. Incorporated towns
  - 5. Application Fee. The Special Event application must be accompanied by the payment of a fee as established by Section 12.15 Fees. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.
- E. Special Event Review Procedure
  - 1. Special Event Administrative Review: An event with at least one (1) component meeting the 'Administrative Review' line of Table 7.19, must submit an application as described in section D. above, in addition to an application fee as required by the Hendricks County Fee Ordinance:
    - a. The Planning Staff will approve or deny the request, or determine that Plan Commission review is necessary.
      - 1). All decisions in this chapter are subject to the Appeals process Section Chapter 12.9

2. Special Event Plan Commission Review: An event with at least one (1) component meeting the 'Plan Commission' line of Table 7.19, must submit an application as described in section D. above, in addition to an application fee as required by the Hendricks County Fee Ordinance:
- a. Plan Commission Review: The Plan Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:
    - 1) Will not be a lasting negative on the community at the conclusion of the event;
    - 2) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
    - 3) Will not create excessive additional requirements at a public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
    - 4) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
    - 5) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
    - 6) Will not result in the destruction, loss, or damage or a natural, scenic, or historic feature of major importance; and
    - 7) Will be temporary and not be an alternative to a more stringent approval.
  - b. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice
  - c. A Public Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure as amended
    - 1) Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Special Event Request application.
    - 2) The Plan Commission may impose conditions on the approval of a Special Event request if the conditions are necessary to satisfy the requirements and intent of this Ordinance. Accepted conditions shall become part of the record of approval.
- F. Record of Approval. The Director shall maintain a record of all Administrative and Plan Commission Approvals.
- G. Failure to Obtain an Approval. Failure to obtain an Approval shall be a violation of this Ordinance and punishable under Chapter 13: Violations and Enforcement
- H. Event to be as provided in application, plan, and permit. Special event permits issued on the basis of plans and applications approved by the Plan Commission authorize only the activity and arrangement set forth in the approval, and no other arrangement or activity. Activity or arrangement contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Chapter 13: Violations and Enforcement.

# Chapter 13: Violations and Enforcement



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13.1	Enforcement .....	13-1
13.2	Zoning Violations .....	13-1
13.3	Construction Process Violations .....	13-3
13.4	Immediate Public Risk Violations .....	13-4
13.5	Trial for Violations .....	13-5
13.6	Monetary Fine and Penalties .....	13-6

### 13.1 ENFORCEMENT

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- A. It shall be the duty of the Planning and Building Director to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the Zoning Ordinance of Hendricks County.

### 13.2 ZONING VIOLATIONS

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#### A. DESCRIPTION OF A VIOLATION

1. Whoever violates any of the provisions below shall be guilty of a ordinance violation. Each day during which a set of facts exists that constitutes a violation or offense, it shall constitute a separate offense.
  - a. Failure to comply with any rightful order issued pursuant to the regulations of this Ordinance.
  - b. Failure to obtain the necessary Improvement Location Permit, or failure to obtain the necessary certificate of occupancy or any other necessary permit as established in this Ordinance.
  - c. Failure to comply with the provisions or regulations of this Ordinance in the construction, reconstruction, erection, location, alteration, occupancy, or use of a building, structure or any part thereof, or the use of any land.
  - d. Permitting another person to use a building, structure, or land owned by him, who fails to comply with any of the foregoing.
  - e. Failure to comply with a representation made in the application for a zoning certificate or an occupancy certificate or any other permit.
  - f. Failure to comply with zoning requirements.
  - g. Failure to meet any obligation or requirement of this Ordinance.
2. Whoever knowingly makes a false statement, or knowingly swears or affirms the truth of a false statement previously made when any of the conditions set forth in the provisions below apply, shall be guilty of an ordinance violation for each separate offense. Where contradictory statements relating to the same fact are made by the offender within the applicable period of the statute of limitations, it is not necessary to show which statement was false, but only that any of them were false, to constitute a violation of this Ordinance.
  - a. The statement is made for the purpose of misleading any member of the Plan Commission, Board of Zoning Appeals, Board of Commissioners or any County Official into performing any duty or making any determination required under this Ordinance.
  - b. The statement is made with purpose to secure the issuance of any permit or certificate.
  - c. The statement has been sworn or affirmed before a notary public or other person empowered to administer oaths.

- d. The statement is in writing or in connection with a report, application, or study that is required or authorized.
  3. No person shall fail or refuse to comply with an order issued by the Planning and Building Director. Furthermore, no person shall construct, modify, alter, use or occupy any structure or property in violation of the Hendricks County Zoning Ordinance.
- B. COMPLAINT REGARDING VIOLATION. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may register a complaint. The complaint stating fully the causes and basis of the complaint shall be filed with the Planning and Building Director. The Planning and Building Director shall properly record the complaint, investigate, and take action on the complaint as provided by this Ordinance.
- C. NOTICE OF VIOLATION. The notice of any violation of this Zoning Ordinance shall be as follows:
1. Whenever the Director determines that there is a violation of any provision of this Zoning Ordinance, a notice of such violation shall be issued. Such notice shall:
    - a. Be in writing;
    - b. Identify the violation;
    - c. Include a statement of the reason or reasons why it is being issued and refer to the section of this Zoning Ordinance being violated; and
    - d. State the time by which the violation shall be corrected.
  2. Service of notice of the violation shall be as follows:
    - a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of sixteen (16) years or older; or
    - b. By certified mail, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when the fact of the mailing is entered of record, provided that the first class mail envelope is not returned by the Postal Authorities with an endorsement showing failure of delivery; or
    - c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.
- D. ACTION AGAINST A VIOLATION. For any building or structure that is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land that is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the County Commissioners, the Hendricks County Area Plan Commission, the Planning and Building Director, or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use which may include the holding of building permits, certificates of occupancy, or other permits; to restrain, correct or abate such violation to prevent the

occupancy of the said building, structure or land or to prevent any illegal act, conduct, business or use in or about, such premises.

- E. VIOLATION OF WRITTEN COMMITMENTS. Written commitments may be enforced jointly or severally by:
1. The Hendricks County Area Plan Commission or Board of Zoning Appeals;
  2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval; and,
  3. Any party the owner designates on the Development Commitment Recording Form at the time of recording.

### 13.3 CONSTRUCTION PROCESS VIOLATIONS

- A. STOP-WORK ORDERS. The Director may place a Stop-Work Order on any land/property improvement process.
1. Procedure. Stop-Work Orders shall be issued by written letter that shall state the nature of the violation and that the work and/or any other illegal activity must stop immediately until the matter is resolved. If the property is occupied by someone other than the property owner, a copy of said Stop-Work Order shall be provided to said occupant(s). This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner.
  2. Reasons. Reasons for a Stop-Work Order include, but are not limited to:
    - a. not complying with any element of the development standards and/or any regulation of this Ordinance.
    - b. not obtaining an Improvement Location Permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this Ordinance.
    - c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval.
    - d. not meeting the conditions or commitments of a special exception, variance, rezoning, or other approval whether recorded or not.
    - e. not meeting the conditions of a Site Development Plan, Planned Unit Development Detailed Plan, or any written commitment associated therewith.
    - f. illegal use or illegal expansion of use of structures, or structures and land in combination.
- B. MEMORANDUM OF AGREEMENT. The Director must meet with the person(s) served the Stop-Work Order notice within seven (7) days of any such meeting being requested. A Memorandum of Agreement shall be drafted stating the conditions by which construction



or action may be resumed. This Memorandum of Agreement must be signed by the Director and the property owner responsible for the violation.

- C. APPEALS. Any Stop-Work Order issued as a result of the enforcement of this Ordinance, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals.
- D. RESUMPTION OF CONSTRUCTION ACTIVITY. The Stop-Work Order shall be lifted and construction activity may resume upon either
  1. the resolution of the violation(s) to the satisfaction of the Director; or
  2. the execution of all tasks required by the Memorandum of Agreement.

## 13.4 IMMEDIATE PUBLIC RISK VIOLATIONS

- A. GENERAL REQUIREMENTS. Any violation of this Ordinance that presents an immediate risk to the health, safety, or welfare of the public or to property within Hendricks County may be corrected by the Director, or a person, firm, or organization selected by the Director without prior notice to the property owner or other person responsible for the violation.
- B. IMMEDIATE PUBLIC RISK VIOLATION DEFINED. Immediate Public Risk violations shall include but not limited to:
  1. Obstructions. Signs, structures, landscaping or other materials placed in an easement, sight visibility triangle, or other non-public right-of-way in violation of this Ordinance;
  2. Distractions. Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
  3. Other Threats. Any other immediate threat to public welfare as determined by any representative of Hendricks County, or by the Board of Zoning Appeals based upon the advice and recommendation of the Director.
- C. NOTICE OF VIOLATION. The Director shall provide notice to the owner of the property, as listed in the records of the County Auditor's Office, upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and by mailing a letter to that property owner.
  1. Notice Contents. The letter and posted notice shall include the following:
    - a. a citation of the section(s) of the Ordinance that were violated and the characteristic(s) of the violation that posed an immediate threat to public welfare; and
    - b. the address and phone number of the Director and the name of the person to be contacted by the property owner to discuss the violation.

- D. **LIABILITY.** Neither the Director, Hendricks County, nor any other official or entity involved in the seizure of items in violation of this Zoning Ordinance shall be liable for any damage to the seized materials or the property from which they were taken.

### 13.5 TRIAL FOR VIOLATIONS

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- A. **PROCEDURE.** A person who receives a notice of violation may elect to stand trial for the offence by indicating on the notice of violation his intent to stand trial and returning a copy of the notice of violation to the issuing agency. The returned copy of the a notice of violation shall serve as notice of the person's intent to stand trial, and additional monetary fines prescribed in Section 13.6 Monetary Fine and Penalties shall be stayed upon receipt of the notice. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the County Attorney in a court of competent jurisdiction in Hendricks County, Indiana. The matter shall be scheduled for trial, and a Summons and Order to Appear shall be served upon the Defendant.
- B. **CIVIL REMEDIES.** If a person who receives a notice of violation fails to remedy the situation on their own, and fails to give notice of his intention to stand trial as prescribed in this section, Hendricks County, the County Commissioners on behalf of Hendricks County or any officer designated by the County Commissioners on behalf of Hendricks County may file suit for injunction against any violation of this Zoning Ordinance, or if the violation has caused damages to Hendricks County for a judgment for damages and any person, property owner or occupant of property who can show that the person, property owner or occupant of property has suffered harm or whose property has suffered harm as a result of violations of this Zoning Ordinance may file suit for injunction or damages to the fullest extent provided by the law.
- C. **COURT COST AND FEES.** A person adjudged to have committed a civil zoning violation is liable for the court costs and fees. No cost shall be assessed against the enforcement agency in any such action.
1. **Burden.** In proceedings before the court for a civil zoning violation, the Indiana Rules of Trial Procedure shall govern. The designated enforcement entity has the burden of proving the civil zoning violation by a preponderance of the evidence.
  2. **Relief or Remedy.** Seeking a civil penalty as authorized by this section does not preclude the County from seeking alternative relief from the court in the same action, or from seeking injunctive relief or other remedy in a separate action for the enforcement of this Ordinance.
  3. **Change of Venue.** A change of venue from Hendricks County shall not be granted in such a case, as provided in IC 36-7-4-1014.

## 13.6 MONETARY FINE AND PENALTIES

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- A. **APPLICABILITY.** Any person who uses property in violation of the Zoning Ordinance of Hendricks County shall be deemed to have committed a civil zoning violation and may receive a notice of violation by Hendricks County Code Enforcement.
- B. **FINE.** A separate offense shall be deemed committed each day upon which a violation occurs or continues and may be subject to a fine of \$2,500.00 per violation.
- C. **ACCOUNTABILITY.** The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, realtor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- D. **COST OF ATTORNEY, INVESTIGATION, AND OTHER FEES.** If the Board of Zoning Appeals or the Plan Commission of Hendricks County is required to utilize the services of an attorney in investigating a possible violation of this Ordinance or in enforcing the provisions of this Ordinance pursuant to this section or any other Section; and such investigation results in a determination that a violation has occurred, or if the Board of Zoning Appeals or County is successful in its enforcement of the Ordinance by way of suit, appeal or other appropriate proceeding; the respondent, defendant or party investigated for a violation shall pay the County's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Ordinance, unless such attorney fees or the costs are specifically waived by the Hendricks County Commissioners.
- E. **WAIVING FINES.** The Planning and Building Director may, at his/her discretion, waive the assessed fine for timely correction of the violation.



# 13.6 Monetary Fine and Penalties

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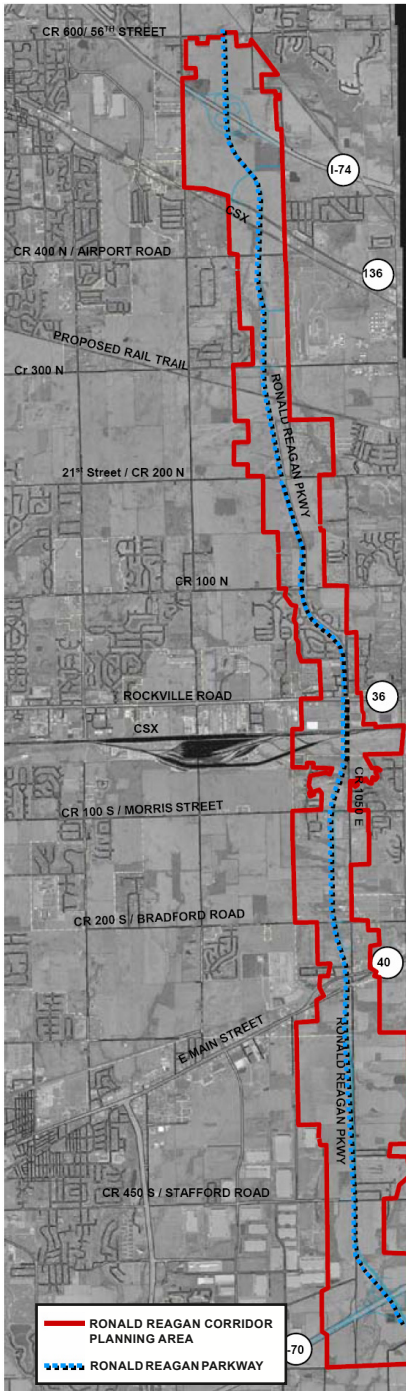
CHAPTER 13: VIOLATIONS AND ENFORCEMENT

# Chapter 14: Overlay Districts



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14.1	Ronald Reagan Corridor Overlay District (RR-OL) .....	14-1
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Ronald Reagan Corridor Planning Area

14.1 RONALD REAGAN CORRIDOR OVERLAY DISTRICT (RR-OL)

A. PURPOSE, INTENT AND AUTHORITY. It is the purpose of the Ronald Reagan Corridor Overlay District (RR-OL) to promote and protect the public health, safety, comfort, convenience and general welfare by providing for the consistent and coordinated treatment of the properties bordering the Ronald Reagan Parkway in Hendricks County, Indiana. The Plan Commissions, Town Councils, and County Commissioners, in establishing this district, are relying on IC-36-7-4-600 et. seq. and IC 36-7-4-1400 et. seq. This overlay district is intended to serve as a tool for implementing the development policies and guidelines set forth in the Ronald Reagan Corridor Master Plan. The Ronald Reagan parkway is a limited access highway and an important economic development corridor to Hendricks County. The Ronald Reagan corridor is a premier location and employment center whose viability, quality, and character are important to the community as a whole, adjacent residents, employees, business owners and taxing districts. Therefore, it is the further purpose of the RR-OL district:

1. To preserve the integrity of the road function through access management planning;
2. To maximize the opportunity to create high level development through sound land use planning; and,
3. To create a premier economic address in Hendricks County through the development of aesthetic standards that make the corridor appear as a planned twelve-mile campus.

B. DISTRICT BOUNDARIES

1. The boundaries of the RR-OL district are hereby established to include the parkway alignment running north and south through Hendricks County, and adjacent land up to one thousand (1,000) feet on either side of the parkway centerline.
2. The Official Zone Maps for Hendricks County, in the State of Indiana, are officially amended by the adoption of this Ordinance to include the RR-OL district per the boundaries set forth.
3. RR-OL standards shall apply to all development within the boundaries of the district. In the event a parcel of land extends beyond the 1,000 foot boundary, development only in that portion of the parcel within the RR-OL boundary shall be subject to this Chapter with the following conditions:
  - a. If a portion of a structure is located within the one thousand (1,000) foot overlay boundary, then the entire structure shall be subject to this Chapter
  - b. For development with parkway frontage, structures associated with the principal use of the property, regardless of their distance from the parkway, shall be subject to this Chapter in cases where the structures are separated from the parkway only by a parking lot, outlots, or both.

- C. DEVELOPMENT PLAN REVIEW. The Plan Commission must approve, approve with conditions, or disapprove the Development Plan for any tract of land in the RR-OL district per the provisions of this Ordinance. All Development Plans should adhere to the requirements set forth by the County.
1. Application Procedure. Refer to Subsection 12.3(D)(3) for application procedures.
  2. Findings for Approval by the Plan Commission. The Plan Commission may approve a Development Plan upon finding that:
    - a. The Development Plan complies with all applicable Development Standards of the underlying district in which the site is located;
    - b. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance;
    - c. The Development Plan complies with all applicable provisions of the RR-OL district;
    - d. The proposed development is appropriate to the site and its surroundings; and
    - e. The proposed development is consistent with the intent and purpose of this Ordinance and the Ronald Reagan Corridor Master Plan.
  3. Validity of Approval of the Application by the Plan Commission. An approved Development Plan petition shall be valid for two (2) years from the date of approval. If construction of the building(s) has (have) not started at the end of the two (2) year period under a valid Improvement Location Permit, the Development Plan request shall be resubmitted to the Plan Commission for consideration and disposition.
  4. Removal of a District. Nothing in this Ordinance shall be deemed to deny the Plan Commission the power to remove an Overlay designation from one or more parcels in the proper case by the rezoning process described in the Zoning Ordinance. Such removal may be done by rezoning the property to the underlying district classification "without the Ronald Reagan Corridor Overlay District," and may be subject to such conditions as may be voluntarily proffered and approved pursuant to local Ordinance.
- D. OVERLAY APPLICABILITY. This district is created as a special overlay district to be superimposed on base districts by approval of the County Commissioners. Boundaries of this overlay are shown on the zoning district map for each jurisdiction. Development standards provided herein are intended to supplement those permitted in the underlying zoning classification and in most cases may be more restrictive than those of the underlying zoning classification. When the requirements of the underlying zoning district or a local overlay district and the RR-OL district appear to be in conflict, the more restrictive shall apply.
- E. PERMITTED USES. All uses which are permitted in a given site's underlying primary zoning district, except those uses expressly excluded in Subsection 14.1(G) of this section, are permitted in the RR-OL district.
- F. PERMITTED SPECIAL EXCEPTIONS. All special exceptions, which are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying primary zoning district(s), except the uses expressly excluded in Subsection

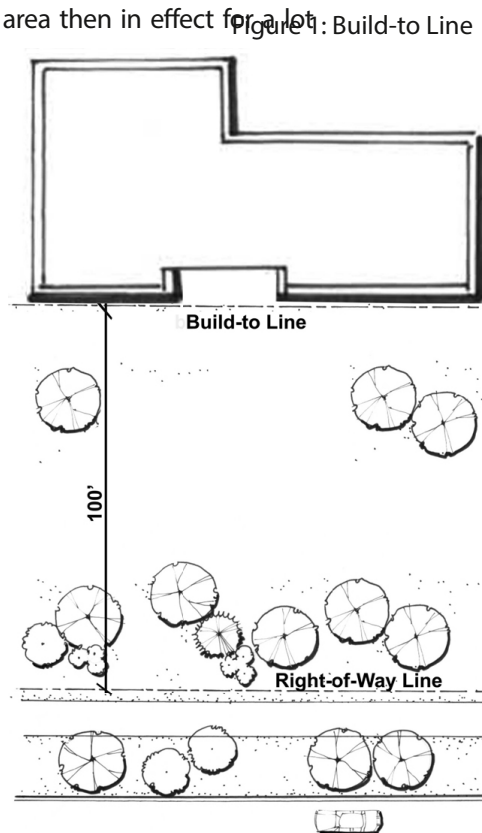
14.1(G), of this section, are permitted in the RR-OL district.

G. EXCLUDED USES. The following uses are prohibited in the RR-OL district.

1. Adult Business
2. Automotive graveyard
3. Bulk storage of petroleum products not used for on-site manufacturing
4. Car rental agencies
5. Cell towers and other wireless communication facilities
6. Commercial Car and truck washes as a principal use
7. Confined feeding operations
8. Entertainment, Commercial Outdoor
9. Explosives manufacturing
10. Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning
11. Filling stations
12. Garbage disposal plant/sanitary landfill
13. Incineration for reduction of refuse
14. Jail
15. Junk or salvage yard
16. Long-term surface parking
17. Manufactured home dwelling sales
18. Mineral extraction
19. Manufactured home park
20. Ordnance products
21. Outdoor sales
22. Outdoor storage, with the exception of propane tanks. Propane tanks shall not be in the front yard between the roadway and the building unless otherwise screened with plant materials.
23. Penal or correctional institution
24. Petroleum refining
25. Racetrack
26. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Hendricks County.
27. Refining or manufacturing of asphalt, cement, gypsum, lime, or wood preservatives;
28. Refining or manufacturing of petroleum products
29. Roadside sales stand
30. Sand and gravel extraction or sales
31. Single-family residential uses



- 32. Storage of disabled vehicles
  - 33. Vehicle sales
  - 34. Waste transfer stations
- H. ACCESSORY BUILDINGS AND USES. All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building in any Development Plan shall be architecturally compatible with the primary building(s) with which it is associated.
- I. MINIMUM LOT AREA
- 1. The minimum lot area required within the RR-OL district is 10,000 square feet for non-residential uses with sewer and 24,000 square feet for non-residential uses without sewer. All lots within the RR-OL district shall be subject to Development Plan approval. For lots located only partially within the RR-OL district, a Development Plan shall be submitted to the Plan Commission for the entire tract to be developed.
  - 2. If a parcel of land or subdivision lot was recorded prior to the effective date of this Ordinance, and said parcel of lot does not contain the minimum lot area required by this paragraph, said parcel or lot ("Undersized Lot") may be used for any use permitted in the RR-OL district provided that:
    - a. At the time of recordation of the undersized lot or on the effective date, the undersized lot met the requirements for minimum lot area then in effect for a lot in the underlying primary zoning district(s);
    - b. The owner of the undersized lot must include, up to the minimum tract size, any adjoining vacant land (not separated by a street or public way) owned, or owned by an affiliate, on or before the effective date or at the time of application which, if combined with the undersized lot, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this Paragraph; and,
    - c. Other Development Requirements Applicable to the RR-OL district. This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a Development Plan for the entire tract. However, the development of the parcel must still conform to the Development Plan for the entire tract as approved or amended by the Plan Commission, and all other applicable requirements contained in this Ordinance.
- J. DEVELOPMENT REQUIREMENTS
- 1. **Build-to Line.** All lots located within the RR-OL district that contain lot frontage adjacent to the Ronald Reagan parkway shall have their principal building located on the build-to line. The build-to line is an invisible line parallel to the Ronald Reagan Parkway that shall allow for a uniform setback and view of the



- corridor along the parkway. The build-to line shall be one hundred (100) feet from the edge of the Ronald Reagan Parkway right-of-way as illustrated in [Figure 1: Build-to Line](#).
2. Green Space Area. All lots within the RR-OL district shall contain a Green Space Area. Refer to [Subsection 14.1\(M\)\(2\)\(a\)](#) of this Ordinance for specific requirements.
  3. Remodel, Expansion or Improvement of Existing Structure or Parcels. If a parcel fronts the Ronald Reagan Parkway and is improved or an existing structure is expanded or remodeled within the RR-OL district, then that parcel or structure shall be subject to the regulations contained in this Ordinance.
- K. ARCHITECTURAL DESIGN REQUIREMENTS: COMMERCIAL AND INDUSTRIAL. In reviewing the architectural design of commercial and industrial building(s) proposed to be built in the RR-OL district, factors to be considered by the Plan Commission shall include but are not limited to the following:
1. Context. All buildings shall be designed with respect to the general character of the Ronald Reagan Corridor as defined in the Ronald Reagan Corridor Master Plan and, particularly with due consideration to buildings located on the lots that abut the project site.
  2. Massing
    - a. A single, large, dominant structure mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings. Large undifferentiated building mass can be broken up through the use of material changes, vertical recesses and projections, color paint techniques, and large-scale landscaping.
    - b. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.
  3. Facade Treatment
    - a. Facades along the Ronald Reagan Parkway frontage shall add architectural interest and variety and avoid the effect of a single wall or long or massive walls with no relation to human scale. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding fifty (50) feet without including, but not be limited to, at least two of the following:
      - 1) Change in plane,
      - 2) Change in texture or masonry pattern,
      - 3) Windows, trellis with vines, or
      - 4) An equivalent element.
    - b. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

- c. Horizontal masses shall not exceed a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
  - d. Building facades must include a repeating pattern that includes any one (1) or more of the following elements.
    - 1) Color changes
    - 2) Texture change; and/or
    - 3) Material module change
  - e. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
  - f. Facades shall have at least one (1) of the elements of Subsections 14.1(K)(3)(a, b, c, or d) of this section that repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
4. Roofs. All facades shall have a recognizable "top" consisting of at least one (1) element below:
- a. Parapets concealing flat roofs and rooftop equipment all or partially from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
  - b. Overhanging eaves, extending no less than three (3) feet past the supporting walls;
  - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope of greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; or
  - d. Three (3) or more roof slope planes.
5. Entryways. Use creative entry treatments and other focal points such as canopies, awnings, cornice treatments or atriums.
6. Building Elements & Accessory Structures
- a. Separate building elements or accessory structures should be designated as an integral part of the building design.
  - b. Use signs that are complementary to and integrated with building design so that they do not dominate facades or appear tacked on.
  - c. Screen appurtenances or design them as integral parts of the buildings so that they are not visible from the street.
  - d. Screen docks, garage doors and service areas to minimize their visibility from adjacent streets.
7. Site Design and Relationship to Surrounding Community
- a. Building sites shall contribute to the establishment or enhancement of community

and public spaces by providing the amenities below in the following manner:

- 1) For developments of less than 2 acres, this section does not apply.
  - 2) For developments of 2 to 5 acres inclusive, at least one amenity from the list below [14.1(K)(7)(a)(4)] is required.
  - 3) For developments of more than 5 acres, at least two amenities from the list below [14.1(K)(7)(a)(4)] are required.
  - 4) Amenities List:
    - a) Patio/seating area;
    - b) Pedestrian plaza with benches;
    - c) Water feature, except in the area south of US 40 where water features are discouraged because they may attract wildlife to airport-related areas;
    - d) Clock tower;
    - e) Or other such deliberately shaped area and/or a focal feature of amenity that, in the judgment of the Planning Director, adequately enhances such community and public spaces.
  - b. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the structure and landscaping.
8. Landscape Design. Design of proposed landscaping in relation to structures. Landscaping shall be in conformance with Subsection 14.1(M), of this Overlay District.

#### L. OPEN SPACE REQUIREMENTS

1. Open Space Requirements. All sites shall provide for fifteen percent (15%) open space on the lot. The required greenspace area can be counted towards the open space requirements.
2. Use of Open Space. In its review of the Development Plan, the Plan Commission shall consider how the location of open space within the development meets the following criteria:
  - a. The protection of unique topographical features such as slopes, streams, and other natural water bodies;
  - b. The protection of wooded areas, individual trees of significant size, wetlands or other environmentally sensitive features;
  - c. A more efficient use of land, including the reduction of land area disturbed for utility lines and motor vehicular access;
  - d. The minimization of the alteration of natural site features through the design and situation of individual lots, streets and buildings;
  - e. Diversity and originality in lot layout;
  - f. The relationship of the development to the surrounding properties; and
  - g. Implementation of the greenways, pathways and trail recommendations of the Ronald Reagan Corridor Master Plan, and the Hendricks County Comprehensive

Plan.

3. Standards for Open Space
    - a. All open space shall be accessible by way of road, bikeway, sidewalk or footpath. Such access shall not be through private property or by way of an easement over private property.
    - b. Areas dedicated as open space shall be a minimum of thirty (30) feet wide in their smallest dimension.
    - c. Areas dedicated as open space shall be free of all structures and buildings except for structures directly related to the purpose of the open space such as patio/seating areas, gazebos, pedestrian plazas, decks and bridges.
    - d. Bodies of water may have fifty percent (50%) of their total acreage counted as open space.
  4. Ownership and Maintenance of Open Space. Unless otherwise agreed to by the Plan Commission, the cost and responsibility of land dedicated as open space shall be borne by the property owner.
  5. Open Space Plan. An open space plan shall be submitted along with the Development Plan in accordance with the jurisdiction's rules and procedures.
- M. **LANDSCAPING REQUIREMENTS.** In reviewing the landscape requirements proposed to be constructed in the RR-OL district, factors to be considered by the Plan Commission shall include but are not limited to the following:
1. Landscape Plan. The applicant shall submit a landscape plan to the Plan Commission as part of the Development Plan application, per this Ordinance. Refer to the plant material tables in Section 7.5 Landscaping Standards for suggested plant materials to use in the landscaping of a property in the overlay district.
  2. Areas to be Landscaped
    - a. **Green Space Area.** A thirty (30) foot green space required for all property fronting the parkway within the RR-OL district shall be composed of plantings as per the requirements in the Ronald Reagan Design Guidelines Manual and Subsection 14.1(M)(5) of this Ordinance. The incorporation of walkways and bikeways into the design is encouraged; however, no parking areas, through roads, buildings, accessory structures, etc. shall be established within this area.
    - b. **Foundation.** Foundation plantings shall be included along the front and any side of buildings that is visible from the Ronald Reagan Parkway or has primary pedestrian access.
    - d. **Screening Areas.** All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally nonconforming outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the Ronald Reagan Parkway and adjoining land uses, by means of walls, fencing, parapets, penthouse screens, landscaping, berms, camouflage or other approved method.
    - e. **Medians.** Medians shall be landscaped per the standards specified in Subsection 14.1(M)(8) of this Ordinance.

3. Landscaping Standards
  - a. Plant Standards. All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:
    - 1) Shade trees: A minimum of two and one-half (2 ½) inch caliper.
    - 2) Ornamental trees: A minimum of one and one-half (1 ½) inch caliper.
    - 3) Evergreen trees: A minimum height of eight (8) feet.
    - 4) Deciduous shrubs: A minimum height of eighteen (18) inches.
    - 5) Evergreen shrubs: A minimum height of eighteen (18) inches.
  - b. Design Standards
    - 1) Wherever possible native species shall be used in the landscaping throughout the Ronald Reagan Corridor.
    - 2) The placement of shade trees in pedestrian areas shall be sited to provide the optimum amount of shade to pedestrians.
    - 3) Landscaping shall conform to the local sight triangle standards set forth in the Zoning Ordinance for Hendricks County.
4. Protection of Existing Trees
  - a. To the greatest extent possible, existing trees shall be saved upon development of a property unless it can be demonstrated that the site design restrictions necessitate their removal.
  - b. The determination of which trees shall be saved shall be guided by the following principles:
    - 1) The practicability of arranging proposed site components around existing features. In general, plans for groups of structures should be designed so as to preserve tree masses, individual tree specimens, and small stands of trees. Natural woodland areas shall be protected wherever feasible.
    - 2) The condition of the vegetation with respect to continued vitality.
    - 3) The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.
    - 4) The desirability or lack thereof a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a proposed site component.
    - 5) The potential for interference with utility services or with passage or visibility along roads or walkways.
    - 6) The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.
  - c. Development Plans for sites with existing trees or stands of trees in the RR-OL district should make reasonable efforts to protect and incorporate them into the overall site design.
  - d. Prior to the approval of the development and the issuance of an Improvement Location Permit, the developer shall inventory trees on the site which have a caliper

of eight (8) inches or greater, following the “American Standard for Nursery Stock” standards that are intended to be saved. The inventory shall contain the location, size, and common name of an existing stand-alone tree, areas of dense trees or shrubs, and other natural features. Existing trees saved in the development of the site shall be credited toward the landscaping requirements as identified in sub-subsection e below.

- e. To encourage tree preservation, each tree preserved greater than eight (8) inch caliper shall convert as credits for required landscaping. Credits for each preserved eight- (8) inch caliper tree shall be:
    - 1) Two (2) required shade trees or
    - 2) Four (4) ornamental trees
  - f. Barriers will be used to protect trees during the development of the site. Substantial barriers shall be specified on the landscape plan and shall be placed at or beyond the dripline of trees to be protected. These barriers shall remain in place during heavy construction on the site and no vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.
5. Green Space Area. The following standards in this section shall apply to all lots located within the RR-OL district and have frontage on the Ronald Reagan corridor. The primary landscaping materials used in the thirty (30) foot green space area, shall be shade trees, ornamental trees, shrubs, ground covers and grass. See [Figure 2:](#)

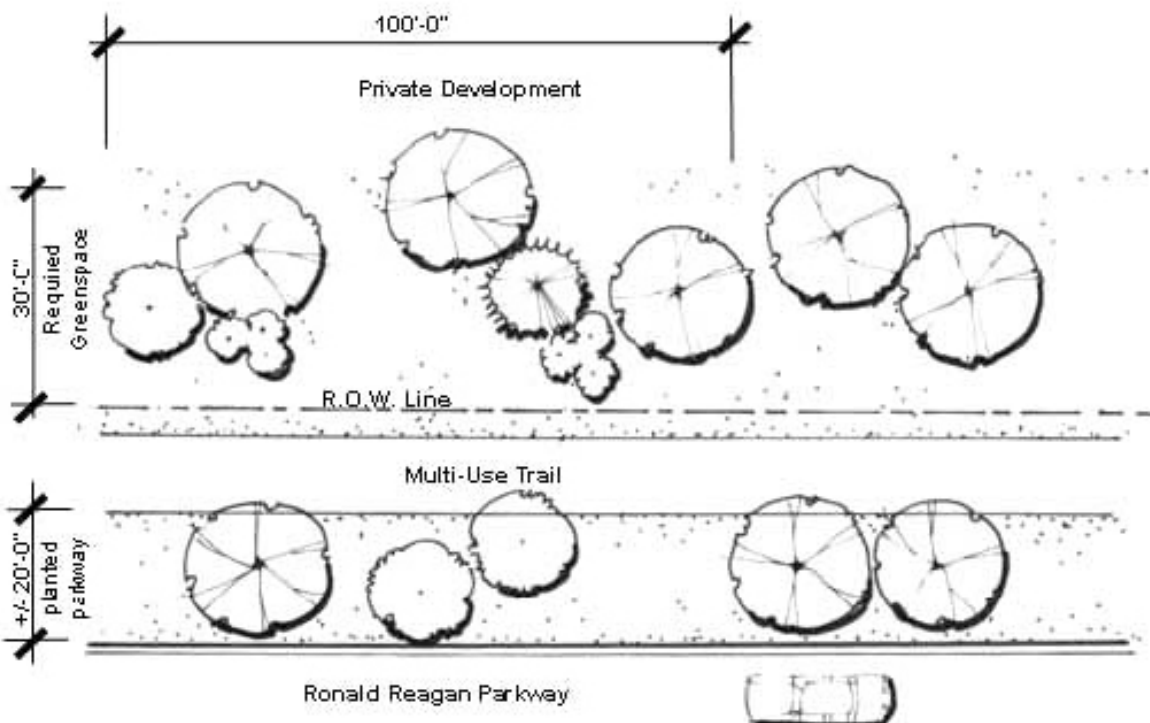


Figure 2: Green Space Area Requirements



Figure 3: Example of Earthen Mound

Green Space Area Requirements.

- a. A minimum of three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs shall be provided per one hundred (100) linear feet of green space area.
  - b. Trees planted within the green space area parallel to the Ronald Reagan Parkway shall contribute to the overall natural character of the corridor. Trees may be placed linearly or clustered in groups, with priority on natural patterns and clusters.
  - c. Earthen mounds are required to screen parking lots fronting the Ronald Reagan Parkway. The earthen mound shall be covered with groundcover and shall have a minimum of three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs per one hundred (100) linear feet and shall be parallel the Ronald Reagan Parkway as illustrated in [Figure 4: Earthen Mound Requirements](#). The earthen mound shall be a minimum of three (3) feet and a maximum of five (5) feet above surrounding grade and have rounded flanks. The mounds and landscape patterns shall maintain the natural appearance and character of the corridor.
6. Foundation Plantings
- a. The primary landscaping materials used adjacent to buildings shall be shrubs, ground covers and ornamental grasses. Ornamental trees and perennials are also encouraged as accent plantings.
  - b. The minimum width of the foundation planting area shall be five (5) feet, except that when adjoining a parking area located

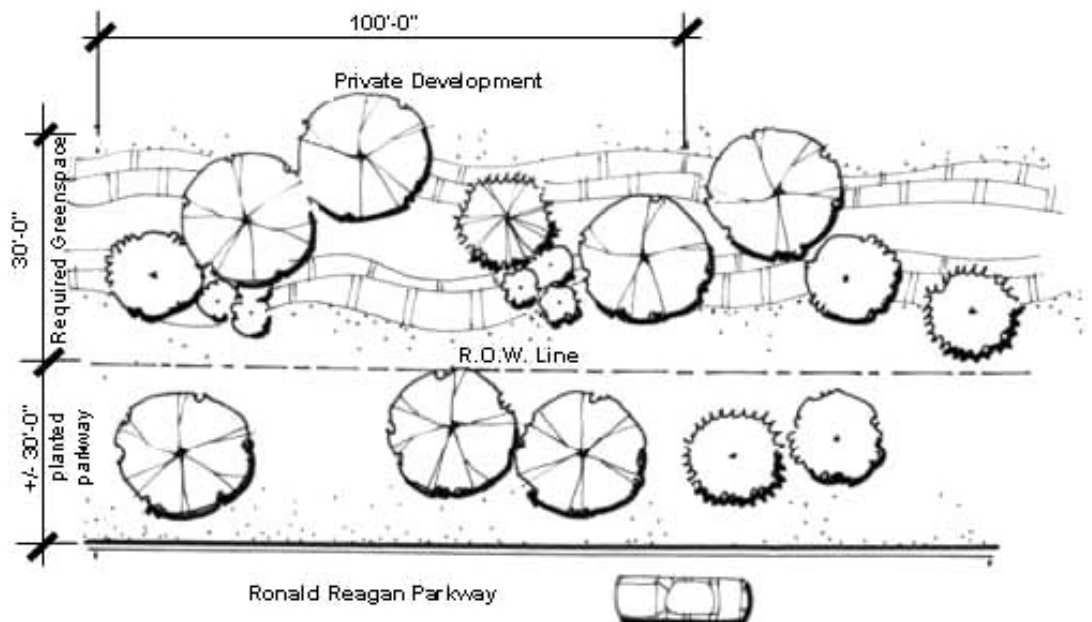


Figure 4: Earthen Mound Requirements



in the front yard adjoining the Ronald Reagan Parkway, the minimum width shall be ten (10) feet.

- c. In this foundation planting area, there shall be a minimum of twenty-five (25) shrubs per one hundred (100) linear feet of planting strip. Shrubs can be placed linearly or clustered.

7. Parking Lots

- a. Parking Lot Interior Planting. Where commercial, office, and industrial parking lots are located within the RR-OL district, are located in the front or side yards of the building, and are visible from the Ronald Reagan Parkway:

- 1) A minimum of one (1) shade tree and two (2) shrubs shall be planted within each parking lot for every seven (7) spaces provided, or ten (10) trees per acre of parking, whichever is greater as illustrated in [Figure 5: Interior Parking Lot Planting](#).



Figure 5: Interior Parking Lot Planting

- b. Parking Lot Perimeter Planting

- 1) A six- (6) foot wide perimeter planting area shall be provided along the front and sides of the entire parking lot as shown in [Figure 6: Example Perimeter Planting Area](#).
- 2) If an earthen mound is used to screen the parking from the Ronald Reagan Parkway, additional perimeter planting shall not be required on the side that contains the earthen mound. However, the three (3) remaining sides shall be landscaped in accordance with the provisions set forth in this subsection.
- 3) The perimeter planting area shall be provided in addition to the greenspace area.
- 4) The required planting unit for this area shall include three (3) shade trees, two (2) ornamental or evergreen trees, and six (6) shrubs per one hundred (100) linear feet.

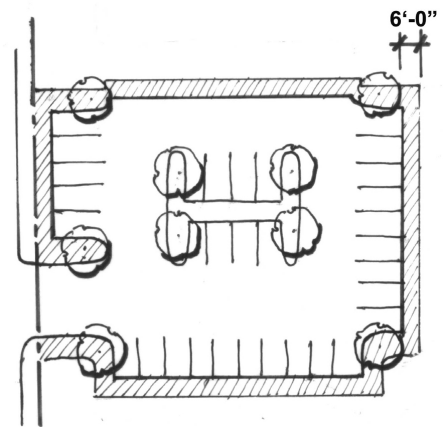


Figure 6: Example Perimeter Planting Area

- 8. Median Landscaping Guidelines. These standards apply to all medians not located within the Ronald Reagan Parkway. All medians shall be a minimum of five (5) feet.

- a. Plantings

- 1) Groundcover shall be incorporated into all median plantings. All medians shall be landscaped with a mixture of trees, shrubs, perennials, groundcovers, and annuals.
- 2) As a minimum there shall be one (1) tree and one (1) shrub per forty (40) linear feet.
- 3) The median plantings shall maintain the natural appearance and character of the corridor.

- b. Sight Triangle. Sight triangle for visibility around median plantings shall be maintained in accordance with the local zoning ordinance requirements.

- c. Paving materials. Paving accents such as brick or decorative pavers shall be

incorporated into the median noses in a consistent manner with the Ronald Reagan Corridor Design Guidelines and Master Plan.

9. Landscaping Installation and Maintenance

- a. Installation. All landscaping approved as part of the landscape plan portion of a Development Plan approval shall be installed prior to the issuance of a Certificate of Occupancy. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Certificate of Occupancy for an amount equal to one hundred twenty-five percent (125%) of the total installed cost of the required landscaping.
- b. Maintenance.
  - 1) It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the landscape plan portion of Development Plan approval in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the Planning Director, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, and weeds.
  - 2) All dead plant material shall be replaced within one (1) year or by the next planting season of their death or upon written notice of condition, except that during adverse weather conditions a longer period may be allowed.
- c. Changes after Approval. No landscaping which has been approved by the Plan Commission may later be materially altered, eliminated or sacrificed, without first obtaining further Plan Commission approval. However, minor alterations in landscaping may be approved by the Planning Director in order to conform to specific site conditions.
- d. Inspection. The Planning Director or his/her designee may visit any tract within the RR-OL district to inspect the landscaping and check it against the approved plan on file.

N. PARKING REQUIREMENTS. In reviewing the parking requirements proposed to be constructed in the RR-OL district, factors to be considered by the Plan Commission shall include but are not limited to the following:

1. Parking Spaces required, and the dimensions of those Parking Spaces: See the standards from the Zoning Ordinance.
2. Landscaping Standards: See [Subsection 14.1\(M\)\(7\)](#) above for standards.
3. Parking requirements and design:
  - a. The required number of parking spaces is established in the local zoning ordinance for the underlying district.
  - b. There shall be an appropriate number of parking spaces reserved for use by handicapped individuals, per State and Federal requirements.
  - c. Direct, articulated pedestrian access shall be provided from the side street and parking area to the building's primary entrance.
  - d. Above grade, structured parking facilities shall have on all sides architectural

- features that are compatible with the principal building(s) with which they are associated.
- e. Parking between the corridor landscape buffer and the building façade (build-to-line) is limited in order reduce the visibility of the field of parking from the adjacent right-of-way. Limited parking shall be permitted in front of the building between the required corridor landscape buffer and the 100 foot build-to-line. The balance of required parking shall be provided to the sides and rear of the subject property.
4. Parking Lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the RR-OL district. As part of the Development Plan submission, the petitioner shall provide a site circulation plan to the Plan Commission that illustrates how coordinated access will occur relative to the overall Ronald Reagan corridor.
  5. All parking areas and drives (including existing residential driveways) shall be paved with asphalt or concrete. A pervious surface material may be used subject to the approval of the County Engineer. Brick pavers or other decorative pavements may be used as accents in parking area design. Cast-in-place concrete curbs shall be used.
- O. SIGNS. In reviewing the sign requirements proposed to be constructed in the RR-OL district, factors to be considered by the Plan Commission shall include but are not limited to the following:
1. Signage Plan. The applicant shall submit a signage plan to the Plan Commission as part of the Development Plan application, per this Ordinance.
  2. General Requirements
    - a. In the RR-OL district, signage shall be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
    - b. Off premise signs shall be prohibited in the Ronald Reagan Overlay District Corridor, unless as otherwise specified in Subsection 14.1(O)(3).
    - c. All lettering or logos shall be prohibited on any awning in the RR-OL district.
    - d. Private traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual of Uniform Traffic Control Devices as published by the Indiana Department of Highways.
    - e. The integration of development signage, particularly the sharing of signs to identify multiple businesses, is encouraged within the RR-OL district. The Plan Commission shall have the authority to approve off-premise signage should it determine that such signage would promote the intent and purposes of the Ronald Reagan Corridor Overlay District. Any signage shall conform to the character of the corridor as outlined in the Ronald Reagan Corridor Master Plan.
    - f. Every sign shall conform to the design regulations as specified in the Ronald Reagan Design Guidelines Manual.
    - g. The number of graphic elements on a sign shall be held to the minimum needed

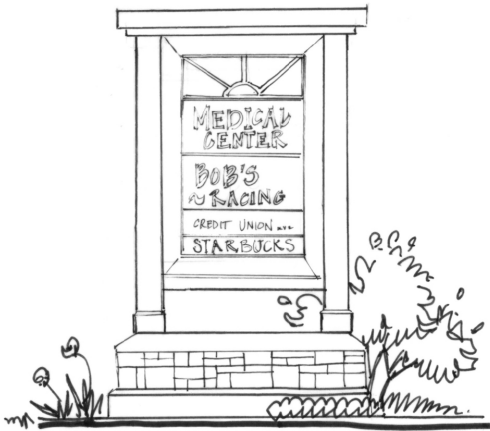


Figure 7: Unified Center Sign

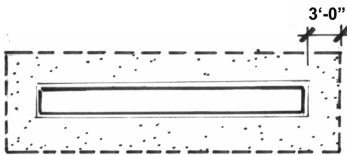


Figure 8: Sign Landscaping

to convey the sign's major message and shall be composed in proportion to the area of the sign face.

- h. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

### 3. Off-Premise Sign Regulations

- a. Off-premise signs shall only identify a building, business, profession or industry within the overlay district boundaries not fronting on the Ronald Reagan Parkway. Off-premise signs shall only be permitted by right for unified centers such as business parks, office parks, industrial parks and shopping centers under the provisions contained herein in the RR-OL district. Only one such sign shall be displayed for each unified center.
- b. Off-premise signs shall meet the following requirements:
  - 1) Such signs shall not exceed thirty-two (32) square feet in sign area for a sign mounted flat on a building, thirty-two (32) square feet for a monument sign, and thirty-two (32) square feet for a free-standing sign.
  - 2) Landscaping for unified center signs shall be in accordance with the standards in [Subsection 14.1\(O\)\(3\)\(b\)\(4\)](#), Sign Landscaping, below.
  - 3) Unified center signs shall resemble the character as depicted in [Figure 7: Unified Center Sign](#).
  - 4) Sign Landscaping. The landscaping plan for any signs shall be created, as follows:
    - a) A defined landscaped area shall be placed at the base of the sign in a method harmonious with the landscape concept for the whole site. Landscaping should be an attractive and dense cluster equally attractive in the winter and summer. The required landscaped area shall be parallel to the face of the sign.
    - b) Formal plantings shall be required at the base of all secondary gateways (monument) and unified center signs. These shall be a minimum three feet (3') wide planting bed along both sides of signs containing a mixture of ground cover, shrubs, perennials, and annuals arranged as illustrated in [Figure 8: Sign Landscaping](#).
    - c) A landscaped area shall contain shrubs or perennials. The area shall be maintained to keep it free of weeds, debris, and brush.
    - d) Detailed drawings of the sign and landscaped area shall be submitted with the sign permit application for review.
    - e) Secondary gateway signs shall contain the Longshadow prairie planter and shall be landscaped in accordance

with the standards specified in the Ronald Reagan Design Guidelines Manual.

4. Wayfinding Signage

- a. Wayfinding signage shall be used to direct vehicular traffic to destinations in and near the Ronald Reagan Corridor. Parkway wayfinding signage shall be located within the right-of-way and shall meet the following criteria:
  - 1) Signs shall be free-standing and located near intersections where they provide direction to local destinations for vehicular travelers. The signs shall not interfere with pedestrian accessibility.
  - 2) Signs shall conform to the theme of the Ronald Reagan Corridor Master Plan. See [Figure 9: Example Wayfinding Signage](#), as an example of approved signage. Signs shall be in accordance with the standards specified in the Ronald Reagan Design Guidelines Manual.

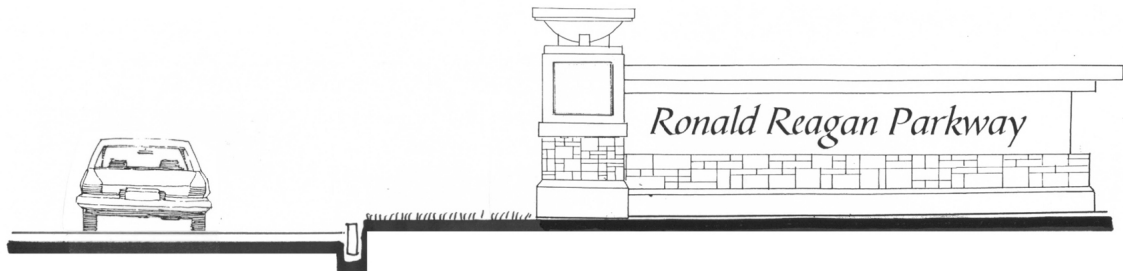


5. Gateway Signage

- a. Locations
  - 1) Major gateways shall be identified as the I-70 interchange, the US 40 intersection, the Rockville Road/US 36 intersection, the 10th St. (100 N) intersection, the SR 136 intersection, the 56th St. (600 N) intersection, and the I-74 interchange.
  - 2) Secondary Gateways shall mark entrances to public and private establishments.
- b. Major Gateways
  - 1) Major gateway signage shall be sited at Major gateways along the Ronald Reagan Parkway.
  - 2) The major gateway signage shall incorporate the Ronald Reagan Parkway into its design.
  - 3) Major gateway signage shall be constructed of natural materials consistent with the character of the Corridor as specified in the Ronald Reagan Corridor Master Plan and in accordance with the standards set forth in the Ronald Reagan Corridor Design Guidelines Manual illustrated in [Figure 10: Example of Major Gateway](#).

Figure 9: Example Wayfinding Signage

Figure 10: Example of Major Gateway



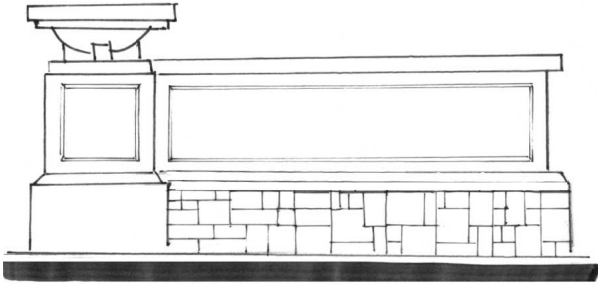


Figure 11: Example of Secondary Gateway

- 4) Major gateways shall be of a scale appropriate for vehicular traffic as set forth in the Ronald Reagan Corridor Design Guidelines Manual.
- 5) Major gateways shall incorporate ornamental plantings, flags, and sculptural elements in accordance with the standards set forth in the Ronald Reagan Corridor Design Guidelines Manual.
- 6) Major gateways shall maintain appropriate line-of-sight as determined by local ordinance.

c. Secondary Gateways

- 1) Secondary gateway signage shall be constructed of natural materials consistent with the character of the Corridor in accordance with the Ronald Reagan Corridor Design Guidelines Manual as shown in [Figure 11: Example of Secondary Gateway](#).
- 2) Special accent plantings shall be used to highlight the gateway as a distinct area in accordance with the Ronald Reagan Corridor Design Guidelines Manual.
- 3) The signage shall be located within the thirty (30) foot green space area and shall maintain sight triangle regulations in accordance with the County ordinance.

P. INTERSECTION ENHANCEMENTS

- 1. All intersection enhancements shall be in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
- 2. Pedestrian signals shall be installed at each intersection with a marked crosswalk.
- 3. Signalized intersections shall have marked crosswalks.
- 4. Marked crosswalks are strongly encouraged at non-signalized intersections.
- 5. Decorative paving and/or tactile surfaces are strongly encouraged at intersections and shall be in accordance with all Federal and State American Disabilities Act Standards.

Q. BRIDGE/WALL TREATMENTS

- 1. Major Bridge
  - a. Bridges shall have enhancements including special wall treatments, parkway signage visible from the underpass, corridor lighting, and decorative railings and planters as specified in the Ronald Reagan Corridor Design Guidelines Manual and as illustrated in [Figure 12: Example of Special Bridge Enhancements](#).
  - b. The bridge shall be well lit and shall contain a safe pedestrian passage in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
  - c. Bridges shall include a multi-use path at least twelve feet (12') in width. For

additional multi-use path standards, see [Subsection 14.1\(T\)](#) and the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.

2. Minor Bridges

- a. The CSX bridge shall receive minor bridge treatments including corridor lighting consistent with the lighting standards of this Ordinance, decorative railings and planters developed in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual.
- b. The bridge shall be well-lit and shall contain a safe pedestrian passage in accordance with the standards specified in the Ronald Reagan Design Guidelines Manual.
- c. Bridges shall include a multi-use path at least twelve feet (12') in width. For additional multi-use path standards, see [Subsection 14.1\(T\)](#) and the standards specified in the Ronald Reagan Design Guidelines Manual.

3. Retaining Walls

- a. Retaining walls shall be utilized at entry drives for public and private establishments.
- b. Walls that are connected to buildings shall conform to the character of the building.
- c. Retaining walls that are not connected to buildings shall conform to the character of the Corridor as established in the Ronald Reagan Corridor Master Plan and Design Guidelines by utilizing limestone and/or sandstone.

R. LIGHTING REQUIREMENTS

- 1. Lighting Plan. A lighting plan for the proposed development within this Overlay District shall be filed as part of the Development Plan application, per [Subsection 14.1\(C\)\(1\)](#) of this Ordinance.
- 2. Design
  - a. Lighting shall be configured in a manner that will not cause a false image of an aircraft runway. Where applicable and if in conflict with lighting standards for the airport or airport planning area, all FAA lighting standards shall prevail.

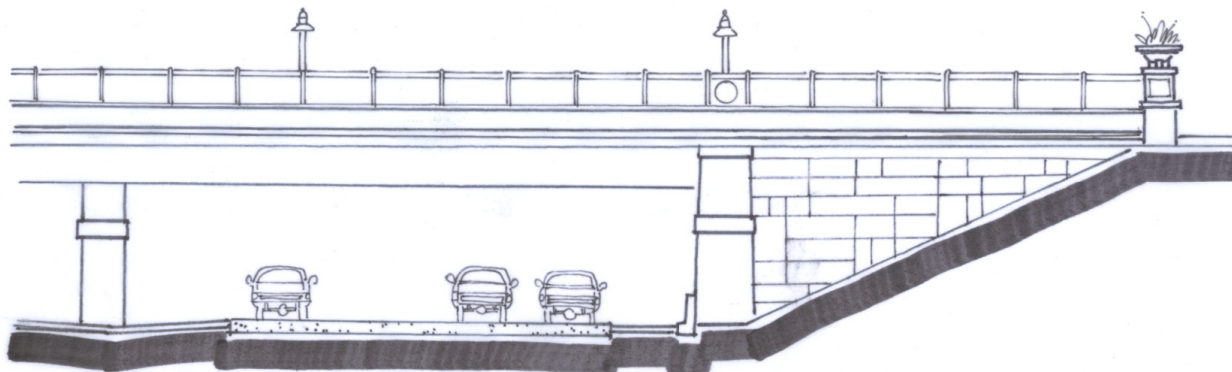


Figure 12:  
Example of  
Special Bridge  
Enhancements

- b. All lighting standards, including those on buildings, security lights and architectural lights within the RR-OL district shall be of uniform design and material.
  - c. Parking lot and streetlights shall also be of uniform height not to exceed twenty-four (24) feet.
  - d. Lighting column foundations shall not extend more than four (4) feet above the finished grade and shall count towards overall pole height.
  - e. All fixtures with the exception of motion detector activated lighting shall be full cutoff and fully shielded.
  - f. Luminaries for such lights shall be in proportion to the pole diameter and height.
  - g. Lighting styles and designs shall be consistent with standards specified in the Ronald Reagan Design Guidelines Manual.
3. Intensity. All areas containing lighting shall limit light spillage onto adjacent property when measured at any point along a property line in accordance with the standards set forth below:
- a. Lighting shall not cause illumination beyond any residential lot line or road right-of-way line in excess of 0.1-foot candles of light.
  - b. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of 0.3-foot candles of light.
  - c. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, aim, or a combination of these or other factors.
- S. ACCESS TO INDIVIDUAL TRACTS
1. Access Restrictions
- a. Consistent with the Ronald Reagan Corridor Master Plan, it is the intent of this Ordinance to maximize safety and minimize disruption of traffic flow on the Ronald Reagan Parkway by directing access from abutting properties to existing or planned public streets that intersect with the Parkway.
  - b. Direct access to the Ronald Reagan Parkway shall be considered only where physical limitations and/or traffic impact studies show that there is no feasible option.
  - c. All median openings and traffic signals, if warranted, shall be at least one-half (½) mile apart in accordance with intersection space restrictions stated in the Ronald Reagan Corridor Master Plan.
  - d. Other access points, if approved, will be “right turn only” with no median opening.
  - e. The Ronald Reagan Parkway shall be an access managed highway, and access to individual tracts along this highway shall be gained by access roads if access does not exist.
  - f. In the RR-OL district, common entrances shared by several properties and developments shall be required at the discretion of the Plan Commission.
  - g. In those cases where tracts can be accessed via connection to a primary or secondary arterial street as identified in the thoroughfare plan, a local street, or



an adjoining parking lot, curb cuts shall not be established on the Ronald Reagan Parkway.

- h. In order to preserve the aesthetic benefits provided by the green space area, access roads shall be provided at the rear of all tracts, whenever possible.
  - i. Access roads to contiguous tracts shall be coordinated so as to form one main access road serving adjoining developments. These roads should be designed so as to funnel traffic onto major arterial roads rather than into residential areas and roads that may adjoin or be near this Overlay District.
  - j. Access roads shall be designed to align with one another, where feasible.
  - k. The Plan Commission shall encourage maximum distances between curb cuts to the Ronald Reagan Parkway.
2. Traffic Impact Studies. Traffic Impact Studies shall be required for all new development proposed within the corridor that are expected to generate one hundred (100) or more new peak direction trips to or from the site. Traffic Impact studies shall meet the requirements of the Zoning Ordinance. Specific traffic impact analysis requirements for individual developments shall be established with the Planning Director or his or her designee, with input from the County Engineer.
  3. Design Standards. The design of drives, auxiliary (turn) lanes, tapers, paving blisters and other roadway elements shall be in compliance with local requirements for principal or primary arterials as identified in the local thoroughfare plan or Subdivision Control Ordinance. Entryways on cross streets shall comply with local requirements for the classification of the roadway being accessed.

T. MULTI-USE TRAIL

1. A multi-use pathway shall be provided on the west side of the Ronald Reagan Parkway. The path shall be a minimum of twelve feet (12') in width and have a minimum twenty foot (20') buffer between the path and the roadway unless such a buffer is not feasible due to site constraints.
2. The trail shall be designed and constructed in accordance to the standards specified in the Ronald Reagan Corridor Design Guidelines Manual and as shown in [Figure 13: Section of Corridor with Multi-Use Path](#).
3. The path shall be connected to other planned or existing pathways to maximize

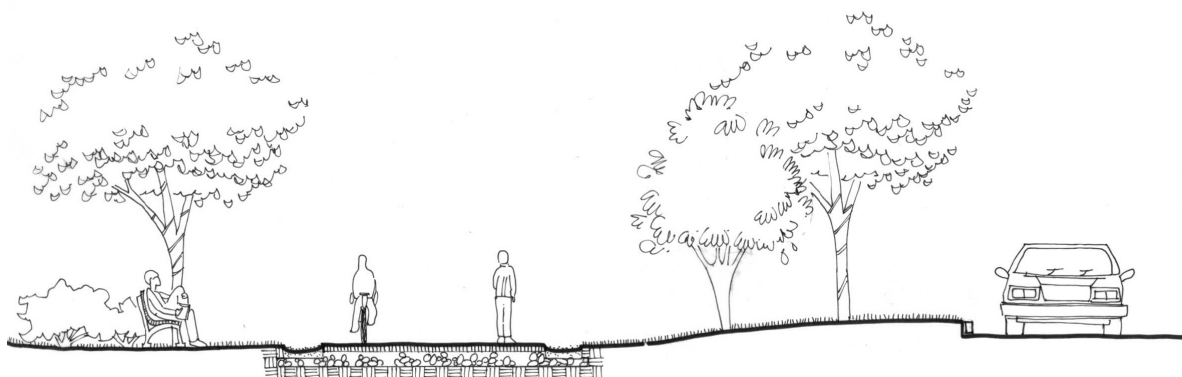


Figure 13:  
Section of  
Corridor with  
Multi-Use Path



Figure 14 & 15:  
Screened Refuse Area

opportunities for pedestrian circulation throughout the corridor. Pocket plazas associated with commercial or industrial uses are encouraged to establish links to the multi-use path. Mid-block pedestrian crossings are prohibited.

4. The multi-use path shall make accommodations for wheelchairs, bicyclists, strollers, and shall be in accordance with all applicable Federal and State Americans with Disabilities Standards. Decorative paving and/or tactile surfaces are encouraged at curb ramps and intersections.
5. Lighting along the multi-use path shall be pedestrian in scale and shall be in accordance with the standards specified in the Ronald Reagan Corridor Design Guidelines Manual. Wherever possible, shade trees shall be oriented to provide shade for the trail and pedestrian friendly elements such as water fountains, seating, and rest spots should be incorporated into the pathway.

U. EMERGENCY ACCESS. All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Fire Chief of the appropriate jurisdiction.

V. OTHER REQUIREMENTS. In reviewing the other specified requirements identified below to be constructed in the RR-OL district, the following factors shall be considered by the Plan Commission but are not limited to the following:

1. Outside Storage of Refuse
  - a. Unenclosed storage of refuse (whether or not in containers) or display of merchandise shall not be permitted on any property.
  - b. Refuse collection and recycling areas shall be in the rear of all buildings and limited from view by traffic along the Ronald Reagan Corridor. Trash receptacles shall be screened on three sides with a minimum six (6) foot opaque wall consistent in materials with the primary structure or opaque plant materials as shown in [Figure 14 & 15: Screened Refuse Area](#).
  - c. All refuse collection containers shall be architecturally compatible with the principal building.
  - d. No outside storage shall be permitted between an established Build-To Line and the right-of-way for the Ronald Reagan Parkway.
2. Loading Areas
  - a. Loading areas are required per the regulations in the Zoning Ordinance and shall be identified on the Development Plan.
  - b. Loading spaces and overhead doors shall be located at the rear or side of a building and shall be screened from view from the Parkway.
  - c. Loading areas shall be screened using masonry wall(s), plant material, or a combination thereof as shown in [Figure 16 & 17: Examples of Loading Areas](#),



Figure 16 & 17:  
Examples of Loading  
Areas

and subject to Technical Review.

W. MODIFICATION. The Plan Commission shall have the authority to modify any of the requirements of this section in accordance with [Subsection 2.2\(A\)\(17\)](#).

## 14.2 US 36 GATEWAY CORRIDOR OVERLAY DISTRICT (36-OL)

### A. PURPOSE

1. The purpose of the US Highway 36 Gateway Corridor Overlay Zoning District (36-OL) is to promote and protect the public health, safety, comfort, convenience, morals and general welfare by providing consistent and coordinated standards for properties adjacent to or near the US Highway 36 Corridor. Hendricks County, Indiana wants to maintain a traditional and high quality of life in the face of unprecedented growth, through the use of strong growth management tools, such as this overlay zoning district. The Hendricks County Area Plan Commission and County Commissioners, in establishing this zone, are relying on IC 36-7-4-600 et seq. and IC 36-7-4-1400 et seq.
2. The 36-OL district is intended to serve as a tool for implementing the comprehensive plan. The corridor's character, viability, quality and functionality are vital to Hendricks County because it is a major east-west thoroughfare, and also an important location for commercial uses that contribute to the local economy, and, as such, carries high numbers of local travelers and visitors. Therefore, a further purpose of the 36-OL district is to preserve and enhance the aesthetic qualities of properties both adjacent and visible from the corridor through:
  - a. the promotion of coordinated development within the 36-OL district;
  - b. the establishment of high standards for development on properties within the overlay zone, including buildings, signs, landscaping, parking and other site improvements, which permit innovative site design while encouraging efficient land use; and
  - c. the establishment of development and use standards that will promote the quality,

scale, character and type of development consistent with the corridor's high level of importance to the County.

#### B. BOUNDARIES

1. The boundaries of the 36-OL district can be generally described as follows:
  - a. Extending north one thousand (1,000) feet from the northern edge of the US Highway 36 right-of-way and extending south one thousand (1,000) feet from the southern edge of the US Highway 36 right-of-way, for the entire length of US Highway 36 between the jurisdictions of the Town of Avon, Indiana, and the Town of Danville, Indiana, but excluding all property that is legally being used as residential and agricultural uses. If the residentially or agriculturally used property changes to a non-residential or non-agricultural use, that property shall become part of the overlay district and shall conform to the regulations of the 36-OL district.
2. Furthermore, the 36-OL district is divided into two tiers. Each tier may have different zoning regulations. Tier 1 includes any lot that is either wholly or partially within two hundred sixty (260) feet from the edge of US Highway 36 right-of-way, regardless of whether there is actual access from the highway. Tier 2 would include all other properties within the overlay district that are not determined to be within Tier 1.
3. If only a portion of a lot or tract falls within the 36-OL district, the entire property must be developed using the standards of the overlay district. Likewise, if any portion of a lot or tract falls within more than one tier, the entire property must be developed using the standards that apply to the lowest number tier.

#### C. APPLICABILITY TO EXISTING DEVELOPMENT

1. Existing development, which was developed legally, shall be considered nonconforming, with respect to the overlay district standards. In the event of a natural disaster, a legally existing nonconforming structure may be rebuilt as it was. If it is to be larger than the nonconforming structure that was destroyed, than the new structure must comply with these overlay district standards.
2. Any of the following proposed changes to an existing legally nonconforming structure or site shall require that the added area comply with these overlay district standards:
  - a. If a proposed addition to a structure equals or exceeds thirty-five percent (35%) of the total existing building gross floor area of that structure;
  - b. If a proposed change to a parking area would result in an increase of thirty-five percent (35%) or more parking spaces, or an increase in parking lot area of thirty-five percent (35%) or more; or
  - c. If a proposed change to landscaping would result in an addition of thirty-five percent (35%) or more landscape area or an increase of thirty-five percent (35%) or more in the number of trees or shrubs.
3. Note that the measurement is to be considered a cumulative measurement from the day that this Ordinance is enacted, so that once increases reach the thirty-five percent (35%) threshold, the overlay district standards shall apply. Amendments to approved Development Plans shall be in compliance with the Zoning Ordinance.

## D. USES

1. When determining whether a use is allowed in the 36-OL district, first consult the underlying zoning district. If the use is allowed, then consult the following lists to determine if the use is a special exception in the overlay zone. If a use is legally established at the time the overlay ordinance is enacted, but is no longer permitted according to this section, it shall be considered legally nonconforming, in compliance with this Zoning Ordinance.
  - a. Tier 1 Special Exceptions
    - 1) Pylon or pole signs
    - 2) Child care centers
    - 3) Parks
    - 4) All drive-throughs
    - 5) Hotels
    - 6) Schools
  - b. Tier 2 Special Exceptions
    - 1) Utilities
    - 2) Pylon or pole signs
    - 3) Outdoor museum & entertainment
    - 4) Research & development
    - 5) Motels
    - 6) Car washes
    - 7) Retail building over forty thousand (40,000) square feet of gross floor area or individual retail tenant space over twenty-five thousand (25,000) square feet of gross floor area, located west of State Road 267
2. Criteria for Retail Special Exception. Before granting a special exception for retail uses, the Board of Zoning Appeals must find that traffic generated by the proposed new development will not negatively impact traffic flow on US Highway 36 and that what is proposed reflects responsible growth and development.

E. ACCESSORY BUILDINGS AND USES. All accessory uses and buildings that are permitted in the underlying primary zoning district(s) shall be permitted, unless they are otherwise prohibited in this overlay zoning district. Any attached or detached accessory building shall meet all the standards of this overlay district and shall be architecturally compatible with the Principal Building(s) with which it is associated, unless the area Plan Commission approves alternative architecture. No accessory buildings are permitted unless there is a principal building on the lot or tract.

F. MINIMUM LOT SIZE. The minimum lot size for new lots within the overlay zoning district shall be one (1) acre.

## G. SETBACKS

1. Minimum Front. The minimum front setback for all lots within Tier 1 is sixty (60) feet. Lots within Tier 2 shall comply with the minimum front setback in the underlying

- primary zoning district.
2. Maximum Front. The maximum front setback for all lots within Tier 1 of the overlay district shall be one hundred twenty-five (125) feet. There shall be no maximum front setback for Tier 2.
  3. Minimum Side and Rear. The minimum side and rear setbacks for all lots within the overlay shall be as required in the underlying zoning district.
- H. BUILDING HEIGHT. Building height shall comply with the standard in the underlying zoning district.
- I. UTILITY LINES. All utility service lines shall be buried beneath the ground. If US Highway 36 is widened in the future, the County requests that all overhead utility lines along the highway be buried beneath the ground.
- J. PARKING & LOADING
1. Pedestrian Walkways. The area Plan Commission shall approve all pedestrian walkways. Pedestrian walkways should be coordinated with the interior parking lot landscaping. All surface-parking areas with more than two hundred (200) parking spaces shall provide continuous internal pedestrian walkways to connect the parking area with the primary building entrance(s). For all parking areas with more than fifty (50) spaces, there shall be at least one internal pedestrian walkway with a minimum width of five (5) feet that connects the internal pedestrian walkway with the public sidewalk or trail. Pedestrian walkways shall be distinguished from driving surfaces through the use of paint or durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.
  2. Parking in Front. Parking between the corridor landscape buffer and the building façade (build-to-line) is limited in order to reduce the visibility of the field of parking from the adjacent right-of-way. Within Tier 1, the maximum amount of parking that shall be allowed in front of a building shall be two (2) rows of parking with a single access aisle. Within Tier 2, only forty percent (40%) of the minimum amount of required parking may be located in front of the building. Any extra parking shall be located on the side or rear of the building. The area Plan Commission may approve an alternative parking layout.
  3. Extra Landscaping Required. Parking area(s) in Tier 1 or Tier 2 that have more than the minimum amount of parking spaces required shall be provided with additional landscaping in accordance with Interior Parking Lot Landscaping, below.
  4. Handicapped Parking Spaces. Handicapped-parking spaces shall comply with state and federal regulations and shall be located the closest to the entrance(s).
  5. Pick-up Spaces. No more than two (2) parking spaces may be designated for pick-up and shall be shown on the plan. Pick-up spaces shall be located no closer to the entrance(s) than handicapped spaces. Pick-up spaces shall include a sign, not to exceed two (2) square feet which shall count as part of a business's total sign area.
  6. Bicycle Parking. A bicycle parking area may be provided for each building, in an appropriate and accessible location, that is sheltered from the weather.

7. Loading. Loading and unloading areas shall not be oriented to US Highway 36 or any other public street and shall in all cases be placed behind the building.
- K. **DRIVE-THROUGHS**. All components of a drive-through, including stacking spaces, menu boards, and pick-up windows shall be located within the side or rear yards of a lot. In no case shall any of these drive-through components be located within the front yard, or in the case of a corner lot, shall not be located in the front yard that faces US Highway 36.
- L. **ACCESS TO INDIVIDUAL TRACTS**. The purpose of this section is to discourage new curb cuts and to reduce the use of existing curb cuts along US Highway 36. Full access to all tracts from US Highway 36 shall only occur at signalized intersections. In lieu of full access to US Highway 36, the developer shall construct their portion of a rear access road that, at a minimum, shall meet the standards of a local street. As an alternative, the area Plan Commission may allow tracts to be accessed via connection to another arterial street, collector street, local street, or access easement through an adjoining parking lot. When other access alternatives are not feasible and adjacent tracts fronting US Highway 36 are undeveloped the area Plan Commission may allow right in/right out driveways at a minimum distance of six hundred (600) feet from other curb cuts on US Highway 36, in cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, landscaping and parking.
- M. **LANDSCAPING**
  1. Compliance. At the time of planting, all plant materials shall comply with the standards found in the most recent edition of the American Standard for Nursery Stock published by the ANLA. Native/adapted plants should be used whenever possible. Native/adapted plants are indigenous to a locality or cultivars of native plants that are adapted to the local climate and are not considered invasive species or noxious weeds. Landscaping that does not require permanent irrigation systems should be installed whenever possible.
  2. Clustering and Alternative Landscaping. Required plantings may be clustered as long as their placement meets the spirit and intent of the pertinent landscape regulation. The area Plan Commission may approve an alternative landscaping plan if they determine that it meets the spirit and intent of this Ordinance.
  3. Tree Sizes. The following minimum tree sizes shall apply within the overlay district:
    - a. Large deciduous shade tree. two and one-half (2½) inch caliper
    - b. Ornamental tree. one and one-half (1½) inch caliper
  4. Front Yard Landscaping. Each front yard must contain a twenty (20) foot wide buffer. At a minimum, each fifty (50)-linear-foot segment of front yard buffer shall contain ten (10) shrubs or one (1) large deciduous tree. Public art may be provided in the front yard in lieu of the equivalent of two required large deciduous trees, and must be approved by the area Plan Commission.
  5. Foundation Planting. Foundation planting shall be shown on the landscape plan. If asked, the area Plan Commission may choose to allow the required foundation plantings to be clustered. At least ten percent (10%) of the foundation planting strip

area shall be planted with bulbs and perennials.

- a. Buildings up to twenty thousand (20,000) square feet. Foundation plantings shall include shrubs, bulbs and perennials. At least ten (10) shrubs shall be required every fifty (50) feet.
  - b. Buildings twenty thousand (20,000) square feet to fifty thousand (50,000) square feet. Foundation planting areas shall be within twelve (12) feet of the building when a sidewalk is adjacent to the building. Foundation plantings shall include shrubs, bulbs, perennials and ornamental trees. At least one ornamental tree and ten (10) shrubs shall be required every fifty (50) feet.
  - c. Buildings over fifty thousand (50,000) square feet. Foundation planting areas shall be within eighteen (18) feet of the building when a sidewalk is adjacent to the building. Foundation plantings shall include shrubs, bulbs, perennials, ornamental trees and large deciduous shade trees. At least one large deciduous shade tree, one ornamental tree and ten (10) shrubs shall be required every seventy-five (75) feet.
6. Interior Parking Lot Landscaping. Not less than seven percent (7%) of the interior of a parking area shall be devoted to landscaping, either located in planting islands or planting medians. In the case of parking that exceeds the minimum number of spaces required, ten percent (10%) of the interior of the extra parking area shall be devoted to landscaping. There shall be a minimum of one large deciduous tree for every fifteen (15) parking spaces. Trees must be clear of branching to at least 6 feet. The landscape area not covered by tree canopy, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, perennials or mulch. Plants may not interfere with visibility.
  7. Perimeter Parking Lot Landscaping. Landscape standards shall apply as they would to the underlying zoning districts, except that there shall be two (2) (large deciduous) shade trees for every seventy (70) linear feet of length.
- N. SIGNS. A sign plan shall be required during Development Plan Review.
1. Pylon Signs. No pylon signs shall be permitted, except for integrated centers, which may have such signage if granted as a special exception in accordance with the Hendricks County Zoning Ordinance. Additionally, the pylon sign may not contain a visible metal pole and must be constructed using masonry products.
  2. Ground Signs. Ground signs shall follow the standards set in the Hendricks County Zoning Ordinance.
  3. Temporary Signs. Temporary signs shall follow the standards set in the Hendricks County Zoning Ordinance.
  4. Electronic Message Signs. Electronic message signs are prohibited within the 36-OL district.
  5. Wall Signs. Wall signs shall follow the standards set in the Hendricks County Zoning Ordinance. Additionally, wall signs that are part of an integrated center must be consistent within the center, specifically having a complimentary style (e.g., individual channel letters or lighted panel).
  6. Off-Premise Advertising or Billboard Signs. Off-Premise Advertising or Billboard Signs



are prohibited within the 36-OL district.

- O. EXTERIOR LIGHTING. The underlying zoning districts' exterior lighting standards shall apply to all properties within the 36-OL district.
- P. ARCHITECTURAL DESIGN REQUIREMENTS. The following standards shall apply to all new or substantially renovated buildings within the 36-OL district. All buildings shall be designed with respect to the general character of the US Highway 36 Corridor and shall consider the design of buildings on lots that abut the project site. All buildings within Tier 1 and Tier 2 shall be oriented so that they face US Highway 36.
  - 1. Public Spaces. In order to contribute to the establishment and enhancement of community and public spaces, each integrated center building of forty thousand (40,000) square feet and over shall provide at least two of the following amenities: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, kiosk area, water feature, clock tower, or other deliberately shaped area and/or focal feature or amenity, that the area Plan Commission believes will adequately enhance the community and public spaces. All such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
  - 2. Building Materials
    - a. Masonry. Buildings within Tier 1 shall be eighty percent (80%) masonry on all sides. Buildings within Tier 2 shall be sixty percent (60%) masonry on the side facing US Highway 36 and thirty percent (30%) on the remaining sides.
    - b. Prohibited Materials. Dryvit, stucco, concrete block, prefabricated steel panels and vinyl siding shall not be used as exterior finish materials within the 36-OL district, except that Dryvit and stucco may be used only as accent materials, covering less than twenty percent (20%) of wall area.
    - c. Two Different Materials. A minimum of two different exterior finish materials shall be used for building exteriors, including stone, brick, architectural pre-cast (panels or detailing), architectural metal panels, glass, ornamental metal and Dryvit or stucco when not exceeding the maximum wall coverage stated in Prohibited Materials, above. The building(s) must use these materials for all of the exterior finish. The building may not be constructed entirely of a metal and glass curtain wall. Where materials are combined horizontally on one facade, the heavier material must be below.
    - d. Color. A minimum of two different colors shall be used for building exteriors. Colors should be primarily neutral or earth tones. The use of high intensity colors, neon or fluorescent color is prohibited. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas. The area Plan Commission shall approve the building's color palette and may approve an alternative color scheme.
    - e. Glazing. Retail buildings in Tier 1 shall provide glazing on 35% of the ground floor front facade. Nothing in these requirements shall be construed as prohibiting the use of stained glass windows for places of worship.

3. Building Design

- a. Articulation. Building elevations in Tier 1 and Tier 2 that are greater than sixty (60) feet in length, measured horizontally, shall incorporate wall plane projections or recesses every forty (40) feet, having a depth of at least three (3) feet and a width of at least twenty (20) feet.
- b. Architectural Features. Buildings having up to twenty-five thousand (25,000) square feet within Tier 1 and Tier 2 shall have a minimum of two (2) architectural features, and buildings twenty-five thousand (25,000) square feet and over within Tier 1 and Tier 2 shall have a minimum of three (3) architectural features. Architectural features shall be selected from the following:
  - 1) Front facade features. On the elevation of the building that faces US Highway 36, at least sixty percent (60%) of the horizontal length shall have at least one (1) of the following: arcades, display windows, outdoor patios or plazas, entry areas, awnings or other features approved by the area Plan Commission.
  - 2) Entrance features. Each principal building on a site shall have clearly defined, highly visible entrances featuring at least one (1) of the following:
    - a) Canopies or porticos
    - b) Overhangs
    - c) Recesses and/or projections
    - d) Raised cornice parapets over the door
    - e) Peaked roof forms
    - f) Arches
    - g) Architectural details including tile work and moldings integrated into the building structure and design
    - h) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
    - i) other features approved by the area Plan Commission

4. Roofs. Roofs shall include at least two (2) of the following:

- a. Energy Efficient Rooftop Systems. Roofs may be constructed of an energy efficient material, in order to reduce the "heat island" effect.
- b. Parapet. The average height of a parapet shall not exceed fifteen percent (15%) of the height of the supporting wall and at no point shall be taller than one-third (1/3) of the height of the supporting wall. Parapets must feature 3-dimensional cornice treatment.
- c. Overhanging Eaves. Eaves shall extend at least three (3) feet past the supporting walls.
- d. Sloping Roof. Sloping roofs shall have an average slope of at least one (1) foot vertical rise for every three (3) feet of horizontal run, but no greater than one (1) foot of vertical rise for every one (1) foot of vertical run.
- e. Multiple Planes. There shall be at least three (3) different roof slope planes.

5. Fences and Gates. No fence shall be located within a front yard. Chain link and barbed wire fences are prohibited within the 36-OL district, except that chain link fencing may be used in Tier 2 if it is not visible from a public street. Gates for fences and all other screening walls shall be constructed of metal facing with wood or wood-look PVC slats.
6. Mechanical Equipment or Penetrations. All mechanical equipment shall be located behind the building. If mechanical equipment is located on a roof, or if there are other roof penetrations, they shall be screened from all streets with a parapet wall or other acceptable method.
7. Trash and Recycling. Trash collection and recycling areas shall be enclosed and screened on all sides, with an opaque wall, a minimum of seven (7) feet in height, but not exceeding ten (10) feet in height. Within Tier 1, screening walls shall be constructed of the same building materials as the principal building. Trash collection and recycling areas shall be located in the rear of all buildings, unless the area Plan Commission approves an alternative location.

## 14.3 TOWN CENTER OVERLAY DISTRICT (TC-OL)

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- A. **PURPOSE.** It is the purpose of the Town Center Overlay District (TC-OL) to:
  1. Provide for a district that will permit the expansion, redevelopment and infill of the mixed-use development currently found in small incorporated and unincorporated areas throughout the County;
  2. Preserve and promote traditional town building compatible with the visual character and architectural scale of existing development with grid pattern of streets, alleys and blocks;
  3. Promote development that is designed to accommodate pedestrian and vehicular traffic; and
  4. Require visual buffers where commercial uses occur adjacent to existing residential.
  5. Preserve and promote the location of dwellings, shops and workplaces in close proximity to each other, and permitting residential uses on upper floors of buildings in commercial areas.
- B. **ESTABLISHMENT OF OLD TOWN CENTER DISTRICT.** A Town Center Overlay District shall be established as regulated in Section 12.5 Zoning Map and Text Amendments. The Town Center Overlay District boundaries shall be indicated on the official Zoning Map of Hendricks County, Indiana.
- C. **GENERAL PROVISIONS / APPLICABILITY.** This section applies to any:
  1. Site or structure being located, erected, constructed, reconstructed, moved, altered, converted, or enlarged that would require a Development Plan as determined in Section 12.3 Development Plan Review And Approval, an Improvement Location Permit as determined in Section 12.10 Improvement Location Permit, or a Zoning Compliance Certificate as determined in Section 12.11 Certificate of Occupancy and

Certificate of Completion.

2. Lot being used, altered, or excavated.
3. Existing uses being expanded, changed, or new uses added.
4. Streetscape improvements including exterior facades, landscaping, lighting, street furnishings, or other improvements.

D. RELATION TO UNDERLYING ZONING

1. The Town Center Overlay District shall supersede the regulations of the underlying zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying zoning district shall apply.
2. In the case that this overlay district overlaps other overlay districts, or where conflicting regulations occur, the following shall apply.
  - a. The regulations of the TC-OL district shall supersede the regulations of all other overlay districts. Where no special regulations are included within the TC-OL district, the regulations of the underlying overlay district shall apply, or in the case of no underlying overlay district or overlay district regulation, the regulations of the underlying zoning district shall apply.

E. REVIEW OF INFILL AND REDEVELOPMENT PROJECTS. The following projects require the submission of a Development Plan approved by the Plan Commission. The process shall be as established in Section 12.3 Development Plan Review And Approval:

1. New infill projects;
2. A change in land use;
3. The razing of an existing structure and redevelopment of that lot.

F. DEVELOPMENT STANDARDS

1. Lot Standards. Infill or Redevelopment proposals in a Town Center Overlay District shall be subject to the requirements of Table 14.1: Town Center Overlay.

Table 14.1: Town Center Overlay District (TC-OL) Lot Standards		
Lot Area	Minimum	5,000 sf
	Maximum	1 acre
Minimum Lot Width		50 ft.
Maximum Lot Coverage		100%*
Maximum Height	Principal Structure	45 ft.
	Accessory Structure	20 ft.
Front Setback	Minimum	None
	Maximum	25 ft.**
Side Setback	Minimum	5 ft.

Rear Setback	Minimum	Primary 15 ft. Accessory 5 ft.
Maximum structure width shall not exceed 2.5 times the height to discourage strip commercial development.		

- \* As long as the structures do not block the Sight Visibility Triangle
- \*\* Or not less than the average setback of the two adjacent properties

2. Streets. The existing street grid shall be maintained including provisions for alleys where applicable. New construction shall observe maximum setbacks and locate close to the right-of-way to engage the pedestrian and encourage street activity.
3. Sidewalks.
  - a. Minimum sidewalk width shall be six (6) feet.
  - b. Striping or special paving shall be used for crosswalks to distinguish the pedestrian areas from vehicular areas.
  - c. Supporting columns, landscaping, street furniture, street trees, and signs, shall be permitted within the sidewalk in a TC-OL District provided that a minimum horizontal clearance of forty-two (42) inches is maintained at all times.
  - d. The minimum vertical clearance between the established grade of the public right-of-way and the underside of the encroaching structure (including signs) shall be a minimum of nine (9) feet.
4. Minimum Parking and Loading Requirements. Parking for uses within the TC-OL District shall be as follows:
  - a. The minimum number of required on-site parking spaces may be reduced by the Director and the Town Council, from the number required in [Table 7.3: Minimum Parking Space Requirements](#) for infill or redevelopment in the TC-OL District. The reduction should be based on the availability of existing public or private parking within reasonable distance to the proposed development. On-street parking within the frontage may count towards required parking.
  - b. Cross-access easements are encouraged to facilitate circulation between parcels and to minimize curb cuts along the street. The use of alleys to access parking in the rear of lots is preferred. Alley right-of-way shall be a minimum of twenty (20) feet;
  - c. In the development or redevelopment of land within an TC-OL District, parking should be located to the rear and sides of properties to encourage pedestrian traffic at the sidewalk level; and
  - d. Off-street parking areas shall not be permitted in any front yard of any property unless such property is to be solely utilized for parking purposes.
  - e. Off-street parking areas shall be screened in accordance with [Section 7.5 Landscaping Standards](#).
  - f. In areas with limited space, masonry walls compatible with the architecture of the building and a minimum of thirty-six (36) inches high may be used for screening instead of plant materials.
  - g. Bicycle Parking shall be required in accordance with [Section 7.2 Off-Street Parking](#)

And Loading.

- h. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public street right-of-way or adjacent residential uses.
- 5. Street Trees
  - a. One street tree shall be planted every forty (40) to sixty (60) feet and at a minimum distance of three (3) feet from the curb or edge of pavement. A list of suitable trees for street planting can be found in Table 7.9: Trees for Planting on Streets, Highways, and Parking Lots or Table 7.10: Trees for Planting on Streets and Highways that Minimize Conflict with Overhead Utilities.
  - b. Street trees shall be planted within the sidewalk right-of-way, provided that a horizontal sidewalk clearance of forty-two (42) inches is maintained. Trees shall be in a minimum planting area of twenty-five (25) square feet. Tree grates may be used to maintain the required clearance.
- 6. Sign Requirements. Sign requirements shall be as follows:
  - a. Illumination of Signs. Signs shall be illuminated in a manner consistent with the requirements of Chapter 9: Sign Standards.
  - b. Sign Standards. Signs shall be subject to the standards of Table 14.2: Sign Standards for the Town Center Overlay District (TC-OL).

Table 14.2: Sign Standards for the Town Center Overlay District (TC-OL)	
Permitted Signs	Maximum Sign Area
Wall Signs	1sf per 1lf of frontage up to 100 sf
Projecting Signs *	16 sf
Awning Signs *	25% of the front fascia of the awning
Window Signs	20 % of the window area
A-Frame Signs (sandwich boards) **	12 sf

\* No more than one (1) sign per building. May project up to four (4) feet from the supporting building, but not further into R.O.W. than the inside edge of an existing sidewalk. Proof of insurance may be required for signs that hang over the public R.O.W.

\*\* No more than one (1) sign per building. Must be within ten (10) feet of the building entrance. A sidewalk clearance of forty-two (42) inches must be maintained. Sign may only be displayed during business hours.

- 7. Permitted Uses. Permitted uses shall include but are not limited to:
  - a. Commercial and Service Uses such as artist/ photography/ dance/ music studio,

bakery, café, confectionery with items to be sold at retail only on the premises, day care home, small day care facility, dry cleaner, hardware, restaurant, specialty retail, personal care services, specialty food store and the like.

- b. Institutional Uses: Community buildings, meeting halls, library, post office, and public safety facility and the like.
- c. Office Uses: financial, medical, and general office and the like.
- d. Residential Uses: Multifamily, townhomes and residential within commercial buildings or in accessory structures associated with commercial buildings and the like.
- c. The ground floor of the use / building shall be restricted to retail uses, personal services, professional services, restaurants, cafes or other uses that encourage street level activities. Offices and residential apartments shall be developed on the second and third floor of the buildings.
- e. Utilities should be located underground or in an alley behind the building.

8. Public Spaces

- a. Public art, fountains, bicycle racks, and street furniture (trash receptacles, benches, light standards, etc.) shall be permitted on private property within public spaces, and within off-street public right-of-way provided that a horizontal sidewalk clearance of forty-two (42) inches is maintained.

9. Indoor/Outdoor Operations

- a. All uses and operations must be indoor except:
  - 1) Off-street parking or loading areas, automated teller machines (ATMs), outdoor seating areas (alone or associated with a restaurant), or similar uses, provided that a horizontal sidewalk clearance of forty-two (42) inches is maintained.

10. Architectural Design. In addition to the standards contained in Chapter 5: Infill Development Standards and Chapter 8: Design Standards, the following shall apply to the unique development in the TC-OL.

- a. Buildings shall exhibit architectural compatibility to promote cohesiveness.
- b. Building facades shall be oriented towards the street.
- c. Access to residential dwellings located on upper floors of multi-story buildings should be from internal stairways.
- d. Exterior materials shall be natural in appearance in keeping with the historical style of the town. Predominant exterior building materials shall be high-quality materials, including, but not limited to, brick, limestone, other native stone, wood, and tinted/textured concrete masonry units. Synthetic materials can be used that simulate natural materials (EIFS, fiber cement board, and vinyl with a minimum gauge of 0.044”).
- e. Entries shall be clearly defined containing such features as canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms; arches; architectural details such as tile work and moldings

that are integrated into the building structure and design; integral planters or wing walls that incorporate landscaped areas and/or places for sitting, awnings, porches, plinths, bay windows, and shutters.

- f. Dumpsters and storage areas shall be enclosed with a solid enclosure that complements the architecture of the primary structure, a minimum of six (6) feet in height, and contain a solid gate. Shrub plant material shall be provided where possible to further enhance the wall enclosure. Dumpster enclosures attached to the primary structure shall be designed as an architecturally integrated part of the primary structure.
  - g. Facade Articulation: The facade shall be articulated through the use of changes in color, texture, or material and expressions of architectural or structural bays through a change in plane.
  - h. Windows should be of a scale and character in keeping with a main street style and employ features such as bays, divided lights, decorative stone frames, wood molding and trim, shutters, arches, and awnings.
  - i. Windows shall be provided at ground level for more than seventy-five percent (75%) of the width of the facade.
  - j. Awnings can be used to articulate the facade and shall be of opaque non-reflective material with the exception of the sign area.
  - k. All roof-mounted mechanical equipment shall be screened from view through the design of the roof or facade.
11. Open Space Development. All development located within Town Center Overlay Districts should attempt to achieve a minimum of ten percent (10%) of open space within the developed town center area. Open spaces shall be of varying types and distributed throughout the district. All open spaces shall be easily accessible to all residents and businesses. Open spaces shall take one or more of the following forms:
- a. Town Square. An open space that may encompass an entire block and is located at the intersection of the main streets. It should be set aside for civic purposes, formal and informal gatherings with landscaping consisting of paved walks, lawns, trees and other amenities;
  - b. Plaza. An open space, usually at an intersection of major streets, set aside for civic purposes and commercial activity. A plaza is typically bordered by civic or private buildings and is landscaped with durable pavement and formal tree plantings. Plazas may range from very active places with adjacent complementary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and other amenities such as fountains or public art;
  - c. Park. An open space available for recreation. Landscaping may consist of paved paths and trails, open lawn areas, trees, open shelters or improved recreational areas and fields. Facilities may range from simple picnic tables, benches or a playground in a small park, to a recreation center, shelters, swimming pool or sports field in a larger park. Parks are typically grassy and maintained on a regular basis for recreational activity, but may include some natural or formally



landscaped areas;

- d. Green. An open space available for unstructured recreation. Landscaping should consist of grassy areas and trees. A green should be designed for passive and unstructured active recreation. Improvements to a green may consist of paths, benches and landscaping; and
  - e. Greenbelt. A series of connected open spaces that follow natural features such as ravines, creeks or streams. A greenbelt is usually a combination of natural vegetation and landscaped or regularly maintained areas. Ideally, a greenbelt will provide pedestrian and bicycle connections to other open spaces or to destinations such as schools, libraries and neighborhood commercial areas.
12. Landscaping And Buffering Requirements. Properties in the TC-OL shall be subject to the requirements of Section 7.5 Landscaping Standards. However, where the requirements cannot be adequately satisfied, alternatives will be considered such as window boxes, sidewalk planters and other living amenities that can create a visually appealing streetscape that will not impede the safety of pedestrian and vehicular traffic. An alternative landscape plan shall be submitted to the Director for review and approval by the Plan Commission.
13. Drainage. The review and approval of drainage plans in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance shall be conducted by the County Drainage Board.
14. Prohibited Uses Within the TC-OL District
- a. Drive-Through Establishments (Drive-through windows may be permitted as accessory uses, subject to the provisions of this section)
  - b. Airport
  - c. Heliport
  - d. Telecommunications Tower
  - e. Penal or Correctional Institution
  - f. Sanitary Fill
  - g. Sewage Treatment or Disposal Plant
  - h. Wholesale / Warehousing / Industrial Services not contained entirely within buildings
  - i. Junk Yard, Salvage yard Operation
  - j. Outdoor Storage
  - k. Mini Warehouses/Self Storage
  - l. Individual uses over 10,000 square feet
  - m. Adult Uses

## 14.4 AIRSPACE OVERLAY DISTRICT (AS-OL)

A. INTENT. An Airspace Overlay District, a Secondary Zoning District is established to

enhance and promote the safe operations of the Indianapolis International Airport.

- B. CONSTRUCTION OF LANGUAGE. The language of this section shall be interpreted in accordance with the following regulations:
1. The particular shall control the general.
  2. In the case of any difference of meaning or implication between the text of this section and any illustration or diagram, the text shall control.
  3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  5. A "building" or "structure" includes any part thereof.
  6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
  7. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.
- C. DEFINITIONS. Terms within this section, including but not limited to Airport Instrument Approach Surface Areas, Airport Transitional Surface Areas, Airport Horizontal Surface Areas, and Airport Conical Surface Areas shall be interpreted as defined under "Airspace Definitions" in [Chapter 15: Definitions](#) and as indicated on the Airspace Overlay District Map.
- D. AIRSPACE OVERLAY DISTRICT REGULATIONS. The following regulations shall apply to all land within the Airspace Overlay District. These regulations shall be in addition to all other primary or secondary zoning District regulations applicable to such land. In case of conflict between these regulations and the regulations of any other primary or secondary zoning District, the provisions which impose the greater or higher or more restrictive standard of performance shall control.
1. Prohibited Uses. Within that part of the Airport Instrument Approach Surface Areas and Airport Transitional Surface Areas, which extend ten thousand, two hundred (10,200) feet from each end of a Runway measured horizontally along the extended centerline of such Runway, no Building, Structure or premises shall be erected, relocated or converted for use as a:
    - a. amusement park;

- b. assembly hall;
  - c. carnival;
  - d. Child Caring Institution;
  - e. correctional institution;
  - f. hospital;
  - g. picnic grounds;
  - h. public auditorium;
  - i. public swimming pool;
  - j. school;
  - k. Religious Use;
  - l. Residential Primary Plat;
  - m. sports arena;
  - n. stadium;
  - o. theatre; or,
  - p. any other public assembly use.
2. Height Limits. Except as otherwise provided herein, no Structure or tree shall be erected, altered, allowed to grow or maintain within the Airspace Overlay District to a height in excess of the following height limits herein established for the Airport Instrument Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined below and designated on the official Zoning Map. (Such height limits shall be computed from the applicable Runway elevation or airport elevation as designated on the Airspace Overlay District Map).
- a. Height limits for the Airport Instrument Approach Surface Area shall be one (1) foot in height for each one hundred (100) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the instrument Runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the Runway; thence one (1) foot in height for each fifty (50) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the Runway.
  - b. Height limits for the Airport Transitional Surface Area shall be one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the outer lines of all Airport Instrument Approach Surface Areas for the entire length of such Airport Instrument Approach Surface Areas, extending to their intersection with the outer line of the Airport Conical Surface Area; and, beyond such points of intersection, beginning at the outer lines of all Airport Instrument Approach Surface Areas and extending a horizontal distance to five thousand (5,000) feet therefrom, measured at right angles to the continuation of the Runway centerline, one (1) foot vertical height for each seven (7) feet of horizontal distance.
  - c. Height limit for the Airport Horizontal Surface Area shall be one hundred fifty (150) feet above the established airport elevation as indicated on the Airspace Overlay District Map.

- d. Height limit for the Airport Conical Surface Area shall be: One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the Airport Horizontal Surface Area and measured perpendicularly to the periphery of the Airport Horizontal Surface Area to a height of three hundred fifty (350) feet above the airport elevation. Provided, however, if any area is subject to more than one (1) of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this section shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of fifty (50) feet or less above the surface of the land.
- 3. Performance Standards within the Airport Conical Surface Area. The following performance standards shall apply to all land within the perimeter of the Airport Conical Surface Area as defined below and indicated on the Airspace Overlay District Map.
  - a. Interference with Communications. No use shall create interference with any form of communication, the primary purpose of which is for air navigation.
  - b. Glare; Marking and Lighting of Airspace Hazards.
    - 1) All lights shall be located or shielded in such a manner that they do not interfere with Runway, taxi, tower or any other airport lights or result in glare which may interfere with the use of the airport in landing, taking-off or maneuvering of aircraft.
    - 2) Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting Airspace Hazards shall be permitted.
  - c. Smoke, Dust, Particulate Matter.
    - 1) Open Burning shall be prohibited.
    - 2) No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the Lot Lines in a manner detrimental to or endangering the visibility of air crews using the airport in landing, taking-off or maneuvering of aircraft.

**14.5 WIND ENERGY FACILITY OVERLAY DISTRICT (WEF-OL)** (Amended Ordinance 2009-29)

- A. **PURPOSE.** The purpose of this section is to provide for an overlay district that will permit and regulate the development of Wind Energy Facilities in Hendricks County, subject to reasonable conditions that will minimize impact on the underlying district and potential for conflict with other uses. 14.4 Airspace Overlay District (AS-OL)
- B. **OVERLAY APPLICABILITY.** This Section applies to all Wind Energy Facilities proposed to be constructed after the effective date of this Ordinance, except that this Section is not intended to apply to Wind Energy Conversion Systems, Noncommercial for the primary purpose of onsite use.

- C. ESTABLISHMENT OF WIND ENERGY FACILITY OVERLAY DISTRICT. A Wind Energy Facility Overlay District shall be established as regulated in Section 12.5 Zoning Map and Text Amendments. The Wind Energy Facility Overlay District boundaries shall be indicated on the official Zoning Map of Hendricks County, Indiana and shall exist as a layer of zoning regulation in addition to that of the established (underlying) zoning district.
- D. PERMITTED USES, SPECIAL EXCEPTIONS, RELATION TO UNDERLYING ZONING DISTRICT, AND RELATION TO OTHER OVERLAY DISTRICTS.
1. Permitted Uses, Special Exceptions
    - a. Wind Energy Facility Overlay permitted use. Wind energy facilities are a permitted use in the WEF-OL district.
    - b. Permitted uses in the underlying zoning district. In addition to wind energy facilities, permitted uses in the WEF-OL district shall include those uses permitted in the underlying zoning district.
    - c. Special exceptions authorized in the underlying zoning district. Special exception uses permitted in the underlying zoning district are authorized as special exception uses in the WEF-OL district.
  2. Relation To Underlying Zoning
    - a. For wind energy facilities. For wind energy facilities, provisions of this Section shall supersede the regulations of the underlying zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying zoning district shall apply.
    - b. For all other uses. Regulations of the underlying zoning district shall apply except in those cases where they are superseded by regulations of this Section, in which case regulations of this Section shall apply.
  3. Relation To Other Overlay Districts. In the case that this overlay district overlaps other overlay districts, the regulations of the WEF-OL district shall supersede the regulations of all other overlay districts. Where no special regulations are included within the WEF-OL district, the regulations of the other overlay district shall apply.
- E. DEVELOPMENT PLAN APPROVAL
1. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Hendricks County unless a development plan approving construction of the facility under Section 12.3 Development Plan Review and Approval has been obtained.
  2. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a development plan approval under Section 12.3 Development Plan Review and Approval. Like-kind replacements shall not require approval.
  3. In addition to the requirements of Section 12.3 Development Plan Review and Approval, the Development Plan Review of a Wind Energy Facility shall include the following information:

- a. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary approval and permits for construction and operation of the Wind Energy Facility;
  - b. Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located;
  - c. A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
  - d. Documents related to decommissioning;
  - e. Other relevant studies, reports, certifications and approvals as may be reasonably requested by Hendricks County to ensure compliance with this Section;
  - f. Throughout the approval process, the Applicant shall promptly notify Hendricks County of any changes to the information contained in the development plan application; and
  - g. Changes to the pending application that do not materially alter the initial development plan may be accepted without a new public hearing.
- F. PERMIT REQUIRED. No Wind Energy Facility shall be constructed and operated unless an Improvement Location Permit and a Certificate of Occupancy and/or Certificate of Completion have been issued under Sections 12.10 Improvement Location Permit and 12.11 Certificate of Occupancy and Certificate of Completion.
- G. DESIGN AND INSTALLATION
1. Design Safety Certification. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
  2. Uniform Construction Code. To the extent applicable, the Wind Energy Facility shall comply with relevant and applicable local, state and national codes, and relevant and applicable international standards.
  3. Controls and Brakes. All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. Blade Clearance. The Wind Energy Facility blade must be a minimum of thirty feet above ground level.
5. Electrical Components. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
6. Visual Appearance, Power Lines
  - a. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
  - b. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
  - c. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.
  - d. On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
7. Warnings
  - a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
8. Climb Prevention/Locks
  - a. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
  - b. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

## H. SETBACKS

1. Occupied Buildings. For purposes of this Section, "Occupied Building" shall mean a residence or any building used for institutional purposes or as a public gathering place that is occupied or in use when the wind turbine permit application is submitted.
  - a. Wind Turbines shall be set back from the nearest Occupied Building located on a Participating Landowner's property a distance not less than the normal setback requirements for the underlying zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building
  - b. Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the Wind Turbine hub height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building. This setback shall not apply to the setbacks for a new structure on a Non-participating Landowner's property. Standards of the underlying zoning district shall apply regardless of the

location of any existing wind turbine on Participating property.

2. Property lines. All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for the underlying zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
3. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right of-way line of the nearest public road to the center of the Wind Turbine base.

#### I. WAIVER OF SETBACKS

1. Property owners may waive the setback requirements in H(1)(b) (Occupied Buildings on Non-participating Landowner's property) and H(2) (Property Lines), if those setback requirements are greater than those of the underlying zoning classification, to a distance no less than the setback requirements of the underlying zoning classification by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
2. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
4. Upon application, the Plan Commission may waive the setback requirement for public roads for good cause.

#### J. USE OF PUBLIC ROADS

1. The Applicant shall identify all state and local public roads to be used within the County to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
2. The County Engineer or a qualified third party engineer hired by the County and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. The County may bond the road in compliance with state regulations.
4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
5. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.



## K. LOCAL EMERGENCY SERVICES

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

## L. NOISE AND SHADOW FLICKER

1. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.
2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

## M. WAIVER OF NOISE AND SHADOW FLICKER PROVISIONS

1. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office of the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

N. SIGNAL INTERFERENCE. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

O. LIABILITY INSURANCE. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the County upon request.

## P. DECOMMISSIONING

1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (12) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no

electricity is generated for a continuous period of twelve (12) months.

2. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the County after the first year of operation and every fifth year thereafter.
5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the County.
6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the County.
7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph P (1) then the landowner shall have six (6) months to complete decommissioning.
8. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs P(1) and P(7), then the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

#### Q. PUBLIC INQUIRIES AND COMPLAINTS

1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

**Ordinance No. 2021-04**

**An Amendment to the Hendricks County Zoning Ordinance Chapters 7 and 14**

**Whereas**, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on August 12, 2008 and which became effective October 1, 2008

**Whereas**, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapters 7 and 14;

**Whereas**, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA 01-21 and voted to pass a favorable recommendation to the County Commissioners;

**Whereas**, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA TO AMEND THE HENDRICKS COUNTY ZONING ORDINANCE TO INCLUDE THE FOLLOWING:**

7.12 (B) 22. Accessory SECS. A Solar energy conversion system (SECS) is classified as accessory to a permitted primary use by nature of its size and location. In order for an SECS to be considered accessory, it must clearly meet the requirements for accessory structures established in Section 7.12 A.

1. Accessory SECS are permitted in all districts.
  - a. Non-residential Ground Mounted Accessory SECS are required to receive Development Plan approval, regardless of size.
2. All SECS must comply with all setbacks and development standards for accessory structures in the relevant district
3. Roof mounted accessory SECS are permitted to extend five feet higher than the roof of existing structures
4. Residential Accessory SECS are not subject to rooftop screening requirements

14.6 SOLAR ENERGY CONVERSION SYSTEM OVERLAY DISTRICT (SECS-OL)

- A. **PURPOSE.** The purpose of this section is to provide for an overlay district that will permit and regulate the development of Solar energy conversion systems in Hendricks County, subject to reasonable conditions that will minimize impact on the underlying district and potential for conflict with other uses.
- B. **DEFINITIONS.**
1. SECS – Solar energy conversion system, as defined by Chapter 15.
  2. Accessory SECS – A solar energy conversion system that is accessory to a permitted primary use by nature of its size and location.
  3. SECS, Building Mounted – A solar energy conversion system that is mounted and supported by the roof of a building or structure. Unless the system is taller than 5 feet, building mounted systems are generally classified as accessory
  4. SECS, Ground Mounted – A solar energy conversion system that is freestanding, mounted to the ground
    - a. SECS, Ground Mounted Large-scale – A ground mounted solar energy conversion system that is permitted, whether as a primary use or secondary use
    - b. SECS, Ground Mounted Small-scale – A solar energy conversion system that is secondary to a permitted primary use and larger than an accessory use but does not meet the definition of SECS, Ground Mounted Large-scale.
- C. **OVERLAY APPLICABILITY.** This Section applies to all Solar energy conversion systems proposed to be constructed after the effective date of this Ordinance, except that this Section is not intended to apply to Accessory SECS built for the primary purpose of onsite use.
- D. **ESTABLISHMENT OF SOLAR ENERGY CONVERSION SYSTEM OVERLAY DISTRICT.** A Solar Energy Conversion System Overlay District may be established as regulated in Section 12.5 Zoning Map and Text Amendments. The Solar energy conversion system Overlay District boundaries shall be indicated on the official Zoning Map of Hendricks County, Indiana and shall exist as a layer of zoning regulation in addition to that of the established (underlying) zoning district. The Overlay designation shall be distinguished by an “(SECS-OL)” added to the applicable zoning classification on the official Zoning Map. For example, an overlay in the AGR/Agricultural Residential zoning district shall be shown on the official Zoning Map as AGR(SECS-OL)/Agricultural Residential.
- E. **PERMITTED USES, SPECIAL EXCEPTIONS.** SECS, Ground Mounted are a permitted use in the SECS-OL district. In addition, permitted uses in the SECS-OL district shall include those uses permitted in the underlying zoning district. Special exception uses permitted in the underlying zoning district are authorized as special exception uses in the SECS-OL district.
- F. **Relation To Underlying Zoning**
1. For solar energy conversion systems, provisions of this Section shall supersede

the regulations of the underlying zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying zoning district shall apply.

2. For all other uses, regulations of the underlying zoning district shall apply except in those cases where they are superseded by regulations of this Section, in which case regulations of this Section shall apply.
- G. Relation To Other Overlay Districts. In the case that this overlay district overlaps other overlay districts, the regulations of the SECS-OL district shall supersede the regulations of all other overlay districts. Where no special regulations are included within the SECS-OL district, the regulations of the other overlay district shall apply.
- H. DEVELOPMENT PLAN APPROVAL - No Solar energy conversion system shall be constructed or located within Hendricks County unless a development plan approving construction of the system under Section 12.3 Development Plan Review and Approval has been obtained. This does not include Accessory SECS, but does include non-residential Ground Mounted SECS.
1. Any physical modification to an existing and permitted Solar energy conversion system that alters the size, type and number of Solar panels or other equipment by more than 35% or any change to required screening shall require a development plan approval under Section 12.3 Development Plan Review and Approval. Like-kind replacements shall not require approval.
  2. In addition to the requirements of Section 12.3 Development Plan Review and Approval, the Development Plan Review of a Solar energy conversion system shall include the following information:
    - a. Addition details on the site plan showing the planned location of each Solar panel, access road and turnout locations, substation(s), electrical cabling from the Solar energy conversion system to the substation(s), ancillary equipment, and associated transmission lines;
    - b. Documents describing a decommissioning plan;
    - c. Other relevant studies, reports, certifications and approvals as may be reasonably requested by Hendricks County to ensure compliance with this Section;
- I. PERMIT REQUIRED. No Solar energy conversion system shall be constructed and operated unless an Improvement Location Permit and a Certificate of Occupancy and/or Certificate of Completion have been issued under Sections 12.10 Improvement Location Permit and 12.11 Certificate of Occupancy and Certificate of Completion.
- J. DESIGN AND INSTALLATION
1. Design Safety Certification. The design of the Solar energy conversion system shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations.

2. Uniform Construction Code. To the extent applicable, the Solar energy conversion system shall comply with relevant and applicable local, state and national codes, and relevant and applicable international standards, including all electrical Components.
3. Solar Panels shall be a non-obtrusive color such as black, dark blue, off-white, silver or gray.
4. Solar Energy Facilities shall not be artificially lighted, except to the extent required by the applicable authority.
5. Solar Panels shall not display advertising, except for reasonable identification of the panel manufacturer, System Owner and Operator.
6. On-site transmission and power lines between Solar Panels shall, to the maximum extent practicable, be placed underground.
7. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
8. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in perennial vegetation as ground cover and not compacted. A planting schedule detailing the type of vegetations shall be submitted and will be reviewed for compliance with the Purdue University Extension Service's pollinator-friendly checklist or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern eco-systems, soils, and habitat.

#### K. FENCING

1. Fences and walls shall not exceed eight (8) feet in height in all districts. Fencing may exceed the four (4) foot height restriction in a front yard.
2. SECS are not considered Agriculture for purposes of exemptions in section 7.6.
3. Fences may be designed and operated to achieve compliance with current National Electric Code requirements. In the event the Zoning Ordinance conflicts with the NEC, the Ordinance shall defer to the NEC.

#### L. SCREENING

1. For property lines adjacent to public right of way;
  - a. If the SECS is located more than 250 feet from the right of way then a landscape buffer type 1 shall be required
  - b. If the SECS is located less than 250 feet from the right of way then a landscape buffer type 3 shall be required
2. For all other property lines, a landscape buffer shall be required of a type equivalent to the requirement for AGB Agricultural Business, except mounding shall not be required. For example, if the SECS is in an AGR(SECS-OL) district and located next to existing residential, a type 3 buffer is required.

M. SETBACKS

1. Standards of the underlying zoning district shall apply regardless of the location of any non-conforming structure on the participating property.
2. Setback distance is measured from the edge of the solar energy system array and any supporting equipment or structures, excluding security fencing, screening, or berm.
3. Property lines. A SECS shall be set back from the nearest property line no less than the principal setback requirements for the underlying zoning classification or 1.1 times the Panel Height, whichever is greater.
4. Public Roads. All SECS shall be set back from the nearest public road no less than thirty (30) feet, as measured from the proposed right of way width in the current Hendricks County Thoroughfare Plan.
5. Existing Dwelling. A SECS shall be no closer to an existing dwelling than 150 feet. This does not include any dwellings on the subject property.

**APPROVED** by the Board of Commissioners of Hendricks County, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOARD OF COMMISSIONERS

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Phyllis Palmer, President

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Dennis Dawes, Vice President

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Bob Gentry, Member

Effective Date: October 1, 2008

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QUALITY GROWTH STRATEGY: ZONING ORDINANCE

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# Chapter 15: Definitions





## A

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**ABANDONMENT:** The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ABUT OR ABUTTING:** To physically touch or border upon; or to share a common property line.

**ACCESS:** A way or means of approach to provide physical entrance to a property from right-of-way or from an adjacent property.

**ACCESS ROAD:** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**ACCESSORY STRUCTURE:** see "Structure, Accessory"

**ACCESSORY USE:** see "Use, Accessory"

**ACRE:** A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.

**ACREAGE, GROSS:** The total area within a parcel of land.

**ADDITION (to an existing structure):** Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height. Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall.

**ADDRESS:** The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

**ADJACENT:** To be separated by common property lines, lot lines, right of way or an alley.

**ADJOINING:** see "Adjacent"

**ADMINISTRATIVE AND PLAT COMMITTEE:** A committee established by the Plan Commission to review and make decisions on certain types of development plans including minor subdivisions and administrative subdivision petitions.

**ADMINISTRATIVE/PROFESSIONAL OFFICE:** An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

**ADULT USE:** see "Sexually Oriented Business"

**AGRICULTURAL ADJACENCY SETBACK:** see "Setback, Agricultural Adjacency"

**AGRICULTURAL BUSINESS:** Establishments primarily engaged in supplying goods and services to the agricultural community including, but not limited to: tractor and farm implement sales, grain elevators, stock yards, farming machinery sales, farm machinery repair, soil preparations services, crop services, landscaping services, horticultural services and greenhouses, veterinary and other animal services including breeding, boarding and agricultural-related auctioning, farm labor and management services.

**AGRICULTURAL ENTERTAINMENT:** Agricultural uses that focus more on educational events and entertainment for profit, than on traditional agricultural activities, including, but it not limited to, demonstration farms, petting zoos, and crop mazes.

**AGRICULTURAL PROCESSING, MAJOR:** Activities involving a variety of operations on crops or livestock which may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These uses include but are not limited to slaughterhouses, mills, refineries, canneries, and milk processing plants.

**AGRICULTURAL PROCESSING, MINOR:** Activities uses for crop production, which involve a variety of operations on crops after harvest to prepare them for market, or further processing and packaging at a distance from the agricultural area. These uses shall include but are not limited to cleaning, milling, pulping, drying, roasting, hulling, storing, packing, honey process, selling and other similar activities.

**AGRICULTURAL PRODUCTS AND CHEMICAL SALES, DISTRIBUTION, AND STORAGE:** A principal use engaged in the sale or rental of farm tools and equipment, grain, seeds, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the principal use.

**AGRICULTURAL ROADSIDE STAND:** A removable, temporary structure, not permanently affixed to the ground, used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored behind the front building line of the property at the conclusion of the seasonal sales. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall not be more than one roadside stand on any one premise.

**AGRICULTURAL PRODUCTS TERMINAL:** A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

**AGRICULTURAL STRUCTURE:** A structure located on agriculturally used property and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the agricultural use. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

**AGRICULTURAL USE, LOW INTENSITY:** Farming, including but not limited to plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting operations); the grazing or raising of livestock (excluding CAFO and CFO operations); Aquaculture; orchards; viticulture (vineyard); Christmas tree farms; and agricultural roadside stands.

**AGRICULTURE:** The production of crops and livestock useful to man and the harvesting, storage and primary processing of agricultural products produced on the premises. Agricultural crops include: living plants used for human food, fiber, animal feed and forage; tree and vine crops, and other field crops. Also included are extensive horticultural enterprises where a product is raised for sale. Agricultural livestock production includes the raising, breeding and maintaining of apiaries and food animals such as: horses, cattle, swine, sheep, goats, fowl, fish and fur bearing animals raised for their pelts. The operation of any non-agricultural uses shall be secondary to that of the normal agricultural activities. "Agriculture" shall not include feed lots, stock yards, or the common feeding of garbage or offal to swine or other animals. See also "Farm."

**AIR POLLUTION:** Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of characteristics and duration that are injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

**AIRPORT:** Any runway, land area, or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

**AIRPORT, PRIVATE USE:** An airport that is for the exclusive use of the owner or other persons specifically authorized by the owner.

**AIRPORT, PUBLIC USE:** An airport, whether privately or publicly owned, which the owner or persons having a right of access and control invite, encourage or allow flight operations by the general public without prior authorization, and which usually has commercial operations.

**AIRPORT-RELATED USE:** A use or activity whose purpose or function is primarily or partially dependent on location or access to the operational area of a public use airport, or whose functions are directly or indirectly necessary for the daily operations and economic viability of a full-service public use airport to include but not be limited to all necessary navigation and flight operation facilities, and accessory uses such as terminal, storage, and servicing facilities for aircraft, air research facilities, and restaurant, hotel, or motel facilities and similar related services for the comfort and accommodation of air crews, air passengers and the public

**AIRSPACE DEFINITIONS:** The following definitions shall be used for the Airspace Overlay District and elsewhere within this Ordinance when referring to Airports:

1. **Airport Conical Surface Area:** The land area beginning at the periphery of the Airport Horizontal Surface Area and thence extending outwardly a distance of four thousand (4,000) feet – such Airport Conical Surface Area does not include, however, the Airport Instrument Approach Surface Areas and Airport Transitional Surface Area.
2. **Airport Horizontal Surface Area:** The land area, the perimeter of which is determined by projecting arcs from the center of the inner line of each Airport Instrument Approach Surface Area with the dimension of such arcs for instrument approach surface areas being ten thousand (10,000) feet – such Airport Horizontal Surface Area does not include, however, the Airport Instrument Approach Surface Area and Airport Transitional Surface Area.
3. **Airport Instrument Approach Surface Area:** The land area located at each end of each instrument Runway for landings and take-offs - such Airport Instrument Approach Surface Area having a width of one thousand (1,000) feet at a horizontal distance of two hundred (200) feet beyond each end of the Runway and widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of the Runway, its centerline being the continuation of the Runway centerline.
4. **Airport Landing Area:** The area of the airport used for the landing, taking-off or taxiing of aircraft.
5. **Airport Transitional Surface Area:** The land area located adjacent to each instrument Runway - such Airport Transitional Surface Area extending outward as indicated on the official Zoning Map from a line five hundred (500) feet of either side of the centerline of an instrument Runway plus two hundred (200) feet at each end thereof, to the inner line of the Airport Horizontal Surface Area; further symmetrically located adjacent to each instrument Runway Airport Instrument Approach Surface Area, on each side thereof, having variable widths, as indicated on the official Zoning Map, and extending the entire length of such Airport Instrument Approach Surface Area to their intersection with the outline of the Airport Conical Surface Area; and further located beyond such points of intersection, beginning at the out lines of the Airport Instrument Approach Surface Area and extending a horizontal distance of five thousand (5,000) feet therefrom, measured at right angles to the continuation of the Runway centerline, as indicated on the Airspace Overlay District Map.

- 6. **Airspace Hazard:** Any Structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace" or "airport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.
- 7. **Instrument Runway:** A Runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.
- 8. **Public Airport:** An airport publicly owned or operated, designated as a "public airport" on the official Zoning Map, for which an Airspace District is established by this section.
- 9. **Runway:** The surface of the airport used for landing and taking-off of aircraft.

**AISLE:** The traveled way by which cars enter and depart parking spaces.

**ALLEY:** A right-of-way, other than a street, road, crosswalk, or easement, designed to provide a secondary means of access for abutting properties.

**ALLEY LINE:** A Lot Line bordering on an Alley.

**ALTERATION:** Any change, addition, or modification in construction or use of an existing structure or property. See also "Addition."

**ALTERATION, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams, foundations or girders.

**AMATEUR RADIO TOWER:** A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

**AMEND OR AMENDMENT:** Any repeal, modification, or addition to a regulation, or any new regulation.

**AMENITY:** A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.

**ANIMAL:** Any live vertebrate creature, domestic or wild, excluding human beings.

- 1. **Exotic Animal:** Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, and is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
- 2. **Farm Animal:** Any domestic species of cattle, sheep, swine, goats, llamas, horses, or poultry which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, for improving the quality of food or fiber, or for transportation. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas.
- 3. **Pet Animal:** Any animal that has commonly been kept as a pet in family households in the United States, and is cared for and treated in a manner acceptable for pet dogs, cats, guinea pigs, rabbits, hamsters, and birds. This term excludes exotic animals and wild animals.
- 4. **Wild Animal:** Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, and wolf.

**ANIMAL AND ANIMAL PRODUCTS PROCESSING:** The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products.

**ANIMAL BOARDING AND STABLES** (excluding kennels): Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, fowl, horses, or other similar domesticated animals for profit, but exclusive of animals used for agricultural purposes.

**ANIMAL SHELTER:** A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. Animal shelter includes facilities for adoption, medical treatment, and cremation.

**ANTENNA:** Any system of wires, poles, rods, reflecting discs, or similar devices used for the purpose of receiving and/or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes external to, or attached to, the exterior of any building.

**ANTIQUÉ SHOP:** Any premises used for the sale or trading of articles of which eighty percent (80%) or more are over thirty (30) years old or have collectible value. Antique shop does not include a secondhand store.

**APARTMENT:** see "Dwelling, Apartment"

**APPAREL SHOP:** Retail stores where clothing is sold or accepted for sale at retail prices.

**APPEAL:** A request for a review of the Director or Floodplain Administrator's interpretation of any provision of this Ordinance.

**APPLICANT:** The owner of real estate or an appointed agent of an owner, who makes application to the Hendricks County Planning and Building Department for action by the Hendricks County Area Plan Commission or Board of Zoning Appeals. See also "Petitioner."

**APPLICATION:** The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this Ordinance.

**APPURTENANCE:** A minor element of a larger structure, such as a bay window, stairs, light post, etc.

**ARBORIST:** An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of trees.

**ARCADE (recreational):** A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

**ARCADE (architectural):** An area contiguous to a street or plaza that is open and unobstructed to a height of not less than twelve (12) feet and that is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, pools, or fountains shall be considered part of the arcade. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways. The floor of any arcade shall be level with the adjoining street or plaza.

**ARCHERY RANGE:** A facility designed and/or used for target practice with bows and arrows.

**AREA PLAN COMMISSION:** The Hendricks County Area Plan Commission.

**ART OR PHOTO GALLERY:** A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public. This does not include libraries or museums.

**ARTERIAL:** see "Thoroughfare, Street or Road"

**ASSEMBLY FACILITY:** A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions. See also "Banquet Hall."

**ASSISTED LIVING FACILITY:** A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be sixty-five (65) years of age or over, or a multiple family structure where each unit is occupied by at least one person who is fifty-five (55) years of age or over and is retired, and where the rental arrangement includes primarily non-medical services dealing with the instrumental activities of daily living such as dressing, grooming, bathing, etc.

**ATHLETIC FIELD:** A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

**AUCTION FACILITY (excluding livestock):** A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

**AUTOMOBILE:** see "Motor Vehicle"

**AWNING:** Any structure made of cloth, metal, or glass with a frame attached to a building and projecting over a window, sidewalk, or door, when the same is so erected as to permit its being raised or retracted to a position flat against the building when not in use.

**BAKERY (retail):** An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

**BAKERY (wholesale):** A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

**BALCONY:** A platform that projects from the wall of a building and is surrounded by a railing or parapet.

**BANK:** A facility for the custody, loan, or exchange of products, typically money. Also included is the extension of credit and facilitating the transmission of funds.

**BANQUET HALL:** An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premise consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. See also "Assembly Facility."

**BAR / TAVERN:** A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

**BARBER SHOP:** Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

**BASE FLOOD ELEVATION:** see "Floodplain Management"

**BASEMENT:** A story all or partly underground but having at least one-half (½) of its interior height below the average finished grade adjoin-

ing ground. A basement shall not be counted as a story for the purpose of height regulations unless it has been subdivided into rooms and used for tenant purpose.

**BEACON:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**BEAUTY SALON:** Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

**BED AND BREAKFAST ESTABLISHMENT:** A house, or portion of a house, where short-term lodging rooms and meals are provided for compensation. The operator of the establishment shall live on the premises or in an adjacent premise. Guest rooms are not intended to be used for cooking or eating, however, meals may or may not be provided.

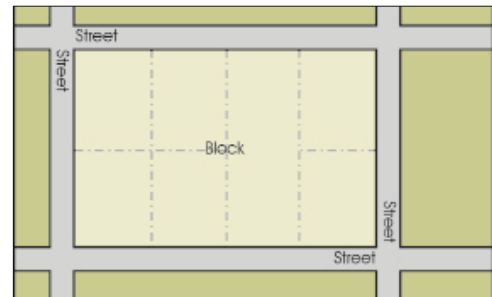
**BERM:** A man-made mound of earth of definite height and width used for landscaping and obscuring purposes.

**BEST MANAGEMENT PRACTICES:** The utilization of the natural environment, artificial structures, scheduling, and/or prohibition to ensure the long-term operation and maintenance of features that control stormwater filtration, erosion and/or the discharge of polluting elements.

**BIG BOX RETAIL:** A retail or wholesale department store business, greater than 35,000 square feet in floor area, often rectangular in building shape and mass. See also "Business, Retail, Large Scale."

**BILLIARD ROOM (POOL HALL):** A business establishment containing more than two pool or billiard tables for the use by patrons where pool or billiard activities are the principal use.

**BLOCK:** A unit of property bounded by street rights-of-way, railroad rights-of-way, or waterways.



**BLOCK FACE:** One (1) edge of a block that lies between street or railroad rights-of-way, or waterways, and faces the street.

**BOARD:** The Board of Zoning Appeals (BZA).

**BOARD OF ZONING APPEALS (BZA):** A board established consistent with the Indiana Code 36-7-4-900 series. The Hendricks County Board of Zoning Appeals is the Board of Zoning Appeals referred to by this Ordinance.

**BOARDING HOUSE:** An establishment offering rooms for rent, where meals are regularly served from a single kitchen (not open to the general public) for compensation for three (3) or more persons, but not exceeding twelve (12) persons. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels, or motels.

**BOAT STORAGE FACILITY:** A structure or area designed for the storage of watercraft and marine equipment.

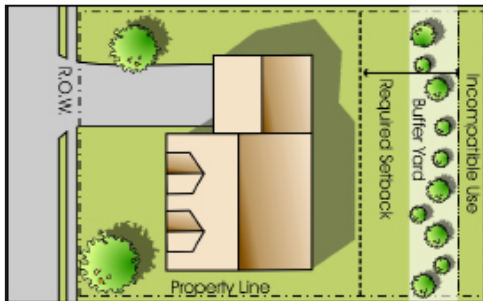
**BOOKSTORE:** A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

**BOND:** see "Performance Guarantee or Surety"

**BOTTLE GAS STORAGE AND DISTRIBUTION:** The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

**BOWLING ALLEY:** An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A bowling alley may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

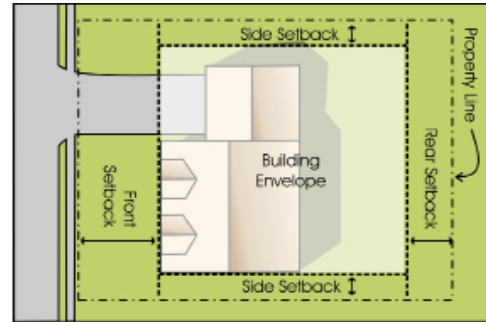
**BUFFER YARD:** An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to visibly separate one use from another through the use of trees, shrubs, walls, fences, berms, other related landscaping features. Buffer yards are intended to: help maintain existing trees or natural vegetation; maintain privacy; or to shield / block sound, noise, light, odor, chemicals, or other nuisances. Buffer yards can exist in the same horizontal space as front, side, and rear setbacks provided that the largest setback distance shall be met.



**BUILD-TO LINE:** A line parallel to the front property line indicating the distance from the front property / right-of-way line at which principal structures must be built. A built-to line is neither a minimum or a maximum, but rather a specific requirement. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

**BUILDABLE AREA:** The three dimensional portion of a lot remaining after the setback, easement, buffers, maximum height, landscaping, or open

space requirements of this Ordinance have been met. Also referred to as "Building Envelope."



**BUILDING:** Any structure that is primarily above ground and enclosed, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building. See also "Structure."

**BUILDING, ACCESSORY:** A subordinate building or structure on the same property or on an approved property as the principal building or structure. See also "Structure, Accessory."

**BUILDING, ATTACHED:** A building that is structurally connected to another building by a foundation, wall, or roof line.

**BUILDING CODE:** The County Ordinance establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters within the County; also referred to as the Building Code of Hendricks County, Indiana, Ordinance No. 1987-13 and all subsequent amendments.

**BUILDING, DETACHED:** A building having no structural connection with another building.

**BUILDING FINISHES STORE:** A store devoted to the sale of wall treatments, window treatments, floor coverings, cabinets, and other building finishes.



**BUILDING, FRONT LINE OF:** The line of the face of the building nearest the front Lot Line.

**BUILDING HEIGHT:** see "Height"

**BUILDING INSPECTOR:** That individual designated by the Planning and Building Director to enforce the provisions of the building code.

**BUILDING, PRINCIPAL:** The building or structure in which is conducted the principal use of the lot on which it is located. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building. Standards recognized by the Indiana Department of Fire and Building Services shall be used to determine whether a given structure constitutes one (1) or more buildings in cases where ambiguities exist. See also "Structure, Principal."

**BUILDING SETBACK LINE:** see "Setback Line"

**BUILDING SUPPLY STORE:** A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the building supply retail sales.

**BULK STORAGE:** The process of housing or storing materials and packages in larger quantities, generally using the original packaging or shipping containers or boxes.

**BUS OR TRAIN TERMINAL:** A centralized and/or primary community facility for the transient housing or parking of motor driven buses, trains, or similar mass transit modes of transportation, and the loading and unloading of passengers.

**BUSINESS:** Any establishment which produces goods, or distributes goods and services, for which compensation may or may not be required.

**BUSINESS, COMMERCIAL SERVICE:** Establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, photo processing, barber and beauty shops, dance/martial arts/gymnastics studios, salon, nail and tanning.

**BUSINESS, RETAIL:** Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but need not be limited, to such activities as: supermarkets or stores that sell hardware, apparel, footwear, appliances, furniture, department stores, and discount stores. Also includes the maintenance or operation of offices.

**BUSINESS, RETAIL, SMALL SCALE:** Any retail business that is less than 15,000 square feet in floor area. This use may include, but shall not be limited to: antique shop, flower shop, grocery store / supermarket, jewelry store, news dealer / bookstore, office supply store, pharmacy, print shop / copy center, shopping centers ( $\leq$  15,000 sf), and video/music store.

**BUSINESS, RETAIL, MEDIUM SCALE:** Any retail business that is greater than 15,000 square feet, but less than 35,000 square feet in floor area. This use may include, but shall not be limited to: building supply store, department store, home electronics / appliance store, manufactured home sales, and nursery (retail and wholesale).

**BUSINESS, RETAIL, LARGE SCALE:** Any retail business that is greater than 35,000 square feet in floor area. Includes "big box" stores, superstores, and department store bulk sales. This use may include, but shall not be limited to: "big box" stores, superstores, department store bulk sales, or mall/outlet shopping centers. See also "Big Box Retail."

**BUSINESS, WHOLESALE:** A business establishment that generally sells commodities in large quantities or by the piece to retailers, jobbers,

other wholesale establishments, or manufacturing establishments. The commodities are basically for future resale, for use in the fabrication of a product or for use by a business service.

**BUSINESS/FINANCIAL SERVICES OFFICE:** Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

**BZA:** see "Board of Zoning Appeals"

## C

**CAFO:** see "Concentrated Animal Feeding Operation"

**CAMPGROUND:** Any area or tract of land on which facilities are established or maintained to provide an opportunity in outdoor group living or family camping and for the purpose of temporarily engaging in recreation, health, education, sectarian or tourist related activities away from established residences. Intended for short term and/or seasonal occupancy by campers through the use of recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations, but not including manufactured homes.

**CAMPUS:** An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

**CANOPY:** Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

**CANOPY, GASOLINE ISLAND:** Any structure made of metal with frames attached to the ground or a building, that projects over gasoline islands or pumps.

**CAR WASH:** A building or part of a building containing facilities for washing more than two (2) automobiles within self-service open bays, or using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical device and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

**CARPORT:** A covered automobile parking space not completely enclosed by walls or doors.

**CEMETERY:** Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, columbariums, mausoleums, and mortuaries if operated in connection with and within the boundaries of a cemetery.

**CENTRAL SEWERAGE SYSTEM:** see "Sewer, Central or Group"

**CENTRAL WATER SYSTEM:** see "Water System, Central"

**CERTIFICATE OF COMPLETION:** A required certificate for any non-roofed structure, including but not limited to signs and pools, that allows use of the structure after it has been determined that the structure meets all of the requirements of applicable ordinances.

**CERTIFICATE OF OCCUPANCY:** A required certificate allowing occupancy or use of a building or structure after it has been determined that the building or structure meets all the requirements of applicable County codes and ordinances, and state and federal regulations.

**CFO:** see "Confined Feeding Operation"

**CHANGE OF USE:** Any use which substantially differs from the previous use of a building or parcel of land.

**CHURCH:** see "Place of Worship"

**CLINIC:** A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric services and similar uses for outpatient only.

**CLUB:** see "Lodge or Private Club"

**CLUSTER DEVELOPMENT:** A development design technique that concentrates buildings/structures in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of historic or environmentally sensitive features.

**CLUSTER SUBDIVISION:** see "Cluster Development"

**COFFEE SHOP:** An informal restaurant that primarily serves non-alcoholic beverages, including coffee and tea, as well as desserts and limited food items.

**COLLEGE:** see "Educational Institution"

**COLLECTOR:** see "Thoroughfare, Street or Road"

**COMMERCIAL SERVICE:** see "Business, Commercial Service"

**COMMERCIAL ZONING DISTRICT:** A zoning district primarily intended to provide areas for commercial development. Includes the NB, GB, HB, and PB zoning districts.

**COMMISSION:** The Area Plan Commission of Hendricks County, Indiana as established under Indiana Code 36-7-4-200.

**COMMISSIONERS, BOARD OF COUNTY:** The Board of County Commissioners of Hendricks County, Indiana as established under Indiana Code 36-6.

**COMMON AREA:** Land within a development which is not individually owned or dedicated to the public, but which is designed and intended

for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The common area may include complimentary structures and/or other improvements.

**COMMON OWNERSHIP:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one (1) common stockholder, partner, or associate.

**COMMUNICATIONS SERVICE EXCHANGE:** A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

**COMMUNITY CENTER:** A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

**COMPATIBLE:** Having harmony and consistency in design, function, and/or appearance.

**COMPOSTING FACILITY:** An off-site facility where the organic component of municipal solid waste is decomposed under controlled conditions. Organic components could include leaves, yard trimmings, wood debris, manure, or other elements.

**COMPREHENSIVE PLAN:** A plan adopted by the Board of County Commissioners showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the County.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO):** As defined in IC 13-11-2-38.3 and 40 CFR 122.23. According to 327 IAC 5-4 and 327 IAC 15-15, as amended:

1. Confinement
  - a. Animals must be stabled or confined and fed for at least 45 days in any 12 month period
  - b. Crops, vegetation, forage growth, or post-harvest residue not sustained in the normal growing season over at least 50% of the lot or facility
2. Minimum number of animals
  - a. 700 dairy cows
  - b. 1,000 veal calves or mature cattle other than dairy or veal
  - c. 2,500 swine over 55 lbs
  - d. 10,000 swine under 55 lbs
  - e. 500 horses
  - f. 10,000 sheep
  - g. 55,000 turkeys
  - h. 30,000 laying hens or broilers (liquid manure system)
  - i. 125,000 chickens (dry manure system)
  - j. 8,200 laying hens (dry manure system)
  - k. 30,000 ducks (dry manure handling)
  - l. 5,000 ducks (liquid manure handling)

**CONCEPT PLAN:** An illustration of the layout of a proposed planned unit development, required prior to a PUD rezoning consideration, and prior to the filing of a Preliminary Plan for a PUD or a Primary Plat for a subdivision.

**CONCRETE/ASPHALT PRODUCTION FACILITY:** A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

**CONDITION OF APPROVAL:** Stipulations or provisions set forth as a prerequisite for approval of an application.

**CONDOMINIUM:** Real estate lawfully subject to IC 32-25, as amended: Condominiums by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners. Also, a form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners.

**CONFERENCE/CONVENTION CENTER:** A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping (hotel space), eating, and recreation. A conference center is not designed to be utilized only by the general public for overnight purposes.

**CONFINED FEEDING:** The confined feeding of animals is as defined in the Indiana Code 13-11-2-39, as amended.

1. The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:
  - a. animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
  - b. ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
2. The term does not include the following:
  - a. A livestock market:
    - 1) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
    - 2) that is under state or federal supervision.
  - b. A livestock sale barn or auction market where animals are kept for not more than ten (10) days.

**CONFINED FEEDING OPERATION (CFO):** Confined feeding operation is as defined in the Indiana Code 13-11-2-40, as amended.

1. Any confined feeding of:
  - a. at least three hundred (300) cattle;
  - b. at least six hundred (600) swine or sheep; and
  - c. at least thirty thousand (30,000) fowl;
2. Any animal feeding operation electing to be subject to IC 13-18-10, as amended; or
3. Any animal feeding operation that is causing a violation of:
  - a. water pollution control laws;
  - b. any rules of the water pollution control board; or
  - c. IC 13-18-10, as amended.

**CONSERVATION AREA:** Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas includes but are not limited to: fresh water marshes or wetlands, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other than natural beaches or dunes), sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.

**CONSERVATION EASEMENT:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded condition or agricultural uses; retaining those areas as suitable habitat for fish, plants, or wildlife; maintaining existing land uses.

**CONSTRUCTION, ACTUAL:** Work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent. Actual construction includes the placing of construction materials in a permanent position and fastened in a permanent manner. 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 out diligently.

**CONSTRUCTION, NEW:** Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**CONSTRUCTION SERVICES:** Any of the activities commonly referred to as construction and shall include without limiting thereby, plumbing, heating, roofing, interior remodeling, excavating.

**CONSTRUCTION, START OF:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**CONSTRUCTION TRAILER:** A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

**CONSTRUCTION PLANS:** Drawings that detail the specific location and design of utilities, streets, and other improvements.

**CONTIGUOUS:** see "Abut or Abutting"

**CONTRACTOR SERVICES:** Any building, structure or lot utilized by a business that specializes in assisting building construction and remodeling. Contractor services include, but are not limited to: heating, air conditioning, painting, plumbing and roofing.

**CONTRACTOR'S WAREHOUSE/STORAGE YARD:** An unenclosed portion of a lot or parcel upon which a construction contractor maintains a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor.

**CONVALESCENT CARE/NURSING HOME:** A home, licensed by the state, for the aged or chronically or incurably ill persons in which five (5) or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**CONVENIENCE STORE:** A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

**CONVERSION:** A change in the use of land or structure.

**COUNTRY CLUB:** An establishment operated for social or recreational purposes that is open only to members and not to the general public.

**COUNTY:** Hendricks County, Indiana.

**COUNTY OWNER INSPECTION AGREEMENT:** A document which establishes the contractual relationship between the developer of a subdivision and the County for the installation of improvements in accordance with the standards and specifications set forth in this Ordinance.

**COURT:** An open, unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

**COVENANTS:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the developer, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

**CREMATORY:** An establishment containing a furnace (called a retort) used for the cremation of human remains. A crematory may be owned by or deal directly only with funeral homes, or may have open access to the public. Also called a crematorium.

**CROP PROCESSING AND STORAGE:** The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

**CROP PRODUCTION:** The production and management of agricultural crops, including planting, cultivation, and harvesting.

**CROSSWALK:** A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

**CUL-DE-SAC:** see "Thoroughfare, Street or Road"

**CURB:** A concrete boundary marking the edge of a street or other paved area and providing for a change in grade between the street surface and the adjacent unpaved portions of the street right-of-way.

**CURB CUT:** The providing of vehicular ingress and/or egress between property and an abutting public street.

**CURB RADIUS:** The curved edge of a street, driveway, or other paved area at an intersection with another street, driveway, or other paved area.

**CUT:** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

## D

**DANCE/MARTIAL ARTS/GYMNASTICS STUDIO:** An establishment where patrons learn and/or practice dance, martial arts, or gymnastics.

**DATA PROCESSING/CALL CENTER:** Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

**DAY CARE CENTER (child/adult):** As defined by IC 12-7-2-28.4, as amended, and for the purposes of this Zoning Ordinance, a non-residential building where at least one (1) child or adult receives care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

**DAY CARE HOME (child/adult):** As defined by IC 12-7-2-28.6, as amended, and for the purposes of this Zoning Ordinance, a residential structure in which at least six (6) children or adults (not including those for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14)

years of age and does not require child care) at any time receive care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care homes and Class II child care homes as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8, as amended.

**DEAD-END STREET:** see "Thoroughfare, Street or Road"

**DEALERSHIP OUTDOOR DISPLAY AREA:** An area of designated size for the placement of automobiles, recreational vehicles, motorcycles, trucks, trailers and farm implements, new or used for sale outside of the building or structure. This does not include areas to be designated for customer & employee parking or service areas.

**DECK:** A platform, either freestanding or attached to building that is supported by pillars or posts.

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

**DECIDUOUS TREE:** see "Tree, Deciduous"

**DEDICATION:** The intentional setting apart of land or interests in land for use by Hendricks County.

**DEFECTIVE LANDSCAPING:** see "Landscaping, Defective."

**DELICATESSEN (Deli):** An establishment where food is sold for consumption either on or off premises, excluding groceries and supermarkets.

**DENSITY:** A unit of measurement that indicates the number of units per acre of land.

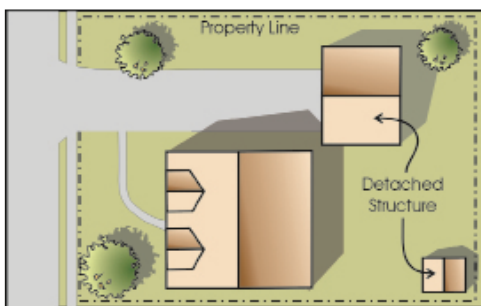
1. **Gross Density:** A number of units per acre of the total land to be developed, including public rights-of-way and dedicated open space.
2. **Net Density:** A number of units per acre of land when the acreage involved includes only the land devoted to intended uses and common open space, and excluding public rights-of-way and dedicated open space.

**DEPARTMENT STORE:** A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

**DESIGN:** A planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer's mind.

**DESIGNATED ENFORCEMENT ENTITY:** The board, commission, person, or other entity charged with enforcing a violation of the Zoning Ordinance.

**DETACHED STRUCTURE:** A building that has no structural connection with the principal structure.



**DETENTION BASIN:** An area that is designed to temporarily hold specific quantities of stormwater and to gradually release the stormwater into an identified body of water or waterway at a sufficiently slow rate to avert flooding.

**DEVELOPER:** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site Development Plan showing the layout of the land and the public improvements involved therein.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Installing utilities, erection of walls, construction of roads, or similar projects;
3. Construction of flood control structures such as levees, dikes, dams, or channel improvements;
4. Mining, dredging, filling, grading, excavation, or drilling operations;
5. Construction or reconstruction of bridges or culverts;
6. Storage of materials; or
7. Any other activity that might change the direction, height, or velocity of flood or surface waters.
8. Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**DEVELOPMENT PLAN:** Also referred to as Site Development Plan or Site Plan. A detailed, dimensioned plan that illustrates the proposed development or alterations of a site, which would normally include architectural, engineering, landscape architectural, lighting and signage plans, prepared in accordance with the rules and regulations of Hendricks County, and submitted to the Plan Commission or other designated body or authority for review and approval.



**DEVELOPMENT PLAN REVIEW:** A process through which adaptive reuse, new development, and structural/site expansions of more than thirty percent (30%) for all multifamily, commercial or industrial development, and major residential subdivisions must proceed according to the provisions of this Zoning Ordinance.

**DEVELOPMENT STANDARDS:** Regulations provided by this Ordinance that provide specific conditions for the development and use of buildings/structures and property.

**DIRECTOR:** see "Planning and Building Director"

**DISTANCE BETWEEN STRUCTURES ON SAME LOT, MINIMUM:** This distance, measured between the points of shortest distance on the exterior facades of two (2) structures, shall determine the minimum separation of multiple structures within one (1) developed lot.

**DISTRIBUTION CENTER:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. See also "Warehouse."

**DISTRIBUTION FACILITY:** A use where goods are received and/or stored for delivery to the final consumer at remote locations.

**DISTRICT, ZONING:** see "Zoning District"

**DISTRICT:** An area with common social, physical, economic, or land use characteristics.

**DORMITORY:** A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

**DOUBLE FRONTAGE LOT:** see "Lot, Through"

**DRAINAGE:** The outflow of water or other fluids from a site through either natural or artificial means.

**DRAINAGE, SUBSURFACE:** A system of pipes, tile, conduit or tubing installed beneath the ground surface and used to collect ground water from individual parcels, lots or building footings.

**DRAINAGE, SURFACE:** A system by which storm water runoff is conducted to an outlet. This includes the proper grading of parking lots, streets, driveways, yards, etc. so that storm water runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

**DRAINAGE SWALE:** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, and used to conduct surface water from a field, diversion, or other site feature.

**DRAINAGE SYSTEM:** All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

**DRIP LINE:** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

**DRIVE, PRIVATE:** see "Street, Private"

**DRIVE-IN FACILITY:** Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle during such business transactions.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure intended for motor vehicle access.

**DRIVEWAY, COMMON:** An access shared by adjacent property owners.

**DRIVING RANGE:** An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack-bar and pro-shop, but does exclude golf courses and miniature golf courses.

**DRY CLEANERS:** An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

**DUMPSTER:** A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

**DUPLEX:** see "Dwelling, Two-Family"

**DWELLING:** Any building, or portion of a building, which is designed or used primarily for residential purposes, including single-family, two-family and multifamily; but not including hotels, motels, boarding houses, lodging houses and tourist housing. Any building or part of a building containing living, sleeping and housekeeping accommodations, and sanitary facilities for occupancy by one (1) or more families.

**DWELLING, ACCESSORY APARTMENT:** A dwelling unit designed for and occupied by one (1) family or single unit of housekeeping, and secondary to a principal use of the property, for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation, and sleeping. Accessory apartments shall be clearly subordinate to the principal use in both size and location.

**DWELLING, APARTMENT:** A dwelling unit in a structure arranged, intended, designed, or occupied on a rental basis for the housing of a single-family, an individual, group of individuals, or other single housekeeping unit.

**DWELLING, INDUSTRIALIZED UNIT:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient, and when installed constitutes a dwelling unit, except for necessary preparation for its placement.

**DWELLING, MANUFACTURED HOME:** As defined in 42 USC 5402, and for the purposes of this Ordinance, a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

**DWELLING, MOBILE HOME:** As defined by IC 16-41-27-4, as amended, and for the purposes of this ordinance, a dwelling, including the equipment sold as a part of the dwelling, that: is factory assembled; is transportable; is intended for year-round occupancy; is designed for transportation on its own chassis; and was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.).

**DWELLING, MULTI-FAMILY:** A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls. Individual kitchen/dining and restroom/bathing facilities shall be provided in each separate dwelling unit. Multi-family housing may include public housing and industrialized units. The number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE FAMILY, ATTACHED:** Single-family units, not more than three (3) in any one (1) building, which are physically attached,

one to another, by a combination of common or adjoining vertical walls or floors which have individual heating and plumbing systems. Includes two-family dwellings.

**DWELLING, SINGLE FAMILY:** A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. This definition includes Manufactured Homes that are approved by the Indiana Residential Code (IRC).

**DWELLING SITE:** A site within a manufactured home park with required improvements and utilities that is leased for the long term placement of manufactured homes.

**DWELLING, TWO-FAMILY:** A building consisting of two (2) dwelling units which may be either attached side by side, or one above the other; and each unit having a separate or combined entrance or entrances from the outside of the building.

**DWELLING UNIT:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including sleeping, cooking, and sanitary facilities. The term shall include manufactured homes but shall not include recreational vehicles.

## E

**E.I.F.S.:** Acronym for Exterior Insulation Finishing System, a construction siding material.

**EASEMENT:** Authorization by a property owner for the use of a designated part of the subject property by specific persons, the general public, corporations, utilities, or others, for a specified purpose, of any.

**EDUCATIONAL INSTITUTION, P-12:** A public or private facility that provides a curriculum of

elementary, or secondary instruction, including kindergartens, elementary schools, junior high schools, and high schools. For the purposes of this Zoning Ordinance, in-home schooling is not considered an educational institution. Includes "Educational Institution, Kindergarten / Pre-school."

**EDUCATIONAL INSTITUTION, EXCLUDING P-12:** A public or private facility that provides a curriculum of collegiate academic instruction, including technical and collegiate level courses. Includes:

1. **University or college:** An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.
2. **Trade or Business School:** A school conducted as a commercial enterprise that provides on-site training for business or secretarial skills, instrumental music, dancing, barbering or hair dressing, drafting, and the like; or for industrial or technical arts. Includes vocational schools and career centers.

**EDUCATIONAL INSTITUTION, KINDERGARTEN / PRESCHOOL:** A preschool for children who are ages 4-6 years. This type of educational facility can be part of a public school system and taught during the year preceding first grade. Included within "Educational Institution, P-12."

**EDUCATIONAL INSTITUTION, PRIVATE:** Non-state supported or sponsored primary, grade, high, or preparatory school, or academy.

**EGRESS:** An exit.

**ELECTRIC APPLIANCE SHOP:** A retail store that sells electric appliances used for domestic functions including, but not limited to, washers, dryers, refrigerators, freezers, ovens/ranges, dishwashers, vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios, and food processors.

**ELECTRONIC VARIABLE MESSAGE SIGNS (EVMS):** A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

**ELEVATED STRUCTURE:** A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

**ELEVATION:** A flat scale drawing of the front, rear, or side of a building.

**EMPLOYMENT SERVICE:** An establishment that seeks and identifies available jobs for patrons seeking employment.

**ENLARGEMENT:** An increase in size of an existing structure or use.

**ENTERTAINMENT, COMMERCIAL OUTDOOR:** Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include, but not limited to, sports arenas, motor vehicle or animal racing facilities, and amusement parks.

**ENTERTAINMENT COMPLEX:** An structure or facility with a variety of uses that provide entertainment and supporting uses to the public, including, but not limited to theaters, restaurants, plazas, outdoor cafes, kiosks, retail shops, night clubs, comedy clubs, and dancing.

**EQUIPMENT, MECHANICAL:** see "Mechanical Equipment"

**ESSENTIAL SERVICES, MAJOR:** Services of a regional nature that normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and stations or substations, community waste water treatment plants, and similar facilities. Included in this use type are also electric, gas, and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the state and all overhead service, distribution and transmission lines.

**ESSENTIAL SERVICES, MINOR:** Services that are necessary to support development within the immediate vicinity and that involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are wireless telecommunication antennas attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and that do not increase the height of such building or structure by 10 feet.

**EVERGREEN TREE:** see "Tree, Evergreen"

**EXCAVATION:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these regulations.

**EXPANSION TO AN EXISTING MANUFAC-**

**TURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXPLOSIVE MANUFACTURING AND STORAGE:** The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

**EXTERNAL ILLUMINATION:** see "Illumination, External"

## F

**FABRICATION FACILITY:** An establishment where employees and machinery are used to assemble product components created off-site.

**FACADE:** The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building elevation.

**FAIRGROUNDS:** An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

**FAMILY:** Defined as:

1. one (1) or more persons related by blood, marriage, adoption or other duly-authorized custodial arrangement; or
2. not more than four (4) unrelated persons living together in a dwelling sharing common sleeping, cooking, living, and eating facilities; or

3. residents of a Group Home (see "Group Home") licensed by the State of Indiana.

4. A family does not include any society, club, fraternity, sorority, group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, assisted living facility, nursing home, or club.

**FARM:** A tract of land devoted to agricultural operations along with buildings and equipment essential to agricultural production and primary processing. A farm shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals. See also "Agriculture."

**FARM ANIMAL:** see "Animal"

**FARM (confined feeding):** see "Confined Feeding"

**FARM CO-OP. FACILITY:** A cooperative business owned by farmers to produce and/or store and market agricultural products.

**FARM EQUIPMENT SALES AND SERVICE:** A use primarily engaged in the sale/rental and/or service of farm tools and implements, and/or the sale of feeds, grain, tack, animal care products, and farm supplies. Does not include the sale or distribution of agricultural chemicals, including fertilizer.

**FARM STRUCTURE:** Any permitted building or structure used for agricultural purposes.

**FARMER'S MARKET:** The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

**FAST FOOD RESTAURANT:** see "Restaurant, Fast Food"

**FBFM:** see "Floodplain Management"

FEMA: see "Floodplain Management"

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FENCE, BARBED-WIRE/RAZOR-WIRE: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

FENCE, STOCKADE (100% opaque): A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

FERTILIZER SALES, DISTRIBUTION, AND STORAGE: An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

FHBM: see "Floodplain Management"

FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

FILLING STATION: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, minor repair, tune-ups and adjustments may be performed. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station shall not be construed as a repair

garage or a body shop. Furthermore, car washes and the sale of convenience goods, such as pre-packaged foods and drinks, may be permitted as an accessory use.

FINANCIAL GUARANTEE: Any guarantee which may be accepted in lieu of a requirement that certain improvements be made before the Commission approves the secondary plat, including but not limited to, performance bonds, escrow agreements, letters of credit, deposit agreements, and other similar collateral or surety arrangements approved as valid and enforceable by the Commission. See also "Performance Bond or Surety Bond."

FINANCIAL INSTITUTION: Any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

FINISHED FLOOR AREA: see "Floor Area, Finished."

FIRE STATION: see "Police, Fire, or Rescue Station"

FIREWORKS SALES: The primary business is the retail sale of devices defined as fireworks by the State of Indiana.

FIRM: see "Floodplain Management"

FIS: see "Floodplain Management"

FITNESS CENTER: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

FIXTURE, LIGHT: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements that provide light output control, such as

a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**FLAG:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLAG LOT:** see "Lot, Flag"

**FLAT ROOF:** The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

**FLEA MARKET:** An occasional or periodic sales activity held, for profit, within a building, structure, or open area where groups of individual sellers offer goods new and used, for sale to the public, (not to include private garage sales) in rental spaces for a fee. Flea market shall not include informal garage or yard sales.

**FLEX SPACE:** A building, usually prefabricated, that provides the appearance of a "store front" with a designated use and generally includes an additional use located within the back of a building. Typically these buildings are designed to be multifunctional containing office or retail space in the front of the building along the "storefront" while other uses including office, retail, warehousing or light manufacturing are located in the rear of the building, hidden by the "store front" use.

**FLOOD:** see "Floodplain Management"

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM):** see "Floodplain Management"

**FLOOD INSURANCE RATE MAP (FIRM):** see "Floodplain Management"

**FLOOD INSURANCE STUDY (FIS):** see "Floodplain Management"

**FLOOD PROTECTION GRADE (FPG):** see "Floodplain Management"

**FLOODLIGHT:** A bulb or light fixture which projects light in a specific direction in a wide beam, typically 100 degrees or more.

**FLOODPLAIN:** see "Floodplain Management"

**FLOODPLAIN MANAGEMENT:** Words or phrases used in [Chapter 10: Floodplain Management](#) or other elsewhere within the Zoning Ordinance when referring to floodplain management issues are defined below:

1. **Area of Shallow Flooding:** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
2. **Base Flood Elevation (BFE):** The elevation of the one-percent annual chance flood.
3. **Basement:** That portion of a structure having its floor sub-grade (below ground level) on all sides.
4. **Community:** A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.
5. **Community Rating System (CRS):** A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.
6. **Critical Facility:** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

7. Elevation Certificate: A certified statement that verifies a structure's elevation information.
8. Emergency Program: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.
9. Encroachment: The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
10. Existing Construction: Any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.
11. Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.
12. Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. FEMA: The Federal Emergency Management Agency.
14. Five-Hundred Year Flood (500-year flood): The flood that has a 0.2 percent chance of being equaled or exceeded in any year.
15. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
16. Flood Boundary and Floodway Map (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.
17. Flood Hazard Boundary Map (FHBM): An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.
18. Flood Insurance Rate Map (FIRM): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
19. Flood Insurance Study (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.
20. Floodplain: The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.
21. Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
22. Floodplain Management Regulations: This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain



- regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.
23. Flood Protection Grade (FPG): The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)
  24. Floodproofing (dry floodproofing): A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.
  25. Floodproofing Certificate: A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.
  26. Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
  27. Freeboard: A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.
  28. Fringe: Those portions of the floodplain lying outside the floodway.
  29. Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
  30. Increased Cost of Compliance (ICC): The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.
  31. Letter of Map Amendment (LOMA): An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.
  32. Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
  33. Letter of Map Revision Based on Fill (LOMR-F): An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA’s determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.
  34. Lowest Floor: The lowest of the following:
    - a. the top of the lowest level of the structure;
    - b. the top of the basement floor;
    - c. the top of the garage floor, if the garage is the lowest level of the structure;
    - d. the top of the first floor of a structure elevated on pilings or pillars;
    - e. the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of Section (F)(1); or <sup>(Amended Ordinance 2009-20)</sup>
    - f. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

- 1) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
  - 2) such enclosed space shall be usable solely for the parking of vehicles and building access.
35. Map Amendment: A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).
  36. Map Panel Number: The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)
  37. Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.
  38. National Flood Insurance Program (NFIP): The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.
  39. National Geodetic Vertical Datum of 1929 (NGVD) as Corrected in 1929: A vertical control datum used as a reference for establishing varying elevations within the floodplain.
  40. New Construction: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.
  41. New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.
  42. North American Vertical Datum of 1988 (NAVD 88) as Adopted in 1993: A vertical control datum used as a reference for establishing varying elevations within the floodplain.
  43. Obstruction: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
  44. One-Hundred Year Flood (100-year flood): The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. see "Regulatory Flood".
  45. One-Percent Annual Chance Flood: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. see "Regulatory Flood".

46. Participating Community: Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.
47. Physical Map Revision (PMR): An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.
48. Post-FIRM Construction: Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.
49. Pre-FIRM Construction: Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.
50. Probation: A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.
51. Regular Program: The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.
52. Regulatory Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Subsection 10.2(B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood". (Amended Ordinance 2009-20)
53. Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.
54. Section 1316: That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.
55. Special Flood Hazard Area (SFHA): Those lands within the jurisdiction of the Hendricks County Area Plan Commission subject to inundation by the regulatory flood. The SFHAs of Hendricks County are generally identified as such on the Flood Insurance Rate Map of Hendricks County and Incorporated Areas prepared by the Federal Emergency Management Agency and dated September 25, 2009. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO). (Amended Ordinance 2009-20)
56. Structure: A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

57. Suspension: The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.
58. Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
59. Water Surface Elevation: The height, in relation to the North American Vertical Datum of 1988 (NAVD 88), National Geodetic Vertical Datum of 1929 (NGVD), or other datum where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.
60. Zones: Geographical areas shown on a FHBM or FIRM that reflect the severity or type of flooding in the area. Zones are portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:
- a. Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.
  - b. Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)
  - c. Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
  - d. Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.
  - e. Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.
  - f. Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.
  - g. Zone B, C, and X: Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by

severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

- h. X Zone: The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

FLOODWAY: see "Floodplain Management"

FLOODWAY FRINGE: see "Floodplain Management"

FLOOR AREA, FINISHED: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area. The Finished Floor Area of a principal structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings. The gross floor area shall not include interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six (6) feet.

FLOOR AREA, GROUND: The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

FLOOR AREA, NET: The total of all floor area of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO: The total floor area of all stories of all buildings or structures on a lot, divided by the total land area of such lot.

FOOD AND BEVERAGE PRODUCTION: The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

FOOTCANDLES: see "Horizontal Footcandles"

FOUNDATION: The supporting member of a wall or structure.

FOUNDATION, PERMANENT: A structural system, constructed of masonry or poured concrete, for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

FORWARD THROW: A type of light fixture designed to project the majority of emitted light forward in front of the fixture while minimizing light falling behind the fixture. Often referred to as IES Type IV light distribution pattern.

FPG: see "Floodplain Management"

FRONT LINE: see "Building, Front Line of"

FRONT LOT LINE: see "Lot Line, Front"

FRONT SETBACK: see "Setback, Front"

**FRONTAGE OR BLOCK FRONTAGE:** All property on both sides of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting both sides between an intersecting street and the dead end of the street. Also known as Street Frontage. See also "Block Face."

**FRONTAGE, LOT:** see "Lot Frontage"

**FRONTAGE ROAD:** A road which parallels a major arterial or collector street, providing access from abutting property and separated from the thoroughfare by a common dividing strip.

**FULL CUTOFF:** A light fixture which prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

**FULLY SHIELDED:** A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public right-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

**FUNERAL HOME/MORTUARY:** An establishment engaged in undertaking services such as preparing the human dead for display and/or burial, and arranging and managing funeral services before burial or cremation.

## G

**GARAGE, PRIVATE:** A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers or boats of the occupants of the premises. (Not a repair facility.)

**GARAGE, PUBLIC:** A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and, in which, no vehicle sales or service shall be provided for remuneration.

**GARAGE/YARD SALE:** The sale or offering for sale to the general public six (6) or more items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

**GARBAGE TRANSFER STATION:** A facility that compacts trash from curbside collection trucks. The compacted trash can then be reloaded onto larger trucks for long-distance transfer to landfill facilities.

**GARDEN SHOP:** A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

**GASOLINE SERVICE STATION:** see "Filling Station"

**GATEWAYS, MAJOR:** Regional gateways where major traffic thoroughfares intersect with the Ronald Reagan Parkway. For purposes of this project, these are located where the parkway meets the interchanges at I-70 and I-74.

**GATEWAYS, SECONDARY:** Entries to public and private establishments and/or developments.

**GIFT SHOP:** An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationary, and other small gift related items.

**GLARE:** The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

**GOLF COURSE:** A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a driving range, pitch and putt area, a clubhouse and shelters as accessory uses.

**GOLF COURSE, MINIATURE:** A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

**GOVERNMENT FACILITY:** A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

**GOVERNMENT OFFICE:** An office occupied by a governmental agency that provides a governmental service to the public.

**GRADE:** The surface of the ground adjacent to the exterior walls of a building.

**GRADE, ADJACENT:** The average of grade immediately adjacent to the structure in question.

**GRADE, ADJACENT (HIGHEST):** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**GRADE, ADJACENT (LOWEST):** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**GRADE, EXISTING:** The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

**GRADE, FINISHED:** The finished ground level adjoining the building at all external walls after man-made alterations have been completed.

**GRADE, NATURAL:** The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

**GRADING:** Any stripping, cutting, filling, stockpiling or any combination thereof; also the land in its cut or filled condition.

**GRADING PLAN:** The drawing and supporting documents that describe the process and result of the excavating, filling, or leveling of a property by mechanical or other artificial methods.

**GRANDFATHERED:** A description of the a status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this Ordinance.

**GRAZING AND PASTURE LAND:** A fenced area used for the feeding and upkeep of livestock.

**GREEN SPACE AREA:** That portion of the front yard of a lot that is immediately adjacent and parallel to the street right-of-way of the Ronald Reagan Parkway and all other Roads within the identified boundaries.

**GREENHOUSE (on-site plant sales):** A building or structure constructed chiefly of glass, glass-like, or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other plants.

**GREENHOUSE, COMMERCIAL:** A greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale either on or off-site.

**GREENWAY:** A linear park, alternative transportation route, or open space conservation area approved by the County.

**GROCERY STORE:** Small-scale retailers of food and grocery supplies.

**GROUND COVER:** Landscaping elements that include living plant material.

**GROUND COVER, NON-LIVING:** Landscaping elements including mulch and landscaping stones such as colored pebbles and gravel.

**GROUND FLOOR AREA:** see "Floor Area, Ground."

**GROUP HOME:** A residential care facility licensed by the State of Indiana which provides room and board, and personal care and supervision for not more than ten (10) aged, developmentally disabled or mentally ill persons, none of whom has a history of violent or anti-social behavior, who are able to be integrated into a family-type setting.

## H

**HARDSHIP** (as related to variances of this ordinance): The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HARD SURFACE:** see "Paved Surface"

**HARDWARE STORE:** A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

**HAZARDOUS WASTE:** Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS MATERIAL:** Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

**HEALTH CARE FACILITY, MEDICAL OR EMERGENCY:** A facility or institution, whether public or private, used for the care, diagnosis and treatment of sick, ailing, infirm and/or injured persons and those who are in need of medical or minor surgical attention, but who are not provided with board or room, nor kept overnight on the premises.

**HEALTH SPA:** A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

**HEDGE:** A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

**HEIGHT:** Defined as:

1. Structure or Building Height: In all instances, the height of a structure shall be measured from the average elevation of the proposed finished grade to the highest point of the structure. Exemptions are listed in Section 7.7 Height Standards. (Amended Ordinance 2009-19)
2. Building Maximum: The maximum allowable



vertical distance of a building or structure. Certain height exceptions are permitted according to the provisions of [Section 7.7 Height Standards](#). (Amended Ordinance 2009-19)

**HELIPORT:** An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

**HISTORIC STRUCTURE:** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**HOME BASED-BUSINESS:** A business based in the dwelling and/or accessory structures of its owner or operator which results in limited business practices within certain single family residential districts, the scope and character of which is defined by the requirements of the Home Business standards of this Ordinance.

**HOME OCCUPATION:** A business based in the dwelling of its owner or operator which results in minimal business practices within residential zoning districts, the scope and character of which is defined by the requirements of the Home Occupation standards of this Ordinance.

**HOME OWNER'S ASSOCIATION:** see "Lot Owner's Association."

**HORIZONTAL FOOTCANDLES:** The amount of light striking a horizontal plane or surface.

**HORIZONTAL PROPERTY REGIME:** see "Condominium"

**HOSPITAL:** Any building or other structure containing beds for at least four (4) patients and devoted to medical diagnosis, treatment or other care of human ailments. Any institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other

abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, central service facilities, staff offices, or training facilities. Such institution must be operated by, or treatment given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like. Hospital does not include nursing homes, retirement facilities, shelters, or boarding houses.

**HOTEL OR MOTEL:** A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

**HOUSEKEEPING UNIT:** A group of individuals functioning as a single household, making common use of a single kitchen and other social quarters. See also "Family."

**HOUSE-SIDE (SHIELD):** Lighting industry term for an internal or external shield installed on a light fixture designed to limit light spill and glare to off-property locations.

**ICE CREAM SHOP:** Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

**ILLEGAL NONCONFORMING USE, LOT, STRUCTURE:** "see "Nonconforming Use, Lot, Structure (Legal)"

**ILLUMINATION, EXTERNAL:** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

**IMPERVIOUS SURFACE:** Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to: building roofs, parking and driveway areas, sidewalks and paved recreation areas.

**IMPERVIOUS SURFACE RATIO:** A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

**IMPROVEMENT:** Any man-made building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other immovable item that becomes part of, placed upon or is affixed to real estate. See also "Public Improvement."

**IMPROVEMENT LOCATION PERMIT:** A permit stating that the proposed erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolishing, or moving of a building or structure; alteration of the condition of the land; or change in the use or occupancy of a property complies with the provisions of this Ordinance.

**INCIDENTAL:** A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

**INCIDENTAL SALES:** see "Sales, Incidental."

**INCINERATOR:** A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains). See also "Solid Waste Disposal Facility."

**INDECISIVE VOTE:** A vote which fails to receive a majority, either in favor or opposed.

**INDUSTRIAL DISTRICT:** The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses. Includes the LI and MI zoning districts.

**INDUSTRIAL PARK:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.

**INFILL DEVELOPMENT:** The development of new housing or other principally permitted buildings on scattered development sites in a developed or built-up area.

**INFRASTRUCTURE:** Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

**INGRESS:** Access or entry point.

**INOPERABLE MOTOR VEHICLE:** see "Motor Vehicle, Inoperable"

**INSPECTORS:** Employees of the Plan Commission authorized by the Director to enter, examine, and survey all lands within the County to accomplish the enforcement of this Ordinance and any other land use regulations of the County. See also "Planning and Building Director."

**INSTITUTION:** Any facility maintained or conducted by a group of persons, a firm, association, non-profit entity, corporation, or government body (i.e. buildings and land designed to aid individuals in need of mental, therapeutic and rehabilitative counseling or buildings and land designed to aid individuals in educational, religious, charitable or other such pursuits).

**INSTITUTIONAL FACILITY FOR THE DEVELOPMENTALLY DISABLED:** see "Residential Facility for the Developmentally Disabled"

**INSTITUTIONAL FACILITY FOR THE MENTALLY ILL:** see "Residential Facility for the Mentally Ill"

**INTEGRATED CENTER:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

**INTERIOR LOT:** see "Lot, Interior."

**INVESTMENT FIRM:** Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

## J

**JUNK:** As defined by IC 8-23-1-26, as amended; Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles or automobile parts, iron, steel, and other old scrap ferrous or nonferrous material.

**JUNK YARD:** As defined by IC 8-23-1-27, as amended; An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.

See also "Salvage Yard."

**JURISDICTION:** Any area over which a unit of government exercises power and authority.

## K

**KENNEL, PRIVATE:** Any building or land designated or arranged for the care of more than a combined total of eight (8) dogs and/or cats, and limited further to a maximum of four (4) dogs and a maximum of four (4) cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, all of which have been sterilized (spayed or neutered) or more than a combined total of three (3) dogs and/or cats, six (6) months of age or older, belonging to the owner of the principal use, kept for the purposes of personal enjoyment as pets, that have not been sterilized.

**KENNEL, COMMERCIAL:** An establishment licensed to operate a facility housing domestic animals such as, but not limited to, dogs or cats, and where activities including, but not limited to, grooming, breeding, boarding, training or selling of animals are conducted as a business.

**KINDERGARTEN / PRESCHOOL:** see "Educational Institution, Kindergarten / Preschool"

## L

**LAND USE:** see "Use"

**LAND USE PETITION:** see "Use Petition"

**LANDSCAPE BUFFER:** see "Buffer Yard"

**LANDSCAPING:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects.

**LANDSCAPING, DEFECTIVE:** Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

**LAUNDRY FACILITY:** A business or designated area within residential developments with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

**LAWNCARE / LANDSCAPING BUSINESS:** A business that specializes in the maintenance of lawns and landscaping or in the finishing and adornment of unpaved yard areas using naturally growing elements (such as grass, trees, shrubs, and flowers), logs, rocks, fountains, water features, and contouring of the earth.

**Ldn CONTOUR:** A line linking together a series of points of equal cumulative noise exposure bases on the Ldn metric.

**LEASE:** To rent, to permit the possession of, or to grant the right of possession or use of a lot, parcel, tract, land or group of lots, parcels, tracts, or lands for compensation.

**LEGAL DRAIN:** Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, and is under the jurisdiction of the County drainage board as provided by I.C. 36-9-27.

**LEGAL NONCONFORMING USE, LOT, OR STRUCTURE:** see "Nonconforming Use, Lot, Structure (Legal)"

**LETTER OF MAP AMENDMENT (LOMA):** see "Floodplain Management"

**LETTER OF MAP REVISION (LOMR):** see "Floodplain Management"

**LIBRARY:** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**LIGHT FIXTURE:** see "Fixture, Light"

**LIGHT INDUSTRIAL PROCESSING AND DISTRIBUTION:** Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

**LIVESTOCK:** see "Animal; Farm Animal."

**LIVESTOCK AUCTION/SALES FACILITY:** A commercial establishment where livestock is collected for auction and/or sale. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

**LIVESTOCK RAISING AND BREEDING (excluding CAFO):** The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

**LIVING AREA:** The sum of the livable horizontal areas of a building measured from the interior faces of the exterior walls, exclusive of unfinished basements, unfinished attics and attached garages.

**LIVING AREA, GROUND FLOOR MINIMUM:** The sum or average, where designated, of the livable horizontal areas on the ground level of a residential building measured from the interior faces of the exterior walls, exclusive of attached garages and communal facilities such as multi-family laundry facilities or common rooms. The minimum for a specific residential structure shall be dependent on the number of stories within the residential structure.

**LIVING AREA, TOTAL MINIMUM:** The sum of the livable horizontal areas on all levels of a residential dwelling unit measured from the interior faces of the exterior walls, exclusive of basements, unfinished attics and attached garages. Each residential dwelling unit shall have separate and individual kitchen and bathroom facilities.

**LOADING SPACE, OFF-STREET:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. Off-street loading spaces shall be located totally outside of any street or alley right-of-way. An off street space, located on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise, materials or goods.

**LOCAL STREET:** see "Thoroughfare Street or Road; Local Street"

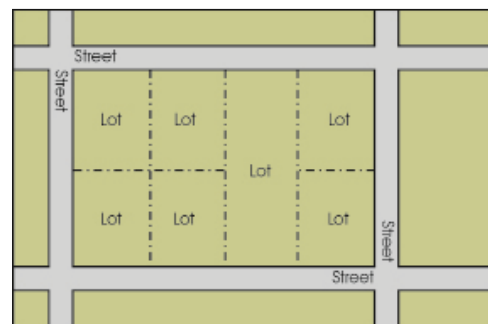
**LOCATION MAP:** A drawing which shows the relationship of the proposed subdivision, Development Plan or use to other nearby developments or landmarks and community facilities and services in order to better locate and orient the area in question. Such map shall show the closest cross streets in all directions.

**LODGING HOUSE:** A building where long term rental lodging is provided for compensation to three (3) or more, but not exceeding twelve (12) persons.

**LODGE OR PRIVATE CLUB:** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

**LOT:** A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and buildable area, and to provide such yards, setbacks, and other open spaces as required by this Ordinance. Such lot shall have frontage on an improved public street, or on a private street which meets County standards. A lot may be a single parcel separately described in a deed which is recorded in the Office of the County Recorder; or

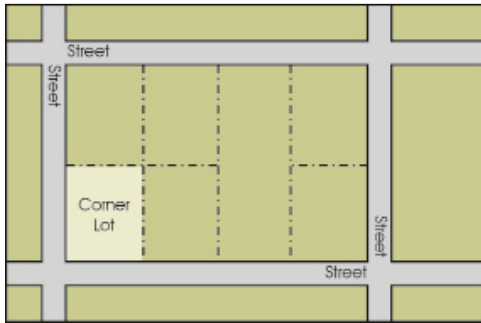
a lot may be a single parcel separately described in a survey which is recorded in the Office of the County Recorder; or a lot may include a parcel contained in a plat or subdivision of land which is recorded in the Office of the County Recorder; or a lot may include parts of, or a combination of, such parcels which are adjacent to one another and used as one. Each lot shall be limited to one (1) principal building and one (1) principal use and its accessory buildings.



**LOT AREA:** The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

**LOT, BUILDABLE:** Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this Ordinance.

**LOT, CORNER:** A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

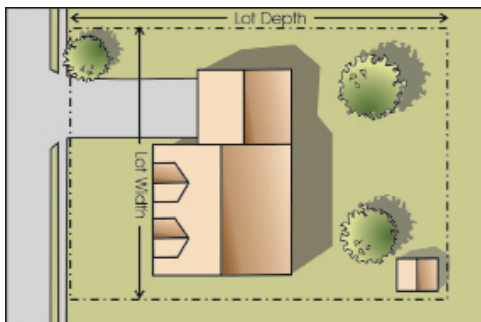


**LOT COVERAGE:** The ratio of either enclosed ground floor area of all buildings; or the lot area that is covered, occupied or enclosed by buildings structures, parking areas, driveways, walkways, and other paved or impervious surface on a lot, to the horizontally projected area of the lot, expressed as a percentage.

**LOT COVERAGE (all impervious surfaces), MAXIMUM:** The maximum amount of ground floor area occupied by buildings, structures, parking lots, or other impervious surfaces on a lot expressed as a percentage of the horizontally projected area of the lot.

**LOT COVERAGE (structures and buildings), MAXIMUM:** The maximum amount of enclosed ground floor area of all buildings on a lot expressed as a percentage of the horizontally projected area representing the bulk and mass on the lot.

**LOT DEPTH:** The mean horizontal distance measured from the Front Lot Line to the Rear Lot Line, measured in the general direction of the Side Lot Line.



**LOT, DEVELOPED:** A lot upon which improvements have been made or is otherwise being used for human purposes.

**LOT, DOUBLE FRONTAGE:** see "Lot, Through."

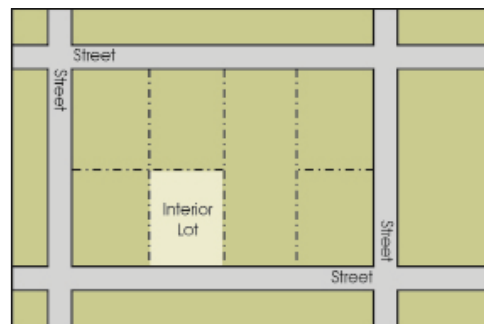
**LOT, FLAG:** A lot not meeting the minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

**LOT FRONTAGE:** The frontage of a lot shall be construed to be the portion adjacent to street right-of-way. For the purpose of determining setback and other lot requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage.

**LOT FRONTAGE, MINIMUM:** The minimum length for each lot frontage, which shall be measured between side lot lines at the street right-of-way or private street easement.

**LOT, IMPROVED:** see "Lot, Developed."

**LOT, INTERIOR:** Any lot which is not a corner lot or through lot.



**LOT, IRREGULAR:** A lot that is characterized by elongations, angles, shapes, and/or configuration that is inconsistent with the topography, street systems, other lots, and other features of the area in which it is located.

**LOT LINE:** The property lines defining the legal boundary of a lot.

**LOT LINE, FRONT:** The line separating a lot from the adjacent street right-of-way on which the lot fronts. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

**LOT LINE, REAR:** The Lot Line opposite and most distant from the Front Lot Line. In the case of an irregular or triangular-shaped lot, and for the purposes of determining any setback measured from the rear lot line, the rear lot line shall be an imaginary line at least ten (10) feet in length within the lot, parallel to and at the maximum distance from the Front Lot Line.

**LOT LINE, SIDE:** Any Lot Line other than a Front Lot Line or Rear Lot Line.

**LOT, LEGAL NONCONFORMING:** see "Nonconforming Lot, Legal."

**LOT, MINIMUM AREA OF:** The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district, and which does not include any street right-of-way.

**LOT, NONCONFORMING:** see "Nonconforming Use, Lot, Structure (Legal)" and "Nonconforming Use, Lot, Structure (Illegal)"

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder prior to the date of passage of this Ordinance.

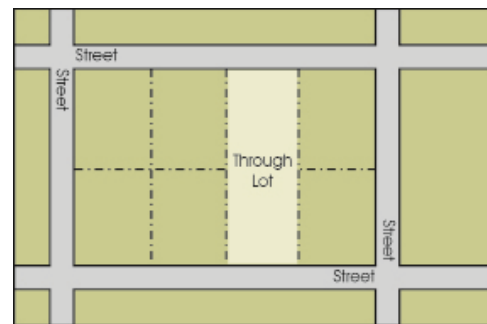
**LOT OWNERS ASSOCIATION:** An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

**LOT, RECORDED:** see "Lot of Record."

**LOT, REVERSED FRONTAGE:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

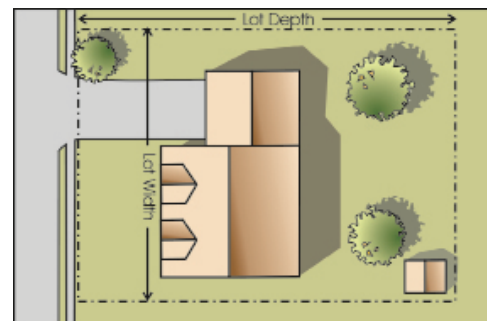
**LOT SIZE, MINIMUM:** The smallest area established by this Ordinance on which a use, structure or building may be located in a particular district and which does not include any street right-of-way.

**LOT, THOUGH:** A lot other than a corner lot having frontage on two (2) or more non-intersecting streets. Also referred to as Double Frontage Lot.



**LOT, UNDEVELOPED:** A lot of record upon which no improvements exist.

**LOT WIDTH:** The horizontal distance between the side property lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the front setback line. Lot width on cul-de-sac lots and other lots with curving frontages is measured as a line parallel to the frontage and at the front setback line.



**LOT WIDTH, MINIMUM:** This refers to the minimum width a lot must have in order to be considered developable by this Ordinance.

**LOWEST FLOOR:** The lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - b. Such enclosed space shall be usable for the parking of vehicles and building access.

**LUMBER YARD:** An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**LUMINAIRE:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**LUMINAIRE, FULL CUTOFF TYPE:** see "Full Cutoff"

- M -

**MAINTENANCE GUARANTEE:** Any security which may be required and accepted by the

Board of County Commissioners to assure that necessary improvements will function as required for a specific period of time.

**MAJOR GATEWAYS:** see "Gateways, Major"

**MAJOR SUBDIVISION:** see "Subdivision, Major"

**MANEUVERING AISLE:** A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

**MANEUVERING SPACE:** An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space; but is not used for the parking or storage of motor vehicles.

**MANUFACTURED HOME:** see "Dwelling, Manufactured Home."

**MANUFACTURED HOME PARK:** A parcel or contiguous parcels of land containing two (2) or more dwelling sites, with required improvements and utilities, that are either sold or leased for long term placement of Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

**MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING:** see "Existing Manufactured Home Park or Subdivision"

**MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION TO AN EXISTING:** see "Expansion to an Existing Manufactured Home Park or Subdivision"

**MANUFACTURED HOME SALES:** An open area, other than a street, used for the display, sale, and incidental storage of pre-manufactured single-family detached housing to be displayed,



sold, or rented on the premises.

**MANUFACTURED HOME SITE:** The area of land in a manufactured home park for the placement of one manufactured home.

**MANUFACTURING:** The process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

**MANUFACTURING, EXTRACTIVE:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any material natural resource, excluding gas and oil.

**MANUFACTURING, HEAVY:** A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

**MANUFACTURING, LIGHT:** Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

**MANUFACTURING FACILITY:** A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**MARGINAL ACCESS STREET:** see "Frontage Road."

**MARKER (survey):** A stake or any other object which is intended to mark a survey point on a lot or within a subdivision.

**MARKET VALUE:** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**MARQUEE:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MASONRY:** Construction material that consists of brick, stone, tile, rock, granite, marble, or other built-up panels of these materials, or molded concrete that is held together with mortar, as long as the molded concrete does not make up a continuous wall section.

**MASSING:** The shape and form a building takes on through architectural design. There are ten (10) architectural design elements that create urban space; 1) building silhouette (similar pitch and scale to a roof line), 2) spacing between building facades (setbacks or notches between primary facades that frame the structure), 3) setback from property line (building setback and/or primary facade setback from the property line), 4) proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across facade lengths), 5) proportion of primary facade (size of facades similar in area and height to width ratios), 6) location and treatment of entryway (important visual commonality between structures), 7) exterior materials used (similar materials and treatment add to detail and monumentality of a building), 8) building scale (similarity of building height and configuration), 9) landscaping (ties together buildings and defines space), and 10) shadow patterns form decorative features (the

light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks). A specific project may not need to incorporate all ten (10) elements.

**MAXIMUM BUILDING HEIGHT:** see "Height, Building Maximum"

**MAXIMUM LOT COVERAGE** (all impervious surfaces): see "Lot Coverage (all impervious surfaces), Maximum"

**MAXIMUM LOT COVERAGE** (structures and buildings): see "Lot Coverage (structures and buildings), Maximum"

**MEAT MARKET (Butcher):** A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

**MECHANICAL EQUIPMENT:** Equipment installed for a use appurtenant to the principal use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

**MEDIAN:** An area in the approximate center of a city street or state highway that is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and guttering, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway used for through traffic.

**MEDIAN NOSE:** The tip of a median at its terminus of traffic opening.

**MEDICAL OR HEALTH CLINIC:** see "Clinic"

**METES AND BOUNDS:** A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

**MICROBREWERY (Brew-Pub):** A facility for the production and packaging of malt beverages

of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

**MINERAL EXTRACTION OPERATION:** The use of land for the removal of natural material or deposits, including, but not limited to sand gravel, clay, rock or stone, earth or topsoil, or the storage or transporting of such items on a mining site, or the reclamation of the site after removal or excavation of such items.

**MINIMUM DISTANCE BETWEEN STRUCTURES ON SAME LOT:** see "Distance Between Structures on Same Lot, Minimum"

**MINIMUM GROUND FLOOR LIVING AREA (Per Unit):** see "Living Area, Ground Floor Minimum"

**MINIMUM LIVING AREA (Per Unit):** see "Living Area, Total Minimum"

**MINIMUM LOT FRONTAGE:** see "Lot Frontage, Minimum"

**MINIMUM LOT SIZE:** see "Lot Size, Minimum"

**MINIMUM LOT WIDTH:** see "Lot Width, Minimum"

**MINIMUM WIDTH (Per Dwelling):** see "Dwelling Width, Minimum"

**MINI-STORAGE FACILITY:** A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

**MINOR SUBDIVISION:** see "Subdivision, Minor"

**MIXED-USE DEVELOPMENT:** An area, parcel of land, or structure developed in a compact

urban form for two (2) or more different, principal land uses, at least two (2) of which must be from separate use categories such as but not limited to residential, office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MIXED USE STRUCTURE:** A building or structure which includes two (2) or more principal, compatible uses, at least two (2) of which must be from separate use categories such as but not limited to residential (not allowed on the ground floor), office, retail, service, public, light manufacturing, or entertainment, and planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

**MODIFICATION:** A specific change or lessening of the regulations established by this Ordinance that may be granted by the Plan Commission for a specific development in response to (1) unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations, or (2) an alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.

**MONUMENT:** see "Marker (survey)."

**MOTOR HOME:** see "Recreational Vehicle."

**MOTOR VEHICLE:** A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractors, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and similar devices propelled or drawn by mechanical power.

**MOTOR VEHICLE, COMMERCIAL:** Any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting, or (b) as a tempo-

rary or permanent base, platform, or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or trailers having dual rear wheels or more than two (2) axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one (1) axle or having an overall length of more than twelve (12) feet; (c) passenger vehicles marked by signage, logos or commercial messages. This definition does not apply to motor vehicles which serve as a source of transportation for an individual residing at the premises where the vehicle is stored or parked on a regular basis and is not used in any commercial activity.

**MOTOR VEHICLE DETAILING / ACCESSORY SHOP:** An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

**MOTOR VEHICLE / FARM IMPLEMENT / PARTS SALES:** The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not including any salvage yard or the storage of inoperable vehicles.

**MOTOR VEHICLE IMPOUND FACILITY:** A parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding 45 days and must remain mechanically operable and licensed at all times.

**MOTOR VEHICLE, INOPERABLE:** A motor vehicle which meets one (1) or more of the following conditions: a vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property, or; a vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private

property continuously in a location visible from public property for more than twenty (20) days, or; a vehicle which does not carry a current year state registration or license tag, or a vehicle that cannot be driven legally on public roads due to, but not limited to, defects in brakes, brake lights, tail lights, head lights, windshields or exhaust systems.

**MOTOR VEHICLE REPAIR AND SERVICE, MAJOR:** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul.

**MOTOR VEHICLE REPAIR AND SERVICE, MINOR:** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work.

**MOTOR VEHICLE SALES, LARGE:** The sale, rental and display of new and used motor vehicles, including, but not limited to trucks, trailers, farm implements, mobile/manufactured homes, recreational vehicles, buses, boats, and heavy equipment, and similar size vehicles which have gross vehicle weights greater than 10,000 pounds (but not including repair work except incidental warranty repair) This does not include airplanes or aircraft.

**MOTOR VEHICLE SALES, SMALL:** The sale, rental and display of new and used motor vehicles, including, but not limited to, motorcycles, passenger cars, light trucks, vans, and similar size vehicles that have gross vehicle weights less than 10,000 pounds.

**MOTOR VEHICLE WRECKING:** The dismantling or wrecking of used motor vehicles, manufactured homes and trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**MULTIFAMILY DWELLING:** see "Dwelling, Multifamily."

**MULTIPHASE DEVELOPMENT:** A development project that is constructed in stages, each stage being capable of existing independently of the others.

**MULTI-TENANT BUILDING:** A grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

**MULTI-USE PATHWAY:** see "Pathway."

**MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

- N -

**NATURAL CONDITION:** The condition that arises from, or is found in nature unmodified by human intervention.

**NATURAL DRAINAGE:** Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

**NATURAL FEATURES:** The physical characteristics of a property or area that are not man-made, such as soil types, geology, slopes, vegetation, and drainage patterns.

**NATURALLY SENSITIVE AREAS:** Areas of significant biological productivity or uniqueness. See also "Conservation Area."

**NATURALLY SENSITIVE AREAS SETBACK:** see "Setback, Naturally Sensitive Areas"

**NATURE PRESERVE/CENTER:** An area in which plants, animals, and topographic features are protected in their current, natural condition.

**NEW CONSTRUCTION:** see "Construction, New"

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

**NEWS DEALER:** An establishment that primarily sells newspapers, magazines, and other periodicals.

**NO-ACCESS EASEMENT:** Public easement along a public right-of-way across which the access to the property is not permitted.

**NO-ACCESS RESERVATION:** A restriction placed on a lot, typically shown as a line labeled as such on preliminary and final subdivision plats, that prohibits vehicular access from the affected lot(s) to an adjacent street.

**NONCONFORMING USE, LOT, STRUCTURE (Legal):** A continuous use, lot, or structure which was lawful prior to the adoption, revision, or amendment of this Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district. Also applies to uses, lots, or structures which have been granted a variance from this Ordinance, and therefore does not meet the lot-specific development standards. Legal nonconforming differs from illegal nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance

or a change to a Zoning Ordinance (including the official Zoning Map). The building, structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed legal nonconforming or "grandfathered".

**NONCONFORMING USE, LOT, STRUCTURE (Illegal):** A use, lot, or structure that does not conform to the regulations of the zoning district in which it is located and was not lawful prior to the adoption, revision, or amendment of this Ordinance and was not granted a variance from this Ordinance. This applies to any use, building, structure or lot which is nonconforming, and was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission. An illegal nonconforming use, building, structure or lot shall be subject to actions and penalties allowed by this Ordinance and shall be altered to conform with all applicable standards and regulations of this Ordinance and all other applicable County ordinances.

**NUISANCE:** Operations, activities, or general use of land which is injurious to health, indecent, offensive to the senses, or an obstruction to the use of property so as to interfere with the comfortable enjoyment of life or property. See also "Public Safety and Nuisance."

**NURSERY, PLANT MATERIALS:** Land, building, structure, or any combination that conducts wholesale or retail sales, and is used for the storage, cultivation, or transplanting of live trees, shrubs, and other plant material on the premises, and may include sales of products used for gardening or landscaping, excluding powered equipment, such as gas or electric lawn mowers and farm implements.

**NURSING HOME:** see "Convalescent Care/nursing Home"

## - O -

**OBJECTIONABLE ODOR:** Odors that are nauseating, noxious, or generally recognized as unpleasant.

**OCCUPANCY:** The residing of an individual overnight in a dwelling unit; or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building; and/or the continuing use of land, building, or structures. A change in occupancy is not intended to include a change of tenants or proprietors.

**OCCUPANCY GROUP:** The classification in which a building inspector assigns a building, according to its use.

**OCCUPIED SPACE:** The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

**OFF-SITE:** Located outside the property lines of the parcel in question.

**OFFICE BUILDING:** A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OFFICE, PROFESSIONAL AND BUSINESS:** see "Professional and Business Office"

**OFFICIAL ZONING MAP:** The legally adopted map showing the legally established boundaries and the zoning districts within the County as adopted by the Board of County Commissioners.

**ON-SITE:** Located within the property lines of the parcel in question.

**OPEN SPACE:** Land used for, but not limited to, recreation, greenways, resource protection, amenity, buffer yards, meadows, wetlands, trails, and/or wooded areas. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space except that buffer yard areas may be included in the area of a lot constituting the minimum lot area. Said open space may include the usable roof area within the project which has been improved for outdoor recreation/use of occupants.

**OPEN STORAGE:** see "Outdoor Storage"

**ORNAMENTAL SHRUB:** see "Shrub, Ornamental."

**ORNAMENTAL TREE:** see "Tree, Ornamental"

**OUTBUILDING:** A separate accessory building or structure not physically connected to the principal building.

**OUTDOOR LIGHT (FIXTURE):** A light fixture located outside or intended to be viewed from the outside.

**OUTDOOR SALES AND DISPLAY:** Outdoor sales and display shall include merchandise for retail sale, whether seasonal or not. See also "Sales, Temporary/Seasonal."

**OUTDOOR STORAGE:** The storage of any materials outside the principal or accessory buildings on a property for more than twenty-four (24) hours, provided, however, that truck and/or tractor-trailer unit parking associated with a legally established warehouse or distribution center shall not be deemed outdoor storage. (Amended Ordinance 2009-19)

**OUTLOT:** A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary to but of a smaller scale than the principal use or structure in the development.

**OVERLAY ZONING DISTRICT:** A zoning district that extends across one or more underlying zoning districts, which is established by this Ordinance to prescribe additional or alternate regulations to the regulations included in the underlying zoning district for a specific critical feature or resource.

**OWNER:** An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

**OWNERS ASSOCIATION:** see "Lot Owners Association."

## - P Q -

**PACKAGING FACILITY:** A facility that packages supplies and products that are manufactured off site.

**PARAPET:** The portion of a wall which extends above the roof line.

**PARCEL:** Any legally established piece of land designated by the owner or developer as land to be used or developed as a unit, or that has been developed as a unit.

**PARENT TRACT:** The land from which the new lot or tract of land is being taken from, as recorded in the Recorder's Office at the time of adoption of this Ordinance or any subsequent amendments thereto.

**PARK:** Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

**PARKING LOT:** An open off-street area to be used for the storage of motor vehicles, whether free or for compensation, for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

**PARKING, OFF-STREET:** A temporary storage area for a motor vehicle, with room to open doors on both sides, that is directly accessible to an access aisle and which is not located on a dedicated street right-of-way.

**PARKING, ON-STREET:** A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

**PARKING, SHARED:** A parking space or lot used jointly by two (2) or more uses or structures.

**PARKING SPACE:** A space within a public or private parking area for the storage of one (1) motor vehicle.

**PARKING STRUCTURE:** A structure of two or more stories, whether privately or publicly owned, used for parking.

**PARTICULATE MATTER:** Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

**PATHWAY:** A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping. See also "Trail."

**PAVED SURFACE:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks, pervious pavement, or similar material. Crushed gravel, street grindings, stone, rock, or dirt, sand or grass are not a paved surface.

**PEDESTRIAN SCALE:** The proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Examples include ornamental lighting

no higher than 12 feet; bricks, pavers, or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance. The use of a pedestrian scale can imbue occupants and users of the built environment with a sense of comfort and security.

**PENAL (Correctional) INSTITUTION:** Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**PERFORMANCE GUARANTEE:** An agreement by a developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement. See also "Surety."

**PERFORMANCE STANDARDS:** A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed.

**PERMANENT FOUNDATION:** see "Foundation"

**PERSON:** A natural person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

**PERSONAL SERVICE:** Any enterprise conducted for gain which primarily offers services to the general public such as a health club, fitness facility, barber shops, beauty parlors, nail salons, and similar activities but excluding sexually oriented business.

**PERVIOUS PAVEMENT:** A hard surface that presents an opportunity for precipitation to infiltrate into the ground.

**PERVIOUS SURFACE:** A surface that presents an opportunity for precipitation to infiltrate into the ground.

**PET:** see "Animal"

**PETITIONER:** Any person who formally makes a request before the Plan Commission or Board of Zoning Appeals consistent with the processes and requirements of this Ordinance. See also "Applicant."

**PETROLEUM PROCESSING AND STORAGE:** An establishment that processes and stores petroleum and its raw ingredients.

**PHARMACY:** A place where drugs and medicines are prepared and dispensed. Pharmacy also includes the incidental retail sale of medical accessories and convenience goods and services.

**PHOTOGRAPHIC STUDIO:** A facility engaged in on-site photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

**PLACE OF WORSHIP:** The use of a building and/or property by a non-profit group/congregation of people who regularly attend, participate in, or hold religious services, meetings and other activities, including incidental uses commonly associated with such a facility, such as a day-care center or school. Place of worship includes church, synagogue, temple, mosque or any other like facility used for worship and religious activities.

**PLAN COMMISSION:** The Hendricks County Area Plan Commission.

**PLANNED UNIT DEVELOPMENT:** A large-scale unified development meeting the requirements of this Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single person, to be developed as a single entity, containing a single type of land use or a combination of land uses including but



not limited to single-family residential, multi-family residential, public, quasi-public, commercial or industrial uses, which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this Ordinance.

**PLANNING AND BUILDING DIRECTOR:** The Director of the Planning and Building Department, or other such person as he or she may designate, empowered to administer and enforce the provisions of this Ordinance. Also referred to as "Director."

**PLANTING SEASON:** The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

**PLAT:** A map representing a tract of land, showing the boundaries and location of individual properties and streets; including the subdivision or resubdivision of land intended to be filed for record.

**PLAT, FINAL:** The final map of all or a portion of a subdivision or Development Plan that contains all information or detail required by law and by these regulations, and is presented to the proper review authority for final approval.

**PLAT, PRELIMINARY:** An initial map of a subdivision of land or Development Plan that is presented to the proper review authority for preliminary approval.

**PLAT, MINOR:** see "Subdivision, Minor"

**PLAYGROUND:** A recreational area for use primarily by children.

**POLICE, FIRE, OR RESCUE STATION:** An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such sta-

tions include personnel, equipment, vehicles, and training facilities.

**PORCH:** A covered, but otherwise unenclosed structure projecting out from the wall or walls of a main structure.

**POROUS PAVEMENT:** see "Pervious Pavement."

**POST OFFICE:** A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**POWER GENERATION FACILITY:** A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

**PRACTICAL DIFFICULTY:** A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his/her site in a practical manner. For instance, a person may request a variance from a side setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

**PRELIMINARY APPROVAL:** An approval (or approval with conditions) granted to a subdivision or Development Plan indicating that it has determined after a public hearing that the proposal complies with the standards prescribed in this Ordinance.

**PRELIMINARY PLAT:** see "Plat, Preliminary"

**PREMISES:** A Lot or Plot of land, including any buildings thereon.

**PRINCIPAL STRUCTURE:** see "Structure, Principal."

PRINCIPAL USE: see "Use, Principal"

PRINTING FACILITY: Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

PRIVATE CLUB: A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

PRIVATE RECREATIONAL FACILITY: A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility, or limited residential neighborhood, including both indoor and outdoor facilities and privately-owned golf courses open to the public.

PRIVATE STREET/DRIVE: see "Street, Private"

PROCESSING PLANT: A building or an enclosed space used for the collection and processing of material. "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

PRODUCE TERMINAL: A large warehouse facility that sells produce at wholesale to retailers, hotels, catering services, and other businesses.

PROFESSIONAL AND BUSINESS OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, government, or like activity. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

PROHIBITED TREE: see "Tree, Prohibited"

PROPERTY LINE: see "Lot Line"

PROPERTY OWNER: see "Owner"

PUBLIC ART: Any visual work of art that is accessible to public view and located on public or private property.

PUBLIC HEARING: A formal meeting, announced and advertised in advance consistent with the requirements of this Ordinance, which is open to the public, and at which members of the public have an opportunity to participate.

PUBLIC IMPROVEMENT: Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

PUBLIC SAFETY AND NUISANCE: Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. See also "Nuisance."

PUBLIC STREET: see "Street, Public"

PUBLIC USE: Public parks, schools and administrative and cultural structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

PUBLICLY-OWNED BUILDINGS AND FACILITIES: Any building or facility held, used or

controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

**PUBLISHING FACILITY:** Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

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**QUARRY:** A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

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- R -

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**RACETRACK:** A measured course where animals or machines are entered in competition against one another or against time, including tracks used only in the training of animals.

**RADIO STATION:** An establishment that broadcasts radio signal programming.

**REAR SETBACK:** see "Setback, Rear"

**RECORD:** The written documentation of the actions and expressions of a public body, such as the Plan Commission or Board of Zoning Appeals.

**RECORD SHOP (CD Shop):** An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

**RECREATION, ACTIVE:** Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, and fields. Activities include, but are not limited to, swimming, tennis, and other court games, baseball and other field sports, and playground activities.

**RECREATION, PASSIVE:** The use of unimproved land, in its natural state, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, riding stables, primitive camping areas, canoeing and rafting areas.

**RECREATIONAL VEHICLE:** A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. Recreational vehicles include pick-up truck coaches, motorized homes, boats, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

**RECYCLABLE MATERIAL:** Any material that can be converted into a raw material for use in a manufacturing process. Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.

**RECYCLING CENTER:** A facility for the collection, sorting, storing and processing of paper products, glass, plastics, aluminum or tin cans prior to shipment for remanufacture into new materials.

**REFUSE DUMP:** see "Solid Waste Disposal Facility"

**REGISTERED ARCHITECT:** An architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED LAND SURVEYOR:** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED LANDSCAPE ARCHITECT:** A landscape architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED PROFESSIONAL ENGINEER:** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGULATORY FLOOD:** see "Flood Management"

**REPAIR SERVICES:** Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

**REPLAT (or Resubdivision):** Any change in a recorded plat which does not result in the creation of additional lots. It may include all or any part of a previous subdivision or plat. A replat shall be considered an Administrative Subdivision, provided no new streets or utility expansions are required.

**RESCUE STATION:** see "Police, Fire, or Rescue Station."

**RESEARCH ACTIVITY AND TESTING LABORATORY:** Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor

which can be detected outside of the buildings or property line A research and testing laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

**RESIDENCE:** see "Dwelling."

**RESIDENTIAL DISTRICT:** A zoning district intended primarily for dwellings. Includes the RA, RB, RC, RD, RE, and MHP zoning districts.

**RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED TYPE I:** An residential facility that provides care, supervision, and protection for not more than eight (8) developmentally disabled individuals, as defined by IC 12-28-4-8, as amended.

**RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED TYPE II:** An residential facility that provides care, supervision, and protection for more than eight (8) developmentally disabled individuals, as defined by IC 12-28-4-8, as amended.

**RESIDENTIAL FACILITY FOR THE MENTALLY ILL:** A residential facility which provides care, supervision, and protection for mentally ill individuals, as defined by IC 12-28-4-7, as amended.

**RESIDENTIAL TREATMENT CENTER:** Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with twenty-four (24) hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason can not be furnished in the person's own home.

**RESTAURANT:** An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.

**RESTAURANT, DRIVE-IN:** A facility, including a building and adjoining parking area, the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating inside of the building.

**RESTAURANT, FAST-FOOD:** An establishment whose principal business is the sale of already prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers. Establishment may include a drive-thru service facility.

**RETAIL USES:** see "Business, Retail"

**RETENTION POND:** An area that is designed to permanently hold specific quantities of stormwater. Captured water only dissipates via percolation into the ground water or by evaporation.

**RETIREMENT FACILITY:** A residential complex containing multifamily dwellings designed for and occupied by senior citizens (persons sixty (60) years of age or older, or couples where either the husband or wife is sixty (60) years of age or older). Such facilities may include a common gathering and dining facilities, but exclude nursing care.

**RETREAT CENTER:** A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

**REZONING:** An amendment to the official Zoning Map which has the effect of removing property from one zoning district and placing it in a different zoning district.

**RIGHT-OF-WAY (R.O.W.):** A strip of land acquired by reservation, dedication, forced dedi-

cation, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**RIGHT-OF-WAY LINE:** The limit of publicly owned land encompassing a public facility, such as a street or an alley.

**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 published by the U. S. Bureau of Mines, and it illustrates 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 "0."

**ROAD:** see "Street, Public"

**ROADSIDE SALES STAND:** see "Agricultural Roadside Stand"

**RONALD REAGAN CORRIDOR:** A sixteen (16) mile limited access highway and economic development area running north and south through Hendricks County, Indiana, beginning at I-70, connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line. The corridor incorporates adjacent properties radiating out approximately one thousand (1,000) feet on either side of the proposed parkway centerline.

**RONALD REAGAN PARKWAY:** A sixteen (16) mile roadway alignment running north and south through Hendricks County, Indiana, beginning at I-70, connecting the Towns of Avon, Plainfield, and Brownsburg to the Boone County Line.

**ROW:** see "Right-of Way"

**RUNOFF:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

- S -

**SALES, INCIDENTAL:** Sales that are related and subordinate to the primary service or retail activities of a commercial use.

**SALES, OUTDOOR:** see "Outdoor Sales and Display"

**SALES, TEMPORARY/SEASONAL:** Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products. See also "Outdoor Sales and Display"

**SALVAGE YARD:** A facility or area for storing, selling, keeping, dismantling, shredding, compressing or salvaging scrap or discarded material or equipment. Scrap or discarded materials shall include, but are not limited to: metal, paper, rags, tires, bottles, motor vehicles, motor vehicle parts, machinery, structural steel, equipment and appliances. See also "Junk Yard."

**SANITARY LANDFILL:** see "Solid Waste Disposal Facility"

**SATELLITE DISH/ANTENNA:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

**SCHOOL:** see "Educational Institution"

**SCRAP METAL PROCESSING FACILITY:** As defined by IC 8-23-1-36, as amended, and an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for remelting purposes only.

**SCREENING STRIP:** A strip of land to be used as a planting strip on which shall be placed evergreen, hedge, shrubbery or other planting materials maintained in a neat and orderly manner for the purpose of limiting visibility.

**SECONDARY APPROVAL:** An approval by the official designated by the Plan Commission indicating that all conditions of Preliminary Approval have been met.

**SECONDARY GATEWAYS:** see "Gateways, Secondary"

**SEDIMENTATION:** The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

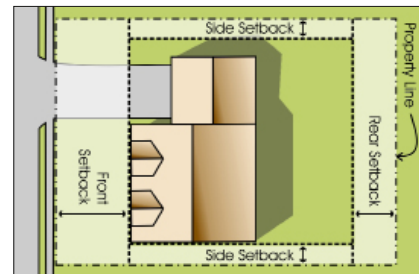
**SEMI-TRACTOR/TRAILER STORAGE:** see "Storage, Semi-Tractor/Trailer"

**SENIOR HOUSING:** see "Retirement Facility"

**SERVICE:** see "Business, Service"

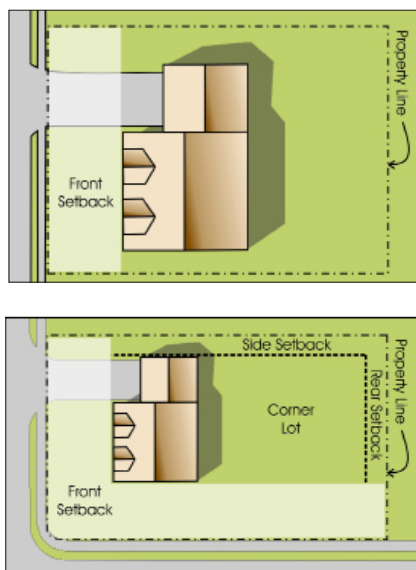
**SETBACK LINE:** A line indicating the minimum horizontal distance between the right-of-way of any street, or the property line of the side and rear yards, and a part of any structure regardless of whether it is the front, side, or rear of the building. It is an imaginary line established by this Ordinance that requires all buildings to be set back a certain distance from the property lines. The line is generally parallel with and measured from the appropriate Lot Line (front, side, or rear).

**SETBACK:** The horizontal distance between a Setback Line and a Lot Line or right-of-way line measured at a distance that is perpendicular to the Lot Line or right-of-way line.



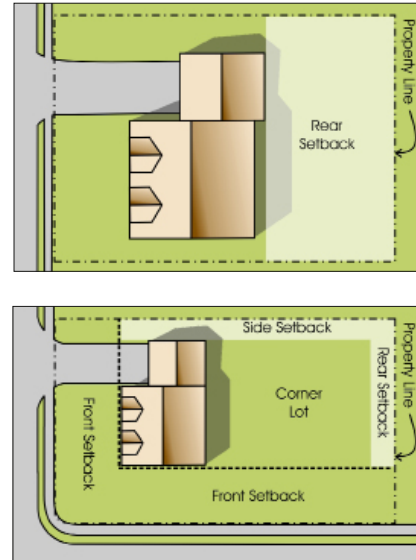
**SETBACK, AGRICULTURAL ADJACENCY:** This minimum setback line shall be applied to major residential subdivision plats (not including agricultural residential uses) adjacent to an existing agricultural use, along the portions of the property line that are directly adjacent to the agricultural use. Planting within this setback may be subject to agricultural products and chemicals and is placed there at the non-agricultural property owner's risk. This setback shall overlap front, side, and rear setbacks. The largest required setback distance shall apply.

**SETBACK, FRONT:** The horizontal space between the right-of-way lines as established by the current Thoroughfare Plan and the Front Setback Line, extending to the side lines of the lot, generally parallel with and measured from the front lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. The front setback applies to all frontages of a lot facing a street or right-of-way. The setback is usually based on the classification of the road on which the building is located, as determined by the Thoroughfare Plan of the Hendricks County Comprehensive Plan.



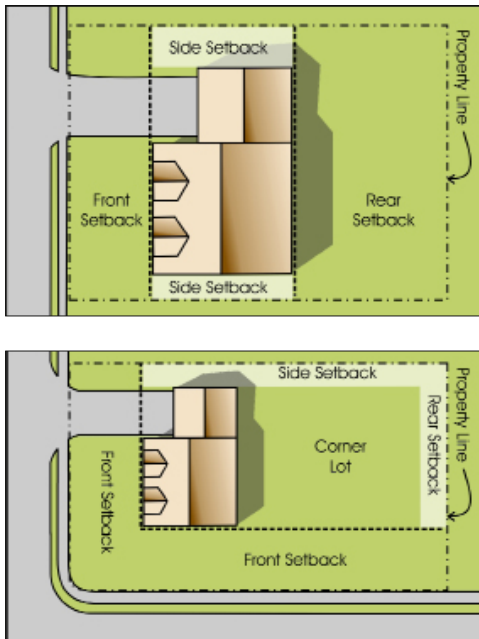
**SETBACK, NATURALLY SENSITIVE AREAS:** This minimum setback distance shall exist when structural development occurs on a lot that is adjacent to naturally sensitive areas including but not limited to riparian areas and wetlands. This setback shall overlap front, side, and rear setbacks. The setback with the largest width shall apply.

**SETBACK, REAR:** The horizontal space between the Rear Lot Line and the Rear Setback Line, extending to the side lines of the lot, generally parallel with and measured from the rear lot line, defining the area in which no building or structure may be located above ground, except as may be provided in this Ordinance. For through lots, the rear of the structure facing a street shall meet front setback requirements. Rear Setbacks for Corner Lots will apply to the portion of the lot that is furthest in the opposite direction of the general orientation of the structure.



**SETBACK, SIDE:** The horizontal space between the Side Lot Lines and the Side Setback Lines, extending to the Front and Rear Lot Lines, generally parallel with and measured from each side lot line, defining the area in which no building or structure may be located above ground, except

as may be provided in this Ordinance. However, for corner and through lots, any side of a structure that faces a street shall meet front setback requirements.



**SEWAGE DISPOSAL, ON-SITE:** A septic tank or similar installation on an individual lot which utilizes an anaerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SEWAGE TREATMENT FACILITY:** Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

**SEWER, CENTRAL OR GROUP:** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**SEXUALLY ORIENTED BUSINESS:** Sexually oriented businesses include, but are not limited to, adult arcades, adult bookstores or adult video stores, adult cabarets, adult entertainment facili-

ties, adult motels, adult motion picture theaters, adult theaters, escort agency, massage establishments, nude model studios, and sexual encounter centers.

1. **Adult Arcade:** Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. **Adult Book Store or Adult Video Store:** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
  - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
3. **Adult Cabaret:** A nightclub, bar restaurant, or similar commercial establishment which features:
  - a. Persons who appear in a state of nudity; or
  - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - c. Files, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."



4. Adult Motel: A hotel, motel or similar commercial establishment which:
  - a. Offers, accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
  - d. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
  - e. A person commits a violation if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit, he rents or subrents a sleeping room to a person, and, within ten (10) hours from the time the sleeping room is rented, he rents or subrents the same sleeping room again.
  - f. For purposes of this Ordinance, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.
5. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."
6. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities."
7. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escort as one of its primary business purposes, for a fee, tip, or other consideration.
9. Reestablishment: Includes any of the following:
  - a. The opening or commencement of any sexually oriented business as a new business;
  - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. The additions of any sexually oriented business to any other existing sexually oriented business; or
  - d. The relocation of any sexually oriented business.
10. Permittee: A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
11. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

12. Nudity/State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.
13. Semi-Nude: A state of dress in which clothing covers no more that the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
14. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
  - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
  - b. Activities between male and female person or persons of the same sex when one or more of the persons is in a state of nudity or seminude.
15. Specified Anatomical Areas: The male genitals in a state of sexual arousal and the vulva or more intimate parts of the female genitals.
16. Specified Sexual Activities: Includes any of the following:
  - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - c. Masturbation, actual or simulated; or
  - d. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
17. Substantial Enlargement: The enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on October 16, 1989.
18. Transfer of Ownership or Control: The control of a sexually oriented business means and includes any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**SHOE REPAIR SHOP:** An establishment that primarily repairs shoes, with incidental sales of shoe related items.

**SHOOTING/ARCHERY RANGE, INDOOR:** The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOOTING/ARCHERY RANGE, OUTDOOR:** The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, or temporary competitions. Excluded from this use is general hunting and unstructured and nonrecurring discharging of firearms on private property.

**SHOPPING CENTER:** A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements. For the purpose of this Ordinance, development consisting of two (2) or more professional office uses, personal service uses, retail uses, or any combination thereof, may be considered a shopping center.

**SHOPPING MALL:** A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

**SHRUB, ORNAMENTAL:** A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

**SIDE LOT LINE:** see "Lot Line, Side"

**SIDE SETBACK:** see "Setback, Side"

**SIDE YARD SEPARATION:** The sum of the distance of the horizontal space between a foundation and side Lot Line, plus the horizontal space between the foundation and shared side Lot Line of the structure on the immediately adjacent lot.

**SIDEWALK:** A paved surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

**SIGHT VISIBILITY TRIANGLE:** Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming vehicular/pedestrian/etc. traffic on crossing streets and roadways.

**SIGN:** (Amended Ordinance 2014-30) A visual image intended to be communicative, placed on public display and visible from any portion of the public right-of-way.

1. **Abandoned Sign:** Any sign or sign structure that advertises a business, lessor, owner, product, service, or activity that are no longer located on the premises where the sign is displayed, or a sign or sign structure on a site where all buildings have been demolished or removed.
2. **Address Sign:** An attached sign indicating the address of the structure, dwelling unit, or business to which it pertains. It may be attached to a wall, monument sign, identification sign, directional information sign, or an awning.
3. **Agricultural Sign:** A post sign advertising an agricultural service or product offered on the property on which it is located.
4. **Agricultural Entrance Sign:** A monument, post, or wall sign located at the entrance to an agricultural operation announcing the operation's name, such as "Smith Farm" or "High Top Acres".
5. **Aggregate Sign Area:** The sum total of the sign area of all non-exempt signs on a lot or parcel.
6. **Animated Sign:** Any sign with action, motion, changing colors, or lights; any of which imitates movement. A flashing sign shall be considered to be an animated sign.
7. **Awning Sign:** A building identification sign or graphic printed on or in some fashion attached directly to the material of an awning.
8. **Balloon Sign:** See Inflatable Sign.
9. **Banner:** A sign with or without characters, letters, illustrations, ornamentation applied to cloth, paper, flexible plastic, or fabric of any kind.
10. **Billboard:** A structure for the permanent display of off-premises advertising. Off-premise advertising is any commercial message referring or relating to an enterprise or business that is not conducted on the premises where the sign is located.
11. **Building Frontage, Primary:** The primary frontage is the property boundary containing the primary public entrance(s) to the building or building unit.
12. **Building Frontage, Secondary:** The secondary frontage includes those property boundaries containing secondary public entrances to the building or building units; as well as, all building walls facing a public street or primary parking area that are not designated as the primary building frontage.
13. **Canopy Sign:** Any sign that is a part of, or attached to, a canopy, including other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
14. **Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted on a track system.

15. Construction Sign: A temporary sign identifying the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources, or related information.
16. Contractor Sign: A sign placed by a licensed contractor to advertise the work being done on that property.
17. Directional Sign: Any on-premises, incidental sign which serves solely to designate the location of or direction to any place or area located on the same lot.
18. Directory Sign: An on-premise sign on which the name, title, street number or use of building is displayed.
19. Electronic Message Center: A sign utilizing computer-generated messages or using other electronic with the means of changing the message. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.
20. Exempt Sign: A sign exempt from the permitting requirements but not the other requirements of this Ordinance or other provisions of applicable codes. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site or project.
21. Family Event Sign: A sign on a residential lot indicating a family event such as a birthday, wedding, anniversary, or family reunion, are examples of family events. The sign may be attached or freestanding.
22. Flag: A piece of fabric with a color or pattern representing a government or other noncommercial organization or idea.
23. Freestanding Sign: Any sign supported by one or more posts, columns, other vertical structures or supports that are laced on or anchored to the ground and that are independent from a building or other structure. This definition includes restaurant menu board signs.
24. Frontage: See "Building Frontage."
25. Garage Sale Sign: See "Yard Sale Sign."
26. Home Business Sign: A sign containing only the name and occupation of a permitted home business.
27. Identification Sign: Any sign which is limited to name, address, and number of a building, institution or person; as well as, the activity carried on in the building, institution, or the occupancy of the person.
28. Illuminated Sign: A sign lighted by, or exposed to, artificial lighting either by lights on or within the sign or directed toward the sign.
29. Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.
30. Inflatable Sign: A temporary sign consisting of a bag or figure made of light weight material which is either (1) filled with a gas lighter than air, or (2) continuously filled with blown air, and designed to rise or float in the atmosphere or is attached to the ground or a building.
31. Institutional Monument Sign: A monument sign associated with an institutional use.
32. Marquee: Any permanent, roofed structure attached to, and supported by, the building and projecting beyond the wall of the building.
33. Marquee Sign: A sign in any manner attached to, or made a part of, a marquee.
34. Menu Board Sign: A permanently mounted and/or installed sign displaying the bill of fare for a drive-through restaurant.
35. Model Home or Temporary Sales Facility Sign: A wall, awning, or freestanding sign permitted on the lot of a model home or temporary sales facility.
36. Monument Sign: A freestanding sign, other than a pylon sign, where the entire bottom of the sign is in contact with the ground.
37. Nonconforming Sign, Legal: A sign lawfully erected and maintained prior to the adoption

- of this ordinance that does not conform to the requirement of this ordinance.
38. Nonconforming Sign, Illegal: A sign existing on the effective date of this ordinance which did not conform to the County's sign regulations at the time of installation and which does not conform to the requirements of this Ordinance.
  39. Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
  40. Permanent Sign: A sign attached to a building, structure, or the ground in some manner that requires a sign permit and which is made of materials intended for long-term use.
  41. Pole Sign: A sign erected on a freestanding pole, poles, or pole-like structure. The poles may have a decorative wrap obscuring the pole itself.
  42. Political Sign: A sign that advertises a candidate or topic on which there is to be a vote on an established election day.
  43. Portable Sign: A movable sign not secured or attached to the ground or a structure, and not including a handheld sign as defined in this section.
  44. Post Sign: A sign supported by one (1) or two (2) posts typically made of wood. The sign display may be attached between the two posts or supported from above.
  45. Prohibited Sign: A sign prohibited in all zoning districts.
  46. Project Sign, Single-Family or Two-Family Residential Subdivision: A sign identifying the subdivision name, owner, developer, engineer, homebuilder, lender, or other professional involved in the construction of a single-family or two-family residential subdivision.
  47. Projecting Sign: A sign affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall.
  48. Pylon Sign: A freestanding sign of which the entire bottom of the sign is generally in contact with, or in close proximity to, the ground and which has a width of at least two (2) feet and a height of at least three (3) times the width.
  49. Real Estate Sign: A sign erected by the property owner or property owner's agent, indicating that the property on which it is located or existing structures on that property are for sale, rent, or lease. This shall include signs that indicate that a property is for sale or is available for inspection, such as signs containing the words "open house". It may be attached or freestanding.
  50. Searchlight: Any light with one (1) or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source, and any light with one (1) or more beams that rotate or move, that is used to attract attention to a property, use, or structure.
  51. Sidewalk Sign: A portable, freestanding sign, typically double-sided, placed on a sidewalk at an entrance to a business and used to attract pedestrians. Variations include sandwich boards, A-frame signs, T-frame signs.
  52. Sign Area: See Section 9.5(a)
  53. Sign Height: See Section 9.5(b)
  54. Snipe Sign: A sign that is not otherwise authorized by this Chapter, and is tacked, mailed, posted, pasted, glued, fastened, or attached to a wire frame and posted in the ground, or attached directly to trees, poles, stakes, fences, or any other support device.
  55. Special Event Sign: A sign intended to advertise a special event. Festivals, art shows, business anniversary celebrations, and homeowner association meetings are examples of special events. It may be attached or freestanding.
  56. Streamer: A long, narrow flag, banner, or pennant.
  57. Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

58. Temporary Sign: A sign displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served.
59. Wall Sign: Any sign attached parallel to, but projecting less than twelve (12) inches from, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and displays only one (1) sign surface. This does not include window signs.
60. Wayfinding Sign: A sign erected by a governmental entity to aid visitors in navigating within the County or within a town or district. These signs may include directional indicators to guide visitors to special areas (including towns or business parks), specific locations (including libraries, governmental centers, and entertainment venues), or to major thoroughfares. These signs may be freestanding or attached, and typically are of a uniform design.
61. Window Sign: An attached sign located on the inside of a window or within a building or other enclosed structure, where the sign face is visible and legible from the exterior through a window or other opening. A window sign may be one or all of the following:
- (1) Identification sign: A sign attached to, or painted on, an establishment window identifying the occupant and its address and telephone number.
  - (2) Message sign: A sign containing a message.
  - (3) Hours of operation sign: A sign stating hours and days of operation.
  - (4) Advertising sign.
62. Yard Sale Sign or Garage Sale Sign: A sign erected by the owner of the property or authorized agent of such owner that indicates that tangible goods are for sale at a certain time on the property on which it is located. It may be attached or freestanding.

**SIGN AREA**: That area which is normally visible from any one (1) direction. (Example - a rectangular sign four (4) feet by five (5) feet with display on both sides shall be considered to be twenty (20) square feet.) Square footage determination shall be ascertained by adding all sign face areas and dividing by two (2). In addition:

1. Signs which require other signs to display full meaning, such as individually displayed letters of the name of the establishment or adjacent pictorial displays, shall be considered one (1) sign;
2. Sign supporting structures, which by size or ornateness have been designed to attract attention, shall be considered part of the sign square footage,
3. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point, and
4. In the case of a sign consisting of two (2) or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign face and sign area shall be calculated separately.

**SIGN, FACE**: The surface of a sign upon, against, or through which the message of the sign is exhibited.

**SIGN HEIGHT**: The highest point measured from grade level at the base of the sign to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

**SIGN STRUCTURE**: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

**SIGN SURFACE**: see "Sign Face"

**SIGNABLE AREA:** A two-dimensional area that describes the largest square, rectangle, or parallelogram on the facade of a building which is free of architectural details.

**SITE IMPROVEMENT:** see "Improvement"

**SLOPE:** The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

**SMOKE:** A suspension of fine particles, excluding water droplets, in a gaseous plume, which more or less obscures the transmission of light.

**SMOKE UNIT:** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

**SOIL STABILIZATION:** Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

**SOLAR ENERGY CONVERSION SYSTEM:** An apparatus for converting solar energy to thermal and electrical energy.

**SOLID WASTE DISPOSAL FACILITY:** As defined by IC 36-9-30-2, as amended, and a sanitary landfill, an incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal.

**SPECIAL EXCEPTION USE:** see "Use, Special Exception"

**SPECIAL FLOOD HAZARD AREA (SFHA):** see "Floodplain Management"

**SPOT ZONING:** The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

**SPOTLIGHT:** A bulb which projects light in a specific direction in a narrow beam, typically 45 degrees.

**STABLE:** see "Animal Boarding and Stable"

**STADIUM OR COLISEUM:** A large open or enclosed space that is used for games or major events, especially sporting events, and is partly or completely surrounded by tiers of seats for spectators.

**STATE:** The State of Indiana.

**STOP-WORK ORDER:** A written document issued by an enforcement official which requires the cessation of an activity.

**STORAGE FACILITY, SELF-SERVICE:** A building or group of buildings in a controlled access environment that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the temporary storage of customer's goods or wares.

**STORAGE, OUTDOOR:** see "Outdoor Storage"

**STORAGE, SEMI-TRACTOR/TRAILER:** The storage of any vehicle without motive power designed to be coupled with or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

**STORY:** The part of a building between the surface of a floor and the ceiling immediately above, or if there is no floor above, then the space between such floor and the ceiling or roof above. Unless otherwise defined, this distance shall be set at

eight (8) feet. For the purpose of this Ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

**STREAM BANK:** The usual boundaries, not the flood boundaries, of a stream channel.

**STREET CLASSIFICATIONS:** see “Thoroughfare Street or Road”

**STREET FRONTAGE:** see “Lot Frontage”

**STREET, HALF:** A street for which only half of the required right-of-way and/or pavement width has been provided.

**STREET (or Alley) IMPROVEMENT:** Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in this Ordinance. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

**STREET INTERSECTING:** Any street that joins another street at an angle, whether or not it crosses the other street.

**STREET INTERSECTION:** The point of crossing or meeting of two (2) or more streets.

**STREET, NON-RESIDENTIAL:** Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

**STREET ORIENTATION:** The direction of the architectural front facade of a building in relation to the street.

**STREET, PRIVATE:** A privately maintained thoroughfare which affords principal means of vehicular access to more than one (1) abutting property or dwelling unit, and which has not been dedicated to the public, or subject to public easements.

**STREET, PUBLIC:** A public thoroughfare which has been dedicated to the public use and accepted and maintained by the County, affording the principal means of access to abutting property and which has been identified and defined in the Hendricks County Comprehensive Plan as:

1. Interstate
2. Urban Principal Arterial
3. Rural Principal Arterial
4. Urban Minor Arterial
5. Rural Minor Arterial
6. Urban Collector
7. Rural Collector
8. Local Road

**STREET, RESIDENTIAL:** Any street where the principal land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

**STREET RIGHT-OF-WAY LINE:** A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes. See also “Right-of-Way Line.”

**STREET VISTA:** A view framed by buildings at the termination of the axis of a thoroughfare.

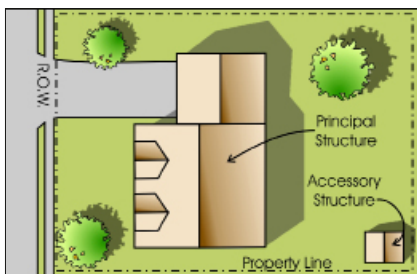
**STREET WIDTH:** The width of the paved surface of a street, measured from back-of-curb to back-of-curb or from edge-of-pavement to edge-of-pavement where curbs are not present.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, foundations or girders, or any increase in the area or cubical contents of the building or structure. Also, substantial roofing and siding work when repairs are made to the structure beneath.



**STRUCTURE:** Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks and overhead transmission lines. See also "Building."

**STRUCTURE, ACCESSORY (APPURTENANT STRUCTURE):** A structure that is subordinate and incidental to a principal structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the principal structure; does not alter or change the character of the property; and is located on the same lot as the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds. See also "Building, Accessory."



**STRUCTURE, PRINCIPAL:** The building or structure in which the principal use of the lot or premises is located or conducted. With respect to residential uses, the principal building or structure shall be the main dwelling. For agricultural uses, the principal structure may be a barn or other agricultural structure. See also "Building, Principal."

**SUBDIVISION:** The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or for the purpose of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division and development of land opened for residential

and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of division of existing parcels of land are exempt from the Hendricks County Subdivision Ordinance:

1. A tract, which is at least twenty (20) acres in size;
2. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings and/or structures are created by the division;
3. A division of land for the acquisition of street right-of-way or easement;
4. A division of land for the sale or exchange of tracts between adjoining land owners, provided no additional building sites other than for accessory buildings and/or structures are created by the division;
5. A division of land into cemetery plots for the purpose of burial of corpses;
6. A division of land to be subdivided for agricultural use only, provided that no additional building sites are created by this division; and
7. A division of land prior to April 21, 1997 containing a minimum of one (1) acre of lot area and having ever been located on such lot the principal residence.

**SUBDIVISION, CLUSTER:** see "Cluster Development."

**SUBDIVISION, EXISTING:** see "Existing Manufactured Home Park or Subdivision"

**SUBDIVISION, EXPANSION TO AN EXISTING:** see "Expansion to an Existing Manufactured Home Park or Subdivision"

**SUBDIVISION, MAJOR:** All subdivisions not classified as minor subdivisions and resulting in the creation of more than three (3) lots, including but not limited to subdivisions requiring any new street or extension of utilities or the creation of any public improvements.

**SUBDIVISION, MINOR:** The subdivision of a parent parcel into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial, or industrial building sites whether at the same time or over the course of time, and which does not involve the construction or extension of public or private streets or utilities. The parcel shall front upon an existing street which is an improved right-of-way maintained by the County or other governmental entity and not involve any new street.

**SUBSTANTIAL DAMAGE:** Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or repetitive loss regardless of the actual repair work preformed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alterations of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."

**SUPERMARKET:** Large-scale retailers of food and grocery supplies, typically also including uses accessory to food and grocery sales such as flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

**SUPPLY YARDS:** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. Supply Yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**SURETY:** An amount of money or other negotiable instrument provided by a developer to the County which guarantees that they will perform all actions required by the County regarding an approved site Development Plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the County to complete those requirements. See also "Performance Guarantee."

**SURFACE DRAINAGE:** see "Drainage, Surface"

**SWALE:** see "Drainage Swale"

**SWIMMING POOL:** A structure, whether at, above, or below grade, designed to hold water that exceeds two (2) feet in depth at any point, which is to be used for recreational, educational or public purposes.

**SWIMMING POOL, COMMERCIAL:** A, swimming pool used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon the adults or children, operated and maintained by any person, whether he be an owner, lessee, operator, licensee or concessionaire, exclusive of a private swimming pool, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also including all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, homeowner associations and community associations.

**SWIMMING POOL, PRIVATE:** A swimming pool used or intended to be used solely by an owner or lessee and his/her family, and by friends invited to use it without payment of any fee and which is an accessory use at a private residence or private commercial operation.

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**TECHNICAL ADVISORY COMMITTEE (TAC):** A committee established by the Plan Commission to assist with the technical evaluation of subdivisions and Development Plans by reviewing sketch plats, and to make appropriate technical recommendations to the developer, Plan Commission, Administrative & Plat Committee, or County departments.

**TECHNICAL REVIEW:** A process prior to Development Plan approval in which detailed technical information pertaining to all applicable local building, fire and County Codes are presented to and reviewed by the County for conformance.

**TELECOMMUNICATIONS:** The transmission of information between or among geographic points without change in the form or content of the information as sent or received. See also "Communications Service Exchange."

**TELECOMMUNICATIONS ANTENNA:** Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

**TELECOMMUNICATIONS TOWER:** A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

**TEMPORARY STRUCTURE:** A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**TEMPORARY SEASONAL SALES:** see "Sales, Temporary/Seasonal"

**TEMPORARY USE:** see "Use, Temporary"

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

**THROUGH LOT:** see "Lot, Through"

**THOROUGHFARE PLAN:** The official plan, now and hereafter adopted, which sets forth the location, identification, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

**THOROUGHFARE STREET OR ROAD:** The full width between property lines bounding every public way, with a part to be used for vehicular traffic and designated as follows:

1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principle entrance and circulation routes within residential subdivisions.
4. Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street: A street primarily for providing access to residential, commercial or other abutting property.

7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial street or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from the arterial street or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Frontage Street: A local street or collector street, parallel and adjacent to an arterial street or collector street, providing access to abutting properties and protection from arterial streets or collector streets.
9. Private Drive: see "Street, Private"
10. Residential Access Street: Lowest order of residential streets. Provides frontage for access to lots, and carries traffic having destination or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed. All, or the maximum number of housing units, shall front on this class of street. Residential access streets shall be designed so that no section conveys an ADT greater than 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street shall not exceed 500 ADT, nor shall it exceed 250 ADT at any point of traffic concentration. A Residential Access Street has a right-of-way of 50 feet and a minimum front building setback line of 25 feet.
11. Residential Collector Street: Highest order of residential streets. Conducts and distributes traffic between lower-order residential streets and higherorder streets—arterials and expressways. Carries the largest volume of traffic at higher speeds. Function is to promote free traffic flow; therefore, parking and direct access to homes from this level of Street shall be prohibited. Collectors shall be designed so that it does not exceed 3000 ADT. Street has a right-of-way of 50 feet and a minimum building setback line of 35 feet.
12. Residential Subcollector Street: Middle order of residential street. Provides frontage for access to lots, and carries traffic of adjoining residential access streets. Designed to carry somewhat higher traffic volumes with traffic limited to motorists having origin or destination within the immediate neighborhood. Is not intended to interconnect adjoining neighborhoods or subdivisions and shall not carry regional through traffic. Subcollectors shall be designed so that no section conveys an ADT greater than 500. Each half of a loop subcollector may be classified as a single subcollector street, but the total traffic volume conveyed on the loop street shall not exceed 1,000 ADT, nor shall it exceed 500 ADT at any point of traffic concentration. A Residential Subcollector Street has a right-of-way of 50 feet and a minimum building setback line of 30 feet.

**TIMBER, HARVESTING:** The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but no the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under this ordinance.

**TIMBER, LOGGING:** Areas to which wood is hauled by skidder or other extraction equipment for temporary storage before transfer to trucks.

**TOOL AND DYE SHOP:** An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

**TOP SOIL:** Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon."

**TOP-OF-BANK:** The ordinary high water level for a water basin or wetland, and the break in slope for a watercourse.

**TOPOGRAPHY:** The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

**TOTAL MINIMUM LIVING AREA (Per Unit):** see "Living Area, Total Minimum"

**TOWER:** A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground.

**TOWNHOUSE:** A single-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

**TRACT:** A unit, or contiguous units, of land under single ownership.

**TRADE OR BUSINESS SCHOOL:** see "Educational Institution, Excluding p-12"

**TRAFFIC CALMING:** Methods of reducing the negative impact of vehicles on surrounding land uses and other methods of personal transportation through street design that decreases the speed of vehicles and provides increased space and comfort for pedestrians.

**TRAIL:** A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment. See also "Pathway."

**TREE, BROADLEAF:** Trees having non-needle like leaves.

**TREE, DECIDUOUS:** Trees and shrubs that shed their leaves annually.

**TREE, EVERGREEN:** Trees and shrubs that do not shed their leaves annually.

**TREE, ORNAMENTAL:** A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under forty (40) feet.

**TREE, PROHIBITED:** A tree, as listed in this Ordinance that does not meet site-landscaping or performance standard requirements.

**TREE, SHADE:** A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

**TRUCK FREIGHT TERMINAL:** An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

**TRUCK STOP:** A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

**TRUCK SALES AND SERVICE:** Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

## - U -

**UNDEVELOPED LAND:** Land in its natural state before development. Also known as unimproved land.

**UNIVERSITY:** see "Educational Institution, Excluding P-12"

**USE:** The purpose of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or

operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

**USE, ACCESSORY:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, in terms of size, intent, and/or purpose, the principal use or structure, and does not alter or change the character of the property.

**USE CATEGORY:** A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this Ordinance, such as retail uses, office uses, personal service uses, and general industrial production.

**USE, CHANGE OF:** The discontinuation of the specific principal use of a lot or structure and the replacement of that use with a different specific use.

**USE, EXISTING:** The use of a lot or structure present at the time of the enactment of this Ordinance.

**USE, ILLEGAL:** Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this Ordinance.

**USE, NONCONFORMING:** see "Nonconforming Use, Lot, Structure (Legal)" and "Nonconforming Use, Lot, Structure (Illegal)"

**USE, PERMITTED:** Any use listed as a permitted use in this Ordinance or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

**USE PETITION (ALSO LAND USE PETITION):** A rezoning petition, variance petition, special exception petition, or any other petition permitted by rules of procedure adopted by the Plan Commission.

**USE, PRINCIPAL:** The primary or predominant use of land or structures, as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

**USE, SPECIAL EXCEPTION:** Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Special exception uses are permitted only following approval by the Board of Zoning Appeals.

**USE, TEMPORARY:** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**UTILITIES:** See "Essential Service"

**UTILITY SUBSTATION:** A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

- V -

**VACATION:** The termination of interest in a plat, an easement, or a right-of-way or other public dedication.

**VALANCE:** The portion of an awning or canopy that hangs perpendicular to the ground.

**VARIANCE:** A grant of relief from the requirements (development standards such as height, bulk, area, etc.) of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance, where the modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not a result of action of the applicant, a literal enforcement of the regulations would result in a practical difficulty or an unnecessary hardship.

**VARIETY STORE:** A retail establishment that sells a multitude of consumer goods.

**VEHICLE:** see "Motor Vehicle"

**VENDING MACHINES:** Machines that, for a fee, distribute drinks, newspapers, and other items. The machines are owned by a person other than the property or business owner.

**VERTICAL FOOTCANDLES:** The amount of light striking a vertical plane or surface.

**VESTED RIGHT:** A right that has become fixed and cannot be revoked by subsequent changes of applicable regulations.

**VETERINARY OFFICE (Animal Clinic):** An establishment for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and recuperation.

**VIBRATION:** Oscillatory motion transmitted through the ground.

**VIDEO STORE:** An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-ROMS, laser discs, video games, or other electronic media.

**VILLAGE GREEN:** An open space, centrally located in village, town or development, that is designed and intended for the common use and enjoyment of the residents and occupants of the village, town or development and which may include such structures and improvements as are necessary and appropriate.

**VICINITY MAP:** A drawing located on a plat which shows by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Hendricks County in order to better locate and orient the area in question.

**VIOLATION:** The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**VITICULTURE (Vineyard):** The cultivation of grapevines and the growing of grapes.

## - W X -

**WALKWAY/BIKEWAY:** A dedicated public way, four (4) feet or more in width, for pedestrian or bike use, whether along the side of a road or not. See also "Pathway" and "Trail."

**WAREHOUSE:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, and not involved in manufacturing or production. See also "Distribution Center."

**WASTE DISPOSAL FACILITY:** see "Solid Waste Disposal Facility" or "Junk Yard" or "Scrap Metal Processing Facility"

**WASTE INCINERATOR:** see "Incinerator" or "Solid Waste Disposal Facility"

**WATER SYSTEM, CENTRAL:** A system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

**WATER TOWER:** A tower or standpipe that functions as a reservoir providing water to the community.

**WATERCOURSE:** Any natural or man-made channel through which water flows on a continual or temporary basis. See also "Floodplain Management; Watercourse."

**WELLFIELD (PUBLIC PUMPHOUSE):** An area of land that contains one (1) or more existing or proposed wells for supplying water to a water utility.

**WETLAND:** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted to life in saturated soil conditions, commonly known as hydrophytic vegetation, as identified by the National Wetlands Institute and certified by an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

**WHOLESALE FACILITY:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

**WIDTH, LIVING AREA FACADE MINIMUM:** The minimum width required for the front facade of a residential structure, exclusive of garages, porches, decks, or terraces. This requirement may apply to a continuous facade for multi-family or single-family attached units.

**WIND ENERGY CONVERSION SYSTEM, NONCOMMERCIAL:** A wind-driven machine with a rated generating capacity of less than 100 kilowatts that converts wind energy into electrical power for the primary purpose of on-site use. (Amended Ordinance 2009-29)

**WIND ENERGY CONVERSION SYSTEM, ROOFTOP:** A wind driven machine mounted to the roof of a building that converts wind energy into electrical power for the primary purpose of on-site use. (Amended Ordinance 2009-29)

**WIND ENERGY FACILITY:** A facility whose purpose is the generation of electricity from wind for resale or off-site use, consisting of one or more wind energy conversion systems (WECS) and other accessory structures including substations,

meterological towers, electrical infrastructure, transmission lines, and other appurtenant components. (Amended Ordinance 2009-29)

1. **Facility Owner:** The entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
2. **Hub Height:** The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
3. **Non-Participating Landowner:** Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.
4. **Occupied Building:** A residence or any building used for institutional purposes or as a public gathering place that is occupied or in use when a wind turbine permit application is submitted.
5. **Operator:** The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
6. **Turbine Height:** The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
7. **Wind Turbine:** A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**WIND TURBINE:** A wind energy conversion system that converts wind into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. (Amended Ordinance 2009-29)

**WINERY:** A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.



**WIRELESS TELECOMMUNICATIONS FACILITY:** A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.

1. Cellular Communications Services: Personal communications accessed by means of cellular equipment and services.
2. Cellular or Wireless Communications Antenna: Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.
3. Cellular or Wireless Communications Site: A tract, lot or parcel of land that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
4. Cellular or Wireless Communications Support Structure: Any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
5. Cellular or Wireless Communications Tower: Any freestanding structure used to support a cellular or wireless communications antenna.
6. Cellular or Wireless Communications Tower, Height of: The height from the base of the structure to its top; including any antenna located thereon.
7. Personal Wireless Services: Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services.

## - Y Z -

**YARD:** A space on a lot that is open, unoccupied and unobstructed other than by steps, walks, terraces, driveways, lamp posts and similar structures. Front, side, and rear yards shall be considered those yards that exist in the space between the structure or applicable facade (front, side, or rear) and the applicable lot line (front, side, or rear).

**YARD SALE:** see "Garage/Yard Sale."

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a Lot Line.

**ZONING DISTRICT:** An area within the Hendricks County Plan Commission's jurisdiction for which uniform regulations governing the use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are herein established.

**ZONING INSPECTOR:** The Planning and Building Director or the duly appointed administrative officer designated to administer the Zoning Ordinance.

**ZONING MAP:** see "Official Zoning Map"