

Zoning Ordinance

Town of Advance, Indiana

1998

BOONE COUNTY COMMISSIONERS

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Mrs. Betty Lee Cooper
Mrs. Jennifer Reagan, Administrative Assistant

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APPEALS

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Mr. Marvin Evans
Mr. Jess Revercomb
Ms. Marta Haza

AREA PLAN COMMISSION STAFF

Steve Niblick, Executive Director
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I. GENERAL PROVISIONS

BE IT ORDAINED UNDER AUTHORITY OF THE AREA PLANNING LAW OF THE STATE OF INDIANA (IC 36-7-4): The Ordinance known and cited as the "Zoning Ordinance of the Town of Advance, Indiana" is hereby amended and restated as follows:

- A. TITLE. An ordinance for the development through zoning of the area within the jurisdiction of the Area Plan Commission of Boone County, Indiana. This ordinance may be cited as the "Zoning Ordinance of the Town of Advance, Indiana".
- B. INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. It is not the intent of this ordinance, nor would it be the result of this ordinance, that any usage of land existing at the time or prior to the passage of this ordinance, which was illegal or unlawful under former Zoning Ordinances or regulations, should become legal or lawful under the terms of this ordinance.
- C. NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not the intention of this ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, other than those expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or approved, except, that where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control.
- D. PURPOSE. The purpose of these regulations is to protect and promote the public health, safety, and general welfare of the residents in the jurisdiction of the APC, and to:
 - 1. Guide future growth and development in accordance with the comprehensive planning process;
 - 2. Protect the character and the social and economic stability of all parts of the area;
 - 3. Encourage orderly and beneficial development of all parts;
 - 4. Protect and conserve the value of land, buildings, and other improvements upon the land, and minimize the conflicts among the uses of land or buildings;
 - 5. Avoid scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of the community infrastructure;
 - 6. Preserve prime farmland soils.

II. DISTRICTS

A. ESTABLISHMENT OF DISTRICTS AND OVERLAYS. The Jurisdiction Area is hereby classified and divided into Districts designated in Table 1, Land Use Districts:

Table 1, Land Use Districts		
Conservation and Agriculture Districts		
C	Conservation	This district is established to emphasize the conservation of existing natural resources.
AP	Agricultural Preservation	This district is established to restrict non-agriculturally related land uses. Residential development may occur at a substantially decreased rate than other districts.
AG	General Agricultural	This district allows the opportunity for further residential development beyond the constraints of the AP District; however, residential development in this district remains limited.
RE	Rural Equestrian	This district is established to maintain and conserve a rural, country-like atmosphere and to encourage equestrian uses rather than residential uses. Residential development may occur but is secondary to the rural equestrian purpose of this district. Further, the lot area requirements of this district are more restrictive than established residential districts; typically at a density of one home per three acres.
Residential Districts		
R1	Low Density Single Family Residential	This is a low-density suburban residential district. The lot area and minimum floor area requirements are larger than the other residential districts. Development in this district is typically at a density of less than one home per two acres.
R2	Low Density Single Family and Two-Family Residential	This is a low-density single-family district, which could include two-family dwellings by Development Plan Approval. This district is primarily suited for suburban residential development in areas contiguous to the urban centers of the County. Development in this district typically ranges from .50 homes per acre (without public water and public sewer) to 1.75 homes per acre (with public water and public sewer).
R3	Medium Density Single Family and Two-Family Residential	This is a medium density single-family district, which may include two family dwellings by Development Plan Approval. Development in this district typically ranges from 1.75 homes per acre to 3.00 homes per acre. In this district, residential development at these densities requires connection to public water and public sewer utilities.
R4	High Density Single and Two-Family Residential	This district is established for high-density single-family dwellings and may include two-family dwellings by Development Plan Approval. Single and two-family development in this district typically ranges from 3 homes per acre to 4.25 homes per acre. Two-family development typically ranges from 7 units per acre to 12 units per acre. In this district, single and two-family development at these densities requires connection to public water and public sewer utilities.

Table 1, Land Use Districts		
MF	High Density Multi-Family Residential	This is a high-density multi-family district. Development in this district is typically at a density of 7 to 12 dwelling units per acre. Development in this district requires connection to public water and public sewers.
Commercial Districts		
LB	Local Business	This district is designed and located in neighborhoods to accommodate the primary needs of that locality. This district would place convenience and necessity facilities close to consumers in limited areas close to residences.
PB	Professional Business	This district is established as a buffer generally between commercial and residential districts permitting selected business and professional uses having limited contact with the public.
UB	Urban Business	This district is designed to address the needs of existing and future downtown development. This district carries virtually all of the characteristics of the GB District but without setbacks, buffer yards, or other design requirements common to suburban development.
GB	General Business	This district is designed to include central business districts in established urban places. This district would be used for most types of business and service uses.
AB	Accommodation Business	This district is established to include areas adjacent to Interstate interchanges and is designed to serve the needs of the public traveling on these major thoroughfares.
Industrial Districts and PUD's		
I1	Light Industry	This district is established to accommodate light industrial uses in which all operations, including storage of materials would be confined within a building, and would include warehousing operations.
I2	General Industry	This district is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating.
PUD	Planned Unit Development	This district is established to encourage improved land development and building site design, to encourage and allow a variety of innovative uses, building types and arrangements, to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD district.

III. AUTHORIZED USES AND REQUIREMENTS

AUTHORIZED USES. The uses permitted in the Districts established by this ordinance are shown in Table 2, Authorized Uses. Where the District column is marked with an “X”, the use is permitted. Where the District column is marked with an “S”, the use may be permitted only as a Special Exception. Where the District column is marked with a “D”, the use may be permitted only after approval of a Development Plan by the APC.

- A. Where a district column is marked with an “SW”, the use may be permitted by Special Exception approval from the BZA subject to the issuance of a license or operating permit as approved by the Boone County Solid Waste Management District. Where a district column is marked with an “XW”, the use is permitted by right in the zoning district but is subject to the issuance of a license or operating permit as approved by the Boone County Solid Waste Management District.

For uses not listed, the Director shall attempt to determine if the requested use is similar to a permitted use. If the proposed use is determined to be similar to a permitted use, the permit shall be issued. If the Director determines that the use is not similar, then the application shall be denied. In case of uncertainty, the Director may refer the request for clarification or classification to the BZA for consideration in accordance with the provisions of the section on Uses Not Listed under the Duties of the Board of Zoning Appeals.

Table 2, Authorized Uses

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Education																
Art & Music Schools												X	X	X		
Colleges & Universities					S	S	X	X	X						S	
Elementary & Secondary Schools			D		X	X	X	X	X		X	X	X	X		
Junior Colleges & Technical Institutes					S	S	X	X	X							
Libraries & Information Centers			D		X	X	X	X	X				X	X		
Trade or Business School												X	S	S	X	
Non-Industrial Farm, Agricultural, Animal Related Uses																
Animal Day Care Facility			S									X	X	X		X
@ Commercial Greenhouse		S	X									X			X	X
Kennel, Small			S								X	X			S	S
Kennel, Large			S												S	S
Kennel, Unlimited			S												S	S
@ Roadside Produce Stand		S	X								X	X			X	X
@ Sale Barn for Livestock		S	X												S	X
@ Veterinary Animal Hospital			S									X	X	X	X	X
Farm	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X
Hay, Grain, & Feed Stores		X	X								X	X			X	X

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Landscape Contractor		S	S								S	S			S	S
Plant Nursery		S	X								X	X			X	X

Government

@ Penal or Correctional Institutions												S			S	S
@ Police, Postal, or Fire Station			D		X	X	X	X	X	X	X	X	X	X	X	X
Municipal or Government Buildings			D		S	X	X	X	X	X	X	X	X	X	X	X
Publicly Owned Park or Recreational Facility	X	X	D		X	X	X	X	X	X	X	X	X	X	X	X

Industrial Uses

@ Anhydrous Ammonia or Similar Liquefied Fertilizer Storage & Distribution		S	S												S	X
@ Auction Sales Yard (Excluding Livestock)												S			S	X
@ Commercial Facility for Breeding Non-Farm Fowl & Animals		X	X												S	X
@ Confined Feeding		X	X													
@ Contractors Storage															S	X
@ Industry, General																X
@ Junk Yard															S	X
@ Light Industrial Park															X	X
@ Liquefied Petroleum Gas, Bottled Gas Dealers															S	X
@ Manufacturing, Use, or Storage of Explosives															S	S
@ Mineral Extraction		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
@ Open Material Storage															S	X
@ Petroleum Tank Farm															S	X
@ Slaughter House		S	S												S	X
@ Truck Freight Terminal															X	X
@ Warehouse (General)												S			X	X
@ Warehouse (Grain Storage)		S	S									S			S	X
@ Wholesale Produce Terminal			S									S			X	X
Farm Product Processing												X	X		X	X
Food Processing												X	X		X	X
Fuel Dealers												X			X	X
Light Industry															X	X
Linen Supply												S			X	X

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Warehousing, Storage, or Recycling of Hazardous Waste			*	*	*	*	*	*	*	*	*	*		*	*	*
Warehousing, Storage, or Recycling of Radioactive Waste			*	*	*	*	*	*	*	*	*	*		*	*	*
Wholesale Business												X			X	X

Non-Profit Membership Organizations

Business Associations												X	X	X	X	X
Charitable Institutions												X	X	X	X	X
Church or Temple			D		X	X	X	X	X	X	X	X	X	X		
Civic, Social, Religious, Political, or Fraternal Organizations			D									X	X	X	X	X

Recreation, Amusement, Tourism

@ Fairgrounds			X												X	X
@ Golf & Country Clubs					X	X	X	X	X						X	X
@ Golf Driving Range & Miniature Golf Course										X		X			X	X
@ Hotel or Motel										X		X	X		X	
@ Outdoor Recreation Facility		S	S												S	S
@ Outdoor Shooting Range, public or private		S	S												S	X
@ Public Camp Ground or Recreational Vehicle Park		S	S								S			S	S	S
@ Race Track															S	X
@ Stable, Private		X	X	X	X	X	S								X	X
@ Stadium, Coliseum															X	X
@ Theater, Outdoor			S						S		X				X	X
Bed and Breakfast			S		S	S	S	S	S	X	S	X	X			
Billiard & Pool Establishments												X	X			
Bowling Alleys												X	X		X	
Dance Halls, Studios & Schools												X	X			
Indoor Recreation Facility												X		X	X	X
Lodge or Private Club												X	X		X	
Motion Picture Theater												X	X			
Museum & Art Gallery												X	X	X		
Public Golf Course					X	X	X	X	X						X	X
Seasonal Hunting & Fishing Lodge		X	D													
Skating												X			X	
Stable, Public			X									X			X	X

USE

C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
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Residential

@ Day Care Center		S	S					S	S		X	X	X	X	X	X
@ Minor Residential Subdivision			S	S	X	X	X	X		X	X	X	X	X	S	S
@ Mobile Home Park					D	D	D	D								
Customary Home Occupation (Accessory Use)		X	X	S	S	S	S	S	S	X	X	X	X	X	X	X
Dwelling - Multi-Family									D		D	D	D	D		
@ Dwelling - Single Family			S	X	X	X	X	X		X	X	X	X	X	S	S
Dwelling - Two Family						D	D	D		D	D	D	D	D		
Farm Seasonal Worker Housing		X	X												X	X
Fraternity, Sorority or Student Housing								D	D			D				
Group Residential Facility						S	X	X	X		X	X	X		S	
Major Residential Subdivision					X	X	X	X	X	X	X	X	X	X	S	S
Nursing Home								D	D		D	D		D	D	
Orphanage							D	D	D					D		
Temporary Mobile Home		X	X	X	X	X	X	X	X	X	X	X		X	X	X

Retail, Trade, Food Stores

@ Drive-In Restaurant										S	S	X	X			
Cafeteria, Restaurant										X	X	X	X			
Candy, Nut & Confectionary										X	X	X	X			
Carry Out Restaurant										S	S	X	X			
Dinner Theater												X	X			
Fruits & Vegetables										X	X	X	X			
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods											X	X	X			
Night Club										X		X	X			
Tavern											S	X	X			

Retail, Trade, General Merchandise

@ Shopping Center											D	D	D			
Antique Store											S	X	X			
Apparel Shop, Shoes, Custom Tailoring											X	X	X			
Bait Sales											X	X	X			
Bicycle Shops											X	X	X			
Boat Sales												X	S			
Book & Stationary Store											X	X	X	S		

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Camera & Photographic Supply												X	X			
China, Glassware, Metalware											S	X	X			
Department Store												X	X		X	
Drapery, Curtain & Upholstery											S	X	X			
Drug Store											S	X	X	S		
Electrical Supply Store												X	X		X	X
Farm & Garden Supply												X	X		X	
Farm Implements & Equipment Sales												X			X	X
Floor Coverings											S	X	X			
Florists, Furriers											X	X	X			
Gift, Novelty & Souvenir Shops										S		X	X			
Hardware or Variety Store											X	X	X		X	
Hobby, Toy & Game Shops												X	X			
Household Appliances, Furniture											S	X	X			
Jewelry Store												X	X			
Liquor Store											S	X	X			
Lumber & Building Materials Dealer												X			S	X
Monument Sales												X	X		X	
Music & Video Stores											S	X	X			
News Dealers										X	X	X	X	X		
Paint, Glass & Wallpaper Store												X	X		X	
Pet Shops												X	X			
Plumbing, Heating & Air Conditioning Dealer												X	X		X	X
Sporting Goods												X	X			
Studio Business		S	S		S	S	S	S	S			X	X	X	X	
Tobacco Stores												X	X	X		

Services, General

Accounting, Auditing, & Bookkeeping Service												X	X	X	X	X
Advertising Agencies												X	X	X		
Agricultural Credit Institutions											X	X	X	X		
Attorney Services											X	X	X	X		
Auto License Bureaus											X	X	X	X		
Banks & Branch Banks											X	X	X	X	X	
Blueprinting & Photocopying											S	X	X		X	
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance											X	X	X	X		

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Clothing Rental												X	X			
Coin Operated Laundry & Dry-cleaning											X	X	X			
Collection Agencies												X	X	X		
Commercial Testing Laboratories												X			X	X
Counselor-At-Law											X	X	X	X		
Detective Agencies & Protective Services												X	X	X		
Diaper Service												X	S		X	
Disinfecting & Exterminating Services												X	X			
Dressmaking											X	X	X			
Electrical Repair Shop											S	X	X		X	X
Engineering & Architectural Service												X	X	X	X	X
Insurance Agents, Brokers & Service											X	X	X	X		
Newspaper Publishing												X	X	X	X	
Private Employment Agencies												X	X	X		
Professional Office											X	X	X	X	X	
Real Estate Service												X	X	X	X	
Reupholster & Furniture Repair											S	X	X		X	X
Shoe Repair											X	X	X			
Stenographic Service												X	X	X		
Stock Brokers & Dealers											X	X	X	X		
Tailoring & Pressing Shops											X	X	X		X	
Temporary Help Supply Services												X	X	X		
Watch, Clock & Jewelry Repair											S	X	X			

Services, Medical

@ Convalescent Homes								D	D					D		
@ Clinic											X	X	X	X		
@ Hospitals								X	X		X			X		
Blood Banks												X	X	X		
Life Care Facility								X	X					X	X	
Medical & Dental Laboratories												X	X	X		
Medical Office											X	X	X	X		

Services, Personal

@ Cemetery or Crematory		X	X												X	X
Barber Shop, Beauty Shop											X	X	X	X		
Mortuary												X	X	X		
Photographic Studio												X	X			

USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
Reducing & Health Salons												X	X		X	

Solid Waste Disposal Facilities

@ Compost/Digester Facility		SW	SW												SW	SW
@ Composting Facility		XW	XW	XW	XW	XW	XW	XW	XW	SW	SW	SW		XW	XW	XW
@ Construction/Demolition Site			SW												SW	SW
@ Incinerator		SW	SW												SW	SW
@ Resource Recovery Facility		SW	SW													
@ Sanitary Landfill, Privately Owned			SW												SW	SW
@ Sanitary Landfill, Publicly Owned			XW												XW	XW
@ Transfer Station		SW	SW												XW	XW
Landfill, Hazardous Waste or Radioactive Waste			*	*	*	*	*	*	*	*	*	*		*	*	*
Long Term Permitted Clean Fill Disposal Site			XW	XW	XW	SW					SW	XW		XW	XW	XW
Long Term Permitted Clean Fill Processing Site			XW	XW	XW	SW				SW	SW	XW		XW	XW	XW
Restricted Waste Site			SW	*	*	*	*	*	*	*	*	*		*	*	*
Temporary Permitted Clean Fill Disposal Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW
Temporary Permitted Clean Fill Land Reclamation Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW
Temporary Permitted Clean Fill Processing Site			XW	XW	XW	XW	XW	XW	XW	XW	XW	XW		XW	XW	XW

Utilities, Transportation, Communications

@ Airport or Heliport			S												S	S
@ Public Water Wells, Water Stations, Filtration Plants, Reservoirs, & Storage Tanks	S	X	X		X	X	X	X	X	X	X	X	X	X	X	X
@ Telephone Exchange, or Public Utility Station	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X
@ Wireless Communication Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Mass Transit Station			X	X	X	X	X	X	X	X	X	X	X	X	X	X
Off-Premises Signs										X		X			X	X
Radio or Television Station or Studio												X		X	X	X
Transmission Lines for Utilities	S	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Vehicle Dealers, Repair, & Services

@ Automatic Car Wash										X	S	X	X		X	X
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USE	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2
@ Parking Lot										X	X	X	X	X	X	X
@ Truck Service Center										X		X	S		X	X
Automobile Body Shop & Painting												S	S		S	X
Automobile or Motorcycle Sales												X	X		X	X
Automobile Parts Supply												X	X		X	
Automobile Repair, Service Station										X	S	X	X		X	X
Mobile Home, Travel Trailer, Camper Sales & Service												X	S		X	X
Parking Garage												X	X	X	X	X
Passenger Car Rental										S		X	X		X	X
Storage & Dismantling of Disabled Vehicles																X
Tire, Battery & Accessory Dealers										S	S	X	X		X	
Truck Sales, Rental, Leasing, Repair												X	X		X	X

Table 3, Residential Uses and Requirements - Single Family											
Zoning District	AG	RE	R1	R2	R3	R4	LB	UB	GB	PB	AB
Maximum Height of Buildings	35	35	35	35	35	35	35	35	35	35	35
Minimum Ground Floor Area											
One story	1,200	1,200	1,200	1,200	900	900	900	900	900	1,200	900
Multi story	900	900	900	900	750	750	750	750	750	900	750
Maximum Density* units per acre	*Subject to modification pursuant to Development Incentives contained in the Development Plan Approval section of this ordinance.										
Without public water & public sewer	0.15	0.3	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
With public water & public sewer	0.25	0.3	1	1.75	3	4.25	4.25	4.25	4.25	4.25	4.25
Minimum Open Space											
Without public water & public sewer	50%	50%	40%	40%	40%	40%	40%	40%	40%	40%	40%
With public water & public sewer	50%	50%	40%	40%	30%	30%	30%	30%	30%	30%	30%
Maximum Lot Coverage	50%	50%	60%	60%	70%	70%	70%	70%	70%	70%	70%
<p>Minimum Primary Structure Width: 18 feet in all districts</p> <p>Minimum Lot Area: 5,000sqft in all districts with public sewers. 1 acre in all districts without public sewers, and 3 acres in the RE district, with or without public sewers.</p> <p>Public water & Public sewer Connection: required in all districts for lots that are less than one acre in size.</p> <p>Road Frontage: 45 feet in all districts (in subdivisions, up to 20% of total lots may reduce road frontage by up to 20%)</p> <p>Minimum Front Yard (Unincorporated Areas): in all districts, 20 feet from the right of way or 70 feet from the center of the road, whichever is greater (not applicable to flag lots)</p> <p>Minimum Front Yard (Incorporated Area): 20 feet from the right of way or the average setback of existing primary structures on the block, whichever is less.</p> <p>Minimum Rear Yard for Primary Structures: 20 feet in all districts</p> <p>Minimum Rear Yard for Accessory Structures: 5 feet in all districts</p> <p>Minimum Side Yard: 5 feet in all districts</p> <p>Number of Parking Spaces per Lot: 2 in all districts</p>											

Table 4, Residential Uses and Requirements - Two Family and Multi Family Dwellings

Zoning District	R2	R3	R4	MF	LB	UB	GB	PB	AB	
Maximum Density* (units per acre)	*Subject to modification pursuant to Development Incentives contained in the Development Plan Approval section of this ordinance.									
Two-Family Dwellings	1.75	3	4.25	NA	4.25	4.25	4.25	4.25	4.25	
Multi-Family Dwellings	NA	NA	NA	7	20	20	20	20	12	
Maximum Height of Buildings	35	35	50	50	50	50	50	50	50	
Minimum Ground Floor Area (per dwelling unit)										
One story	900	700	700	700	700	500	500	700	700	
Multi story	450	400	400	400	400	350	350	400	400	
Minimum Open Space	40%	30%	30%	30%	30%	30%	30%	30%	30%	
Minimum Front Yard in All Districts: 20 feet										
Minimum Side and Rear Yard in All Districts: 10 feet										
Number of Parking Spaces per Dwelling Unit in All Districts: 2										
Public Water & Public Sewer Connection Required in All Districts for All Development										

Table 5, Residential Uses and Requirements - Mobile Home Parks Established after January 1, 1999

Zoning District	R1	R2	R3	R4, MF
Units per Acre	2	4	6	6
Minimum Lot Area in All Districts: 5 acres				
Minimum area per unit in All Districts: 5,000 square feet				
Minimum Ground Floor Area (square feet)	1,000	900	900	900
Minimum Structure Width: 12 feet in All Districts				
Minimum Structure Length: 70 feet in All Districts				
Minimum Front Yard: 20 feet in All Districts				
Minimum Side and Rear Yard: 10 feet in All Districts				
Minimum Distance between buildings (primary and/or accessory): 10 feet in All Districts				
Minimum Distance from building to road (feet): 20 feet in All Districts				
Number of Parking Spaces (per dwelling unit): 2 in All Districts				
Minimum Open Space	50%	50%	40%	30%
Public water & Public sewer Connection Required in All Districts: Yes				

Table 6, Commercial, Industrial, and Other Non-Residential Requirements

Zoning District	AG, R1, R2, R3, R4, MF	AB	LB	GB	UB	PB	CR	I1	I2	IR
Maximum Height of Buildings	25	35	35	75	75	35	25	75	75	35
Minimum Road Frontage	45	45	45	45	NA	45	45	45	45	45
Minimum Open Space - see Subdivision Control Ordinance										
Minimum Front Yard	20	20	20	20	NA	20	20	20	20	20
Minimum Side Yard	10	10	10	10	NA	10	10	10	10	10
Minimum Rear Yard	10	10	10	10	NA	10	10	10	10	10

IV. PROPERTY DEVELOPMENT STANDARDS

- A. USE. No building or land shall be used, and no building shall be erected, reconstructed, or structurally altered, which is used for any purpose other than a use which is permitted and specified in a District in which such building or land is located, and which is in accordance with the requirements of this ordinance.
- B. ACCESSORY USES. Accessory uses are permitted in accordance with Table 2, Authorized Uses. Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.
- C. ACCESSORY STRUCTURES. Accessory structures shall be permitted in all zoning districts provided the following requirements have been met.
1. Accessory structures shall secure an ILP and shall not be erected prior to the primary structure except structures used for agricultural purposes as defined under “agriculture” in the definitions section of this ordinance.
 2. Accessory structures shall be clearly subordinate in height, area, bulk extent, and purpose to the primary structure.
 3. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP: structures exclusively for agricultural purposes, landscape vegetation, swing sets, children’s tree houses, bird baths, bird houses, curbs, fences, lamp posts, mail boxes, name plates, parking spaces, utility installations for local services, retaining walls, walks, drainage installations, housing for domestic pets provided it is not for profit and does not constitute a kennel as defined in this ordinance.
 4. Wireless communications facilities are permitted in all districts and may be installed without an ILP provided they are co-located upon an existing or pre-approved wireless communication facility, or they are no taller than 15 feet and visually integrated or camouflaged against a structure other than another antenna.
 5. The following accessory structures are permitted in all zoning districts and require an application f or an ILP certifying that all applicable requirements of the ordinance have been met.
 - a. Buildings such as garages, carports, enclosed patios, bath houses, gazebos, cabanas, greenhouses, storage sheds, stables, and other structures over 50 square feet in area.
 - b. Home occupation structures in accordance with this ordinance.
 - c. In-ground swimming pools subject to a 5' high fence placement around the pool area and/or a mechanical pool cover over the pool.
 - d. Signs as set forth in this ordinance.
 - e. Antennas and amateur radio towers over 30 feet in height measured from the roofline.
- D. TEMPORARY USES. Temporary uses shall be permitted in all zoning districts subject to approval by the Director based on their decision that the use will not detrimentally affect the health, welfare, safety or morals of the neighborhood under consideration for such use.
1. The following are general provisions that must be met before approval:
 - a. The duration of a permit is stated herein, however, the Director may renew such permit for a use in 30-day increments if so requested.
 - b. Temporary uses shall be subject to all of the regulations of the applicable zoning district.
 - c. Adequate access and off-street parking facilities shall be provided.
 - d. Public address systems shall not be used in areas of concentrated residential development.

- e. Floodlights and other lighting shall be directed upon the premises and shall not be detrimental to adjoining properties.
 - f. Signs shall not flash or blink or resemble traffic and emergency warning signals.
 - g. Upon termination, the lot shall be put in a clean condition devoid of trash and remnants of the temporary use.
2. The following are permitted temporary uses subject to the issuance of an ILP and a Certificate of Occupancy.
 - a. Temporary office
 - b. Model home or model apartment
 3. The following are permitted temporary uses subject to the issuance of an ILP.
 - a. Incidental signs on the same property, necessary for the sale, rental, or lease of
 - b. Announcement signs necessary to explain the character of a building enterprise for a maximum of 18 months.
 - c. Mobile homes as emergency shelters when needed until construction or emergency ends.
 - d. Other uses deemed temporary by the BZA subject to all conditions the BZA may deem necessary.
 4. The following are permitted temporary uses that do not require an ILP or Certificate of Occupancy.
 - a. Parking area designated for a special event for a maximum of 30 days.
 - b. Other uses deemed temporary by the BZA subject to all conditions the BZA may deem necessary.
- E. LOTS. Every primary structure hereafter erected, except agricultural structures not used for human habitation, shall be located on an individual lot which fronts on a street or private drive. No building or structure shall hereafter be erected or located on a lot unless such lot conforms with the lot area regulations of the District in which it is located or in accordance with the Non-Conforming Uses section of this ordinance.
- F. CONVERSIONS. Structures originally designed for occupancy by two families or less converted to occupancy by more than two families shall secure an ILP. Such structures shall show no evidence of change to indicate the extra dwelling units. All fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building.
- G. BUILDINGS RELOCATED. No buildings or structures shall be moved from one lot or premises to another unless such building conforms to the regulations of the district to which such building shall be moved and an ILP has been secured.
- H. BUILDING HEIGHT. All buildings hereafter shall comply with the height regulations of the District in which it is located, with the exception of the following:
1. An agricultural structure may be erected or changed to any height necessary for its operation.
 2. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited
- I. YARDS.
1. Architectural features (cornices, chimney, eave, sill, canopy, or similar feature) or open platforms, porches, or landings may extend into a required side or rear yard not more than two feet, and may project into a required front yard not more than three feet.

2. In the case of a through or corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of that District. Corner lots shall have two front yard setbacks and two side yard setbacks.
3. Where 25% or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determine the front yard setback in the block. If there are no other buildings within 330 feet of the proposed building in either direction, then the standard setback for the District shall apply.
4. Front yard setback lines established in recorded subdivisions establish the front yards in such subdivisions, provided that after the adoption of this ordinance, no subdivision shall be platted with building setback lines less than the required front yard of the District in which it is located.
5. One-half of an alley, abutting the rear or side of a lot may be included in the rear yard setback or side yard setback, respectively, but such alley space shall not be included for loading and unloading berths.

J. RESTRICTIONS ALONG STREAMS. (See Storm Drainage, Erosion, and Sediment Control Ordinance.)

1. No permanent structures may be erected, and if erected in violation of this section, no such structure may be used if the location is within 75 feet of the center line of any legal tile ditch, or within 75 feet of the existing top edge of any legal open ditch as determined by the Boone County Surveyor.
2. No authorization of a use, under this ordinance, includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts 1943, Chapter 214, as amended). Plans and specifications for proposed public or district sewage or other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board of the State of Indiana, except when connecting to a public sewer utility.

K. FLOOD PROTECTION. Structures shall be permitted in accordance with Federal and State requirements and the Flood Hazard Management Ordinance of Boone County, Indiana pertaining to construction in flood hazard areas.

L. BULK STORAGE. In any District, structures, buildings or above ground tanks, used for bulk storage of flammable or explosive liquids, gases or other materials, shall not be located closer than 50 feet to the property line. Additional information regarding evidence of safety measures may be required in order to determine the public safety therein.

M. OUTSIDE STORAGE. A landscape contractor located in an agricultural district may store equipment and materials used in the business on the property as long as the equipment and non-plant materials are stored in an enclosed structure and no retail sales occur on the property.

N. LIGHTING. In any District, outdoor lighting, where provided, shall be of a design and size that is harmonious with the design of the building, the type of land use, and the type of adjacent land uses. If external spot or flood lighting is used, the light source should be shielded and restrained in such a manner so as not to illuminate or intrude on surrounding properties. Excessive brightness, flashing lights, and brilliant colors are not permitted.

O. TRASH RECEPTACLES. In any District, non-pedestrian, outdoor trash receptacles used for non-agricultural or non-residential uses shall be completely screened from view by the use of either solid fencing or evergreen vegetation. Such receptacles shall not be visible from the street front or any adjacent residential use during any time of the year.

P. PARKING AND LOADING REQUIREMENTS.

1. PURPOSE.

- a. To reduce traffic problems and hazards by eliminating unnecessary on-street parking and loading. Every use of land except those located in the UB District must include on-premises parking and loading sufficient for the needs normally generated by the use, as provided by this section.
- b. Off-street parking spaces shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees and shall not be used for any kind of loading, sales, servicing, or continuous storage of vehicles for more than 48 hours.
- c. Automotive vehicles or trailers of any type without plates in an inoperable condition so as to be deemed dead storage shall be prohibited in residential Districts other than in completely enclosed buildings and shall not be parked or stored in any District unless specifically authorized under the terms of this ordinance.
- d. Space allotted to loading berths and loading areas shall not be used to satisfy parking space requirements.

2. NONCONFORMING PARKING, ENLARGEMENT OR ALTERATION OF EXISTING STRUCTURE

- a. No use lawfully established prior to the effective date of this section shall be required to provide and maintain the parking and loading requirements of this section, provided that parking and loading spaces required by any previous ordinance pursuant to state statutes shall be continued and maintained.
- b. For any nonconforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation, provided, however, it is not necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses.
- c. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities shall be provided for such increase in intensity of use.
- d. When the existing use of a building, structure or premises shall be changed or converted to a new use permitted by this ordinance, parking and loading facilities shall be provided as required for the new use.
- e. Parking and loading facilities in existence on the effective date of this section shall not be reduced below or if already less than, shall not be further reduced below, the requirements for a new use under this section.

3. DESIGN FLEXIBILITY

- a. Due to particularities of any given development, the inflexible application of required parking spaces may result in parking and loading spaces in excess of need. Upon the written request of the applicant, the Director may authorize a reduction of required parking spaces not to exceed 10%. Approval of reduction of required parking spaces by the Director shall be in writing and shall include justification for allowing such reduction.
- b. Upon written request by the applicant, up to 25% of the dedicated parking area may remain unpaved and in greenspace until such time as the need for maximum parking is determined. This decision and determination shall be at the discretion of the Director. Such decision shall be ratified by or appealed to the APC. Such greenspace shall not be counted toward required parking landscaping or bufferyards.

4. REQUIRED PARKING SPACES

- a. In determination of required parking spaces, any fraction of less than one-half shall be disregarded, while a fraction one-half or greater shall be counted as one parking space.
- b. For uses not specified in this section or in the instance requirements for an adequate number of spaces is unclear, the number of spaces shall be determined by the administrative official on the basis of similar requirements, the number of persons served or employed and the capability of adequately serving the visiting public. Such determination may be reviewed by the APC or appealed to the BZA.
- c. Unless noted in accordance with this section, the number of required automobile parking spaces shall be considered the minimum allowable number of spaces for any particular use.

Table 7, Parking Requirements

Use	Required Parking
College, University, Trade, or Business Schools	1 per 3 students and employees
Elementary or Junior High School	3 per classroom
High School	6 per classroom
Government Uses, Library, Information Center	1 per 250sqft
Commercial Greenhouse	1 per 3 employees plus 1 per 125sqft of sales area
Veterinary Animal Hospital, Kennel	1 per 3 animal spaces (cages or pens)
Automobile Sales, Repair, or Service Station	1 per 200sqft feet of gross floor area, plus 1 per employee, plus 1 per 1,000sqft of lot
Commercial Facility for Raising Non-farm Fowl and Animals	1 per 3 employees plus 1 per 125sqft of sales area
Industrial Uses, Confined Feeding, Slaughter House, Warehouse, Wholesale	1 per 2 employees
Golf and Country Clubs	3 per golf hole
Outdoor Recreation Facility	5 per acre
Non-Profit Membership Organizations, Stadium, Coliseum, Theater	1 per 5 seats
Hotel, Motel, Bed and Breakfast	1 per sleeping room
Bowling Alleys	4 per lane
Lodge or Private Club	1 per 800sqft of gross floor area
Stable, Public	1 per 5,000sqft of lot area
Day Care Center	1 per 6 children plus 1 per 2 employees
Residential Dwellings	2 per dwelling unit
Group Residential Facility, Nursing Home	1 per 4 residents
Retail Trade: Eating and Drinking Establishments	1 per 3 seats
Retail Trade: General Merchandise, Services: General, Medical, and Personal	1 per 200sqft of gross floor area
Trailer or Farm Implement Sales Area	1 per 1,000sqft of lot and floor area
Convalescent Home	1 per 4 residents
Hospital	1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees, plus 1 per hospital vehicle
Medical Office, Clinic	1 per 2 employees plus 3 per doctor
Cemetery, Crematory or Mortuary	1 per 2 employees plus 1 per 6 seats
Mass Transit Station	1 per 2 employees plus 1 per 4 public seats

5. **JOINT USE.** Nonresidential uses, within the same and/or separate structures, may provide joint parking provided the total number of spaces is not less than the sum of requirements for the various uses. To the extent that developments with joint parking operate at different times, such parking spaces may be credited to both uses.

6. **SATELLITE PARKING.** Parking shall be required on site, except as provided in this section; however, the BZA may grant satellite parking to any nonresidential use by Special Exception. At least part of such parking must be within 300 feet of the proposed use. A site development plan must accompany any such application for Special Exception and must include the following:
 - a. Adjacent streets, alleys and lots.
 - b. All uses to be served including the location, use and number of parking spaces provided.
 - c. A layout drawn to scale indicating aisles, driveways, entrances, exits, turn-off lanes, parking spaces, setbacks, drainage facilities, landscaping, lighting, pavement, and identification signs including location, size and design.
 - d. All satellite parking shall be developed, maintained and used in accordance with the approved site development plan and all other requirements.
 - e. Any change or other modification of uses served or number or parking spaces shall require amendment and re-approval by the BZA.

7. **BICYCLE PARKING.** Nonresidential uses located in the LB, GB or PB Districts containing 30 or more automobile spaces shall provide bicycle-parking facilities at the rate of one bicycle parking space per 10 parking spaces, up to a maximum of 20 bicycle parking spaces. Bicycle racks shall be installed to support the frame of the bicycle.

8. **DIMENSIONS OF PARKING SPACES.**
 - a. Each parking space shall contain a rectangular area nine feet wide and 19 feet long, exclusive of pedestrian passageways, access drives, aisles, ramps, or landscaped areas. Handicapped parking spaces shall conform to state and federal requirements regarding handicap accessibility.
 - b. In parking areas containing 10 or more parking spaces, up to 20% of the spaces may contain a rectangular area only 7.5 feet wide and 15 feet long. Such spaces shall be conspicuously designated as reserved for small or compact cars.
 - c. Parking areas set aside for parallel parking shall contain a rectangular area nine feet wide and 22 feet long.
 - d. Parking aisle widths shall conform to the following table:

Aisle Width					
Parking Angle	0°	30°	45°	60°	90°
One-Way Traffic	13'	11'	13'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

- e. Each loading space shall be of a size not less than that required for parking space but scaled larger to delivery vehicles expected to be used.
- f. Driveways shall be a minimum 10 feet for one-way traffic and 18 feet for two-way traffic, except that a 10-foot driveway is permissible for two-way traffic when the driveway is not longer than 50 feet and provides access to a maximum of five parking spaces.

9. GENERAL DESIGN
- a. Nonresidential parking or loading areas along the street-front should be minimized. When possible, parking or loading areas should be placed to the rear of the structure. All parking or loading areas shall be designed with appropriate means of movement and shall be so arranged that movement can proceed safely without posing a danger to pedestrians or other vehicles. No parking area shall be so designed as to require backing into a public street, public or private pedestrian access way, or from a public alley.
 - b. All parking or loading spaces shall be designed, arranged and regulated as to open directly upon an aisle or driveway without obstruction.
 - c. All parking areas shall be striped and channelized as appropriate. Parking spaces shall be marked and access lines clearly defined, including directional arrows to guide internal movement and directional signs as necessary.
 - d. All parking or loading areas shall be maintained in good condition and free of weeds, dirt, trash, and debris.
 - e. Parking spaces shall be provided with bumper guards or wheel stops along the perimeter of the parking area so located that no part of a parked vehicle will extend beyond the boundary of the parking area.
 - f. No more than 15 parking spaces shall be permitted in a continuous row.
 - g. All parking areas consisting of more than 60 spaces shall provide separate pedestrian walkways. Such walkways should generally be oriented perpendicular to and between parking bays.
 - (1) One walkway can serve as a collector for up to four rows of parking spaces.
 - (2) The walkway should be a minimum of four feet wide, allowing an additional 30 inches on each side for overhanging of vehicles.
 - (3) All walkways should be constructed to be clearly defined through the use of material, landscaping or other form of delineation.
 - h. Any use which fronts upon and utilizes access to a primary or secondary arterial shall provide and utilize a common frontage or access lane for the purpose of access, parking and loading.
 - i. Required parking spaces may be open to the sky or enclosed in a structure. Parking structures shall be treated as any major structure and shall be subject to all applicable structural requirements of this ordinance and the issuance of an ILP.
 - j. Parking structures shall be designed to be architecturally compatible with their surroundings, including appearance, size, scale, building materials, and bulk.
 - k. All parking areas shall conform to state and federal requirements regarding handicap accessibility.
10. SURFACE. All parking or loading areas for five or more automobiles shall be developed in accordance with the following standards:
- a. Parking and loading areas shall be graded and surfaced with an all weather paving material such as asphalt, concrete, or other material that will provide equivalent protection against potholes, erosion, and dust. However, a gravel surface may be used for a period not exceeding one year after the date of granting the occupancy permit where ground conditions are not immediately suitable for permanent surfacing as specified in this section.
 - b. All areas shall be striped and channelized as appropriate. Parking stalls shall be marked and the access lines clearly defined, including directional arrows to guide internal movement.
11. LANDSCAPING. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.
- a. Perimeter Bufferyard. Parking or loading areas abutting any street-front or residential use shall provide a perimeter Bufferyard C for parking and Bufferyard E for loading areas or

that required for the proposed use in the Bufferyard section of this ordinance, whichever is greater.

- b. Interior Landscaping. Interior landscaping shall be comprised of one canopy tree and three shrubs for every 15 parking spaces.
- c. Maintenance. Maintenance of landscaping for parking and loading areas shall be in accordance with the Bufferyard section of this ordinance.
- d. Lighting. Lighting provided to illuminate off-street parking areas shall be so arranged, shielded and directed upon the parking area in such a manner as to not reflect or cause glare into adjacent properties or interfere with street traffic.
- e. Loading and Unloading. Uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided loading berths. Each loading and unloading berth must include a 12 foot by 45 foot loading space with a 14 foot height clearance. Loading and unloading berths must be a minimum distance from the nearest residential use in accordance with the following table:

Table 8, Loading Berth Requirements and Distance from Residential Uses		
	Required Berths	Berth Distance from Residential Uses (feet)
Retail or Department Store, Wholesale Storage, Warehousing or other Business Use		
3,000 to 15,000sqft gross floor area	1	
Each 15,000sqft or additional fraction of gross floor area	1 additional	
Office Building		
25,000 to 100,000sqft gross floor area	1	
100,000 to 350,000sqft gross floor area	2	
Each 200,000 or additional fraction of gross floor area	1 additional	
Industrial Use		100
Less than 15,000sqft gross floor area	1	100
15,000 to 40,000sqft gross floor area	2	100
40,000 to 100,000sqft gross floor area	3	100
Each 40,000 or additional fraction of gross floor area	1 additional	100
Commercial facility for breeding and raising Non-farm fowl and animals	1	100
Commercial Greenhouse (15,000 square feet or less)	1	50
Commercial Greenhouse (More than 15,000 square feet)	2	50
Hospital (200 beds or less)	1	50
Hospital (200 to 500 beds)	2	50

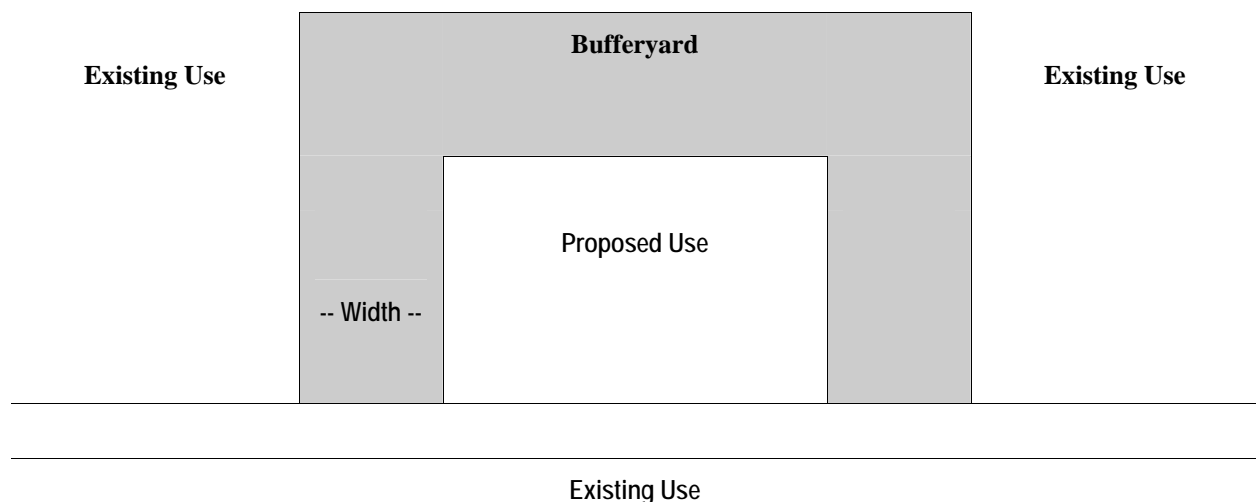
Hospital (more than 500 beds)	3	50
Stadium or Coliseum	2	50
Airport	Same as Industrial	100
Mineral Extraction, Borrow Pit, Topsoil Removal and Their Storage Areas	Same as Industrial	300
Outdoor Commercial Recreational Enterprise	Same as Industrial	50
Truck Freight Terminal	Same as Industrial	100

f. Inspections: At the time the structure receives its final inspection, the completion of the landscaping in accordance with these requirements shall also be a part of the final inspection. However, if seasonal circumstances do not permit the planting of the required landscaping, the final inspection of the landscaping shall be performed at a reasonable, later date as determined by the Director.

Q. **BUFFERYARDS.** The bufferyard is a unit of yard together with the planting thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement are designed to minimize nuisances between adjacent land uses. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as “buffers”.

Bufferyards shall be required to separate land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly building or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

Proposed uses in any district that are specifically agricultural, as defined under “agriculture”, are exempt from providing bufferyards unless otherwise specified.



1. LOCATION, MAINTENANCE, PLANTING SIZE, AND LANDSCAPE PLAN
 - a. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
 - b. At the discretion of the Director, the width of the bufferyard may include all or a portion of rights-of-way, drainage easements, and utility easements, however plantings shall not be located on any portion of these areas. With this discretion, the Director must ensure that the effectiveness of the required bufferyard shall not be compromised.
 - c. All plant material that dies must be replaced within six months so as to maintain the approved bufferyard and landscape plan.
 - d. Deciduous trees are to be a minimum of two inches in diameter or eight feet tall at the time of planting. Evergreen trees shall be a minimum of five feet tall at the time of planting.
 - e. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
 - f. The following plant material substitutions shall satisfy the requirements of this section.
 - (1) In all bufferyards evergreen, canopy or evergreen understory trees may be substituted for deciduous canopy trees without limitation.
 - (2) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation. A landscape plan shall be submitted with each applicable application. Such plan shall be a site plan drawn to scale showing the location, type, size, and category of each plant unit used.
 - g. When it has been proven that the required plantings of a bufferyard cannot be installed because of existing easements or other unavoidable site constraints, the Director shall have the discretion to allow the substitution of alternative vegetation, provided that the total number of plantings does not decrease.
2. DETERMINATION OF BUFFERYARD REQUIREMENTS
 - a. To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed.
 - (1) Identify the zoning district of the proposed land use by referring to the horizontal column of the Table 7, Bufferyard Requirements.
 - (2) Identify the zoning district of the adjacent parcels by referring to the vertical column of the Table 7, Bufferyard Requirements.
 - (3) Determine the bufferyard required on each boundary of the subject parcel by referring to the Table 7, Bufferyard Requirements and then to the options for that bufferyard.
 - b. The required bufferyards constitute the total bufferyard required between the adjacent land uses. Any of the alternatives for the required bufferyard shall satisfy the requirement of buffering between adjacent land uses.
3. BUFFERYARD REQUIREMENTS
 - a. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the alternatives illustrated. The quantity and type of plant materials required by each bufferyard are specific and identified in the Appendix. The specifications of each bufferyard and its alternatives are illustrated in this section. Each alternative depicts the total bufferyard located between two parcels.
 - b. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "Fence/Berm" in the following table, wherein their respective specifications are also shown. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.

- c. If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.
 - d. If the development borders a jurisdictional boundary outside that of this ordinance, the bufferyard used shall be based on the district most comparable to that of this ordinance, at the discretion and approval of the Director.
 - e. The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied.
 - (1) Evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.
 - (2) Berms with masonry walls required of bufferyard J and K options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the wall and the noise source.
 - (3) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.
 - (4) Within a bufferyard, a planting area at least five feet wide containing 15% of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.
 - f. All bufferyard areas shall be live vegetation and seeded with lawn or prairie grasses unless such ground cover is already established.
 - g. Bufferyards may contain natural water amenities or areas established for drainage provided that planting requirements are still satisfied.
 - h. Where drainage and utility easements
4. **USE OF BUFFERYARDS.** A bufferyard may be used for passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that no plant material is eliminated, the total width of the bufferyard is not reduced, and all other regulations of the ordinance are met. In no event, however, shall permanent structures be permitted in bufferyards including ice-skating rinks, stables, swimming pools, and tennis courts.
5. **OWNERSHIP OF BUFFERYARDS.** Bufferyards may remain in the ownership of the original developer of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.
6. **EXCESS BUFFERYARD.** Where the bufferyard required between a land use and vacant land turns out to be greater than that bufferyard which is required between the first use and the subsequently developed use, the following uses apply:
- a. The subsequent use may provide one half of the buffer required. The existing use may expand its use into the original buffer area, provided that the resulting total bufferyard between the two uses meets the bufferyard requirements.
 - b. The existing use may enter into agreements with abutting landowners to use its existing buffer to provide some or all of the required bufferyard of both land uses. The total buffer shall equal the requirements. Provided that such an agreement can be negotiated, the initial use may provide the second use some or all of its required bufferyard and/or extra land on which it might develop. The existing use may reduce its excess buffer by transferring part or the entire excess buffer to the adjoining landowner to serve as its buffer. Any remaining excess buffer area may be used by the existing use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

7. **BUFFERYARD BETWEEN LIKE USES.** Where a bufferyard is required in a zoning district where the proposed use is similar to existing, surrounding uses in terms of land use, size, density, and lot size, the bufferyard may be waived at the discretion of the Director. Such waiver (or denial of a waiver) by the Director shall be made in writing, justifying the decision.

Table 9, Bufferyard Requirements

Adjacent District	District of Proposed Use														
	C	AP	AG	R1	R2	R3	R4, MF	PB	LB	GB	UB	AB	I1	I2	
C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
AP	-	-	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	Ag	
AG	-	-	Ag	Ag	Ag	Ag	Ag	A/B *	A/C *	A/E *	-	A/G *	A/H *	A/I *	
R1	-	-	Ag	B	C	D	D	D	E	G	-	I	J	K	
R2	-	-	Ag	C	B	D	D	D	E	G	-	I	J	K	
R3	-	-	Ag	D	C	B	B	D	E	G	-	I	J	K	
R4, MF	-	-	Ag	D	C	B	B	D	E	G	-	I	J	K	
PB	-	-	A	D	D	D	D	A	A	B	-	C	C	C	
LB	-	-	A	E	E	E	E	A	A	A	-	C	C	C	
GB	-	-	A	G	G	G	G	A	A	A	-	C	C	D	
UB	-	-	A	H	H	H	H	D	C	A	-	A	B	C	
AB	-	-	A	I	I	I	I	E	D	C	-	A	A	B	
I1	-	-	A	J	J	J	J	E	D	C	-	B	A	A	
I2	-	-	F	K	K	K	K	F	E	D	-	C	A	A	
PUD	@	@	@	@	@	@	@	@	@	@	@	@	@	@	
STREETS															
Collector (interstate or primary roadway)	-	-	-	F	F	F	-	-	-	-	-	C	D	E	
Sub collector (secondary roadway)	-	-	-	D	D	D	B	B	C	D	-	F	G	H	
Feeder	-	-	-	B	B	B	B	B	D	F	-	G	H	I	
Access	-	-	-	B	B	B	B	B	B	C	-	D	E	F	

* = In areas abutting an existing residential use or agricultural use, the more restrictive bufferyard shall apply
 - = No bufferyard required
 @ = As determined by APC

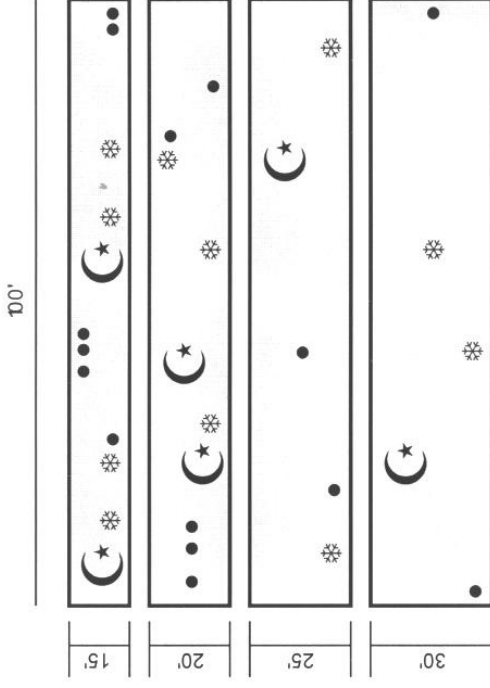
Bufferyard Class & Alternatives	Bufferyard Width (feet)	Plant Unit Multiplier	Plant Units Required per 100 Linear Feet					Required Fence/Berm
			Canopy Trees	Understory Trees	Shrubs	Evergreen Conifers		
H	1	20.0	0.6	5	8	30	15	F5
	2	30.0	1.0	5	8	30	15	F4 or B2
	3	40.0	0.8	4	6	24	12	F3 or B1
	4	50.0	0.6	3	5	18	9	-
I	1	25.0	0.6	4	5	22	11	F6
	2	30.0	0.8	5	7	29	14	F5
	3	40.0	1.0	6	9	36	18	F4 or B2
	4	50.0	0.8	5	7	29	14	F3 or B1
	5	75.0	0.6	4	5	22	11	-
J	1	30.0	0.6	5	7	29	14	BW2
	2	40.0	0.8	6	10	38	19	F6 or BW1
	3	50.0	1.0	8	12	48	24	B3 or F5
	4	75.0	0.8	6	10	38	19	B2 or F4
	5	100.0	1.0	10	15	60	30	BW1 or F6
K	1	25.0	0.6	4	5	22	11	-
	2	30.0	0.8	5	7	29	14	-
	3	40.0	1.0	6	9	36	18	-
	4	50.0	0.8	5	7	29	14	-

Bufferyard Class & Alternatives	Bufferyard Width (feet)	Plant Unit Multiplier	Plant Units Required per 100 Linear Feet					Required Fence/Berm
			Canopy Trees	Understory Trees	Shrubs	Evergreen Conifers		
A	1	40.0	-	-	-	-	-	-
	1	5.0	1.0	1	1	0	0	-
	2	7.5	0.8	0	1	0	0	-
	3	10.0	0.6	0	1	0	0	-
B	4	12.5	0.4	0	0	0	0	-
	1	10.0	1.0	1	2	0	0	-
	2	15.0	0.8	1	2	0	0	-
	3	20.0	0.6	1	2	0	0	-
C	4	25.0	0.4	0	1	0	0	-
	1	10.0	1.0	1	2	3	0	-
	2	15.0	0.8	1	2	2	0	-
	3	20.0	0.6	1	2	2	0	-
D	4	25.0	0.4	0	1	1	0	-
	1	15.0	1.0	2	4	6	0	-
	2	20.0	0.8	2	3	5	0	-
	3	25.0	0.6	1	2	4	0	-
E	4	30.0	0.4	1	2	2	0	-
	1	10.0	0.9	3	6	9	0	F1
	2	20.0	1.0	3	6	9	0	-
	3	25.0	0.8	2	5	7	0	-
F	4	30.0	0.6	2	4	5	0	-
	1	10.0	0.8	4	8	12	0	F3
	2	15.0	0.9	5	9	14	0	F2
	3	20.0	1.0	5	10	15	0	-
	4	25.0	0.8	4	8	12	0	-
G	5	30.0	0.6	3	6	9	0	-
	1	15.0	0.7	4	6	24	12	F3
	2	20.0	0.8	3	4	17	8	F4
	3	25.0	1	4	6	24	12	-
	4	30.0	0.8	3	5	19	10	-
5	40.0	0.6	2	4	14	7	-	

Fence, Berm and Wall Requirements

Fences	Height (feet)	Material
F1	3.7	wood picket
F2	4	wood rail
F3	6	wood stockade
F4	8	wood stockade
F5	6	masonry wall
F6	8	masonry wall
Berms		
B1	4	earth
B2	5	earth
B3	6	earth
Berm Walls		
BW1	4	earth berm & masonry wall
BW2	5	earth berm & masonry wall
BW3	6	earth berm & masonry wall

Bufferyard Class & Alternatives	Bufferyard Width (feet)	Plant Unit Multiplier	Plant Units Required per 100 Linear Feet				Required Fence/Berm
			Canopy Trees ☾★	Understory Trees ☼	Shrubs ●	Evergreens/Conifers ★	
1	15.0	10	2	4	6	0	-
2	20.0	0.8	2	3	5	0	-
3	25.0	0.6	1	2	4	0	-
4	30.0	0.4	1	2	2	0	-



- R. HOME OCCUPATIONS. A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business. Permitted home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Permitted home occupations shall be of a personal service nature limited to domestic crafts and professional service.

Table 10, Permitted Types of Home Occupations	
Permitted Uses	Domestic crafts, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work, furniture repair, hair grooming.
Permitted Uses, but limited to advice and consultation	Law, medicine, architecture, engineering, accounting, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, music, painting, photography, academic tutoring, outdoor instructional studio for one student at a time.
Prohibited Uses	Real estate office, insurance office, clinic, doctor's office, dress shop, millinery shop, funeral home, bed and breakfast, outdoor instructional studios for more than one student at a time, day care center, animal hospital, kennel, trailer rental, and all uses associated with vehicle dealers, repair, and services.

1. STANDARDS.

- a. The primary use of the primary structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- b. A home occupation and all activities and materials related to such occupation may be permitted in a single accessory structure provided that such structure is subordinate to the primary residence in terms of height, setback, area, and bulk and compatible with the primary residence in terms of materials.
- c. The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing in the residence and one non-family member.
- d. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- e. No more than 25% of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
- f. Outside storage of machinery, equipment, or materials shall not be permitted.
- g. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
- h. No provision for more than two extra off-street parking or loading facilities, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities, and no additional driveway to serve such home occupations shall be permitted.
- i. No display of goods or external evidence of the home occupation shall be permitted, except for signs in accordance with the Sign section of this ordinance.
- j. No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
- k. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

S. REQUIREMENTS FOR INDUSTRIAL USES. The following performance standards shall apply to all industrial uses, in addition to the previous requirements.

1. SMOKE

- a. No industry in the Light Industry District may emit more than 10 smoke units per hour per stack or smoke in excess of Ringleman No. 2. However, once during any 24 hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that period it may emit smoke up to and including Ringleman No. 3.
- b. No industry in the General Industry District may emit more than 30 smoke units per hour per stack or smoke in excess of Ringleman No. 2. However, once during any 24 hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that period it may emit smoke up to and including Ringleman No. 3.

2. ODOR. No industrial use in any District may release an odor that is detectable at the lot line.

3. TOXIC MATERIALS. No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.

4. GLARE AND HEAT. No industrial use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.

5. VIBRATION. No intense vibration shall be created or maintained by any industrial use so as to be noticeable beyond the boundary lines of the tract on which it is located.

6. NOISE AND SOUND. At no boundary line of any residential or business District may the sound level of any industrial use (excluding background noises produced by sources not under the control of this ordinance such as the operation of motor vehicles) exceed 70 decibels. Noise is to be muffled so as not to be objectionable due to intermittence, frequency, or shrillness.

7. EXCEPTIONS. Sections 1-6 above inclusive do not apply to:

- a. Site preparation or construction, maintenance, repair, alterations, or improvements of buildings, structures, equipment, or other improvements on or within the lot lines; and
- b. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products; and
- c. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property.

8. SPECIAL RESTRICTIONS. Any industrial operation or activity must, in addition to the above, conform to any applicable Acts of the state and federal government. Where the requirements of this ordinance are more restrictive, they shall take precedence. All relevant federal and state permits or approvals are required prior to issuance of an ILP.

T. MANUFACTURED HOMES

1. PERMANENT PLACEMENT. Manufactured Homes shall be permitted provided the following requirements and limitations are met:

- a. All zoning regulations pertaining to the individual site shall be met;
- b. The minimum area of a structure shall conform with the square footage requirements established in Table 3, Residential Uses and Requirements;
- c. The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications;

- d. The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council;
- e. The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot;
- f. The wheels, axles, and hitches shall be removed;
- g. The structure shall be covered with an exterior material customarily used on site-built structures;
- h. The roof of the structure shall be shingled and pitched, rather than flat;
- i. In areas outside of a mobile home park, manufactured homes shall have a width no less than 18 feet to be considered compatible with surrounding conventional construction.

2. TEMPORARY RESIDENTIAL OCCUPANCY.

- a. During Construction. In all zoning districts, a permit may be issued for the temporary placement and occupancy of a manufactured or mobile home outside of a mobile home park, to a person intending to build a permanent residence on the property. The temporary permit is for a period of two years and may be renewed for an additional one-year period if construction of the dwelling has started but has not been completed.
- b. Health Issue. A permit may also be issued to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured or mobile home adjacent to the residence of one who is able to provide such care or in need of such care. The permit would be for the lifetime of the person needing care and is renewable every fourth year from the date of issuance.
- c. Regulations. The following regulations shall apply to the temporary occupancy of a manufactured or mobile home:
 - (1) The structure is to be located on the same property as an existing residence or located on property on which a permanent residence with a valid ILP is intended to be built within two years.
 - (2) The structure should be served by the same address, water supply, and sewage facilities serving the existing residence or the residence under construction, subject to the approval of the Boone County Board of Health.
 - (3) The structure shall remain on its wheels and shall not be placed on a permanent foundation.
 - (4) Applicable front, side, and rear yard regulations of the district in which it is located are to be observed.
 - (5) Occupancy of the structure is restricted to relatives, persons employed in the care of the property owner (employed on the premises of the property owner) or the owner of the property who intends to construct a permanent residence.
 - (6) The structure used for temporary occupancy shall have a ground floor area greater than 500 square feet.
 - (7) The manufactured or mobile home shall be tied down as per the requirements of the One and Two Family Dwelling Code or the manufacturer's recommendation.
 - (8) The perimeter of the manufactured or mobile home shall be completely enclosed except for access and ventilation openings. The perimeter enclosure may consist of skirting materials installed in accordance with the manufacturer's installation specifications and secured as necessary to provide stability, minimize vibrations, and minimize susceptibility to wind damage and to provide adequate insulation to protect exposed piping. Perimeter enclosures other than skirting shall meet requirements of the One and Two Family Dwelling Code and the requirements set forth by the Indiana Administrative Building Council.

3. TEMPORARY NON-RESIDENTIAL OCCUPANCY. Mobile homes, trailers, or vans may be utilized as contractor's offices, watchman's shelters, or tool and equipment storage on the project site and only during the period of construction.
 4. PERMANENT RESIDENTIAL OCCUPANCY. Mobile homes may be permanently occupied when located in a mobile home park. Such mobile home park shall have an approved Development Plan and be developed in accordance with the requirements of this ordinance. Mobile homes for permanent occupancy shall meet the standards in Table 5, and Mobile Home Parks shall have the following requirements:
 - a. The placement of any mobile home requires a building permit.
 - b. No electric lines shall pass over any mobile home.
 - c. All mobile homes shall be skirted prior to being occupied.
 - d. When applicable by the terms of this ordinance, accessory structures for storage on individual sites are subject to all applicable setback requirements and require a building permit.
 - e. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.
 - f. Resident parking shall be provided either on the trailer site or in common parking facilities, and shall be designed so as not to interfere with pedestrian walkways and to allow adequate space for visitor parking either along the street or in common parking areas.
 - g. Walkways
 - (1) Where possible, walkways leading to frequently used public facilities should be through interior areas removed from the vicinity of streets. Public pedestrian sidewalks should be at least four feet in width and paved with a suitable material for use in all weather conditions.
 - (2) Individual walkways shall be provided from a public walkway, street, or parking area to the individual mobile home stands. These walkways shall be at least 1.5 feet in width and should be paved with a suitable material for use in all weather conditions.
 - h. Covenants. Covenants shall be submitted and recorded with the Development Plan approval of the Mobile Home Park. Such covenants must contain/address the following:
 - (1) The Mobile Home Park owner shall furnish each occupant of a mobile home site with a copy of the recorded Covenants.
 - (2) The placement or replacement of each mobile home shall be in accordance with and shall follow the procedures set forth by the Boone County Zoning Ordinance.
 - (3) When applicable by the terms of this ordinance, accessory structures are subject to all applicable site setbacks and require a building permit.
 - (4) It shall be the responsibility of the Mobile Home Park owner to see that all sites and open spaces are kept in a neat and orderly condition at all times.
 - (5) In order not to impede safety vehicles, no on-street parking of boats, trailers, semi-trucks, etc. shall be permitted.
- U. SIGNS. The purpose of this section is 1) to encourage the effective use of signs as a means of communication in the county; 2) to maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth; 3) to minimize the possible adverse effect of signs on nearby public and private property; 4) and to enable the fair and consistent enforcement of these sign restrictions.

A sign may be located only in conformance with the requirements of this ordinance. Signs and advertising structures may be permitted in the Districts where such uses are permitted after having secured an ILP approving the proposed sign except when not required by this section.

1. STATE REQUIREMENTS. Signs and advertising structures are also subject to the requirements of The Highway Advertising Control Act of 1967, as amended. All signs and advertising structures shall conform to the provisions of said Act. Should this ordinance and the Act be in conflict, the requirements of the more restrictive shall apply.
2. LOCAL REQUIREMENTS. Signs and advertising structures may be subject to local ordinances of incorporated cities or towns in the jurisdictional area of this ordinance. Should the two be in conflict, the requirements of the more restrictive shall apply.
3. SIGNS ALLOWED WITH AND WITHOUT PERMITS. Signs shall be allowed on private property in accordance with Table 11, Sign Regulations. The letter "X" means such sign is allowed without a permit in the appropriate zoning districts. The letter "P" means such sign is allowed only with permit approval in the appropriate zoning districts. Special conditions may apply in some cases. If an "X" or "P" is not present, such sign is not allowed in the zoning district under any circumstances. Although permitted under the previous paragraph, a sign designed by a "P" or "X" in Table 11, Sign Regulations shall be allowed only if:
 - a. The sum of the area of all signs on the lot conforms to the maximum permitted sign area (as determined by the formula for the zoning district in which the lot is located).
 - b. The size, location, and number of signs on the lot conform with the requirements which establishes permitted sign dimensions by sign type, and with any additional limitations;
 - c. The characteristics of the sign conform with the requirements and to any additional limitations listed in Table 11.
4. DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS. All signs shall be designed, constructed, and maintained in accordance with the following standards:
 - a. All signs shall comply with applicable provisions of the Uniform Building Code and the electrical code.
 - b. Except for banners, flags, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.
 - c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance.
5. PERMITS FOR SIGNS IN THE PUBLIC RIGHT-OF-WAY. No signs shall be allowed in the public right-of-way, except for the following:
 - a. Permanent Signs. Permanent signs shall be in accordance with the conditions of Table 11, Sign Regulations. Such permitted permanent signs include public signs erected by or on behalf of a governmental body, public transit company, or public utility.
 - b. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - c. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the county shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
6. SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE. The following signs shall be exempt from regulation under this ordinance:
 - a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

- c. Works of art that do not include a commercial message;
 - d. Commercial murals on barns, silos, etc;
 - e. Holiday lights and decorations with no commercial message; and
 - f. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Department of Transportation standards and which contain no commercial message of any sort.
 - g. Temporary campaign signs displayed for not more than one month before and two days after said election is held.
7. **SIGNS PROHIBITED UNDER THIS ORDINANCE.** All signs not expressly permitted under this ordinance or exempt from regulation hereunder are prohibited in the county. Such signs include, but are not limited to: beacons, pennants, strings of lights not permanently mounted to a rigid background, and inflatable signs and tethered balloons.
8. **GENERAL PERMIT AND INSPECTION PROCEDURES.** The following shall be procedure for locating or modification of all sign permits under this ordinance.
- a. **Applications.** All applications for sign permits shall be submitted on an application form published by the APC. One application may include multiple signs on the same lot, however a separate permit will be issued and a separate fee will be collected for each sign.
 - b. **Site Plan.** For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit a site plan containing the following:
 - (1) A plot plan of the lot, at such scale as may be reasonably required.
 - (2) Location of buildings, parking lots, driveways, and landscaped areas on such lot.
 - (3) Computation of the total sign area for all signs, the height of each sign, and the number of signs.
 - (4) An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.
 - c. **Fees.** Upon the issuance of a permit, the applicant shall provide all applicable fees, as established in the Boone County Area Plan Commission Fee Schedule.
 - d. **Computations**
 - (1) **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest shape that will encompass the extreme limits of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 - (2) **Computation of Area of Multifaceted Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.
 - (3) **Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
 - (4) **Computation of Maximum Total Permitted Sign Area for a Lot.** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 11, Sign Regulations to the road frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area

for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

- e. Inspection. A final inspection of each permit for a new sign or modification of an existing sign will be performed six months after the issuance of such permit or earlier if owner requests. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, a permanent label identifying the sign and permit number shall be affixed. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, a permanent label identifying the sign(s) and applicable permit number shall be affixed.
 - f. Lapse of a Sign Permit. A continuing sign permit shall lapse automatically if the business or activity on the premises is discontinued for a period of 180 days or more.
9. **NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS.** Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this ordinance, a previous applicable ordinance, or for which there is no valid sign permit issued under a previous ordinance shall be obligated to remove such sign.
- a. Nonconforming Existing Signs, Permits, and Terms. A sign that would be permitted under this ordinance only with a sign permit, but which was in existence at the time this ordinance went into effect, and which was constructed in accordance with the ordinance and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be classified as a Nonconforming Sign. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform to the requirements of this section upon proposed expansion of the sign or if the face area of such sign has been damaged beyond 50%.
 - b. Lapse of Permit for a Nonconforming Sign. A permit for a nonconforming sign shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.
10. **VIOLATIONS.** Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, and by state or federal law:
- a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 - b. To install, create, erect, or maintain any sign requiring a permit without such a permit;
 - c. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;
 - d. To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or
 - e. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this of this ordinance.
11. **ENFORCEMENT AND REMEDIES.** A violation of this section of the ordinance shall be considered a violation of the zoning ordinance and shall be enforced accordingly.

Table 11, Sign Regulations										
	AG	R1	R2	R3, R4, MF	LB	PB	GB, UB	AB	I1, I2	
Total Number of all types of Signs Permitted										
Per Lot	1	1	1		1					
Per lot per linear feet of road				1/200		1/100	1/200	1/200	1/200	1/200
Lighting										
Animated, Exposed Bulbs, or Internal/External Illumination										
					X	P (k)	P	P	P	P
Regulations for On-Premises Freestanding Signs										
Regulations	Maximum Combined Area	6	6	6	12	40	40	80	160	80
	Maximum Height (feet)	5	5	5	5	12	12	12	36	12
	Setback (feet) (j)	2	2	2	2	2	5 (h)	5 (h)	10	10
Type	Residential (a)	P	P	P	P					
	Incidental (b)				X (b)	X	X (b)	X	X	X
	Other	P			P	P	P	P	P	P
Regulations for Off-Premises Freestanding Signs										
	Permitted Districts (i)							P	P	P
	Maximum Area (per side)							100	200	150
	Maximum Height (feet)							35	50	35
	Setback (feet) (j)							20	20	20
Regulations for All Other Signs										
Regulations	Maximum Area (sq. ft.)	2	2	2	2	10				
	Maximum Wall Area (%)						10%	15%	15%	20%
Type	Banner (b), Canopy,						P	P	P	P
	Building Marker (d)		X	X	X	X	X	X	X	X
	Incidental (b)				X (e)	X	X (b)	X	X	X
	Marquee (f), Roof-Integral, Temporary (h)							P	P	
	Residential (a)		P	P	P					
	Suspended (f)					P				
	Wall					P	P	P	P	P
	Flag (g)	X	X	X	X	X	X	X	X	X

Signs in the PUD District shall meet the requirements of the District most comparable.

X = Allowed without a sign permit. P = Allowed only with sign permit

- (a) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- (b) No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.
- (c) Only address and name of occupant allowed on sign.
- (d) May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- (e) No commercial message of any kind allowed on sign.
- (f) If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign.
- (g) Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- (h) Maximum sign height is 12 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back seven feet from such a lot, it may be no more than seven feet high.
- (i) Must be 1,000 from any other off-premises sign on the same side of the road, measured along the right-of-way.
- (j) In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three feet and 10 feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.
- (k) No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned or used for residential purposes

V. OVERLAY DISTRICTS

A. Purpose, Intent and Authority

The purpose of this section is to provide for overlay districts, establish consistent procedures for their establishment, and to foster the purposes of the zoning ordinance.

The intent of overlay districts is to give Boone County a tool to address specifically identified areas of the jurisdiction that requires special attention and guidance. In addition to the zoning ordinance purposes, the general purposes of overlay districts are to promote coordinated, quality development per the land use recommendations set forth in the comprehensive plan; to establish basic development standards for structures, landscaping, and other improvements on the properties within overlay districts which promote high quality and innovative site design while at the same time encourage efficient land usage; and to establish development standards which will encourage capital investments for the development of those properties within overlay districts.

The authority to establish overlay districts is based on the goals and objectives of the Boone County Comprehensive Plan and Indiana Code 36-7-4-600.

B. Establishment of Overlay Districts

1. The establishment of an overlay district shall be a combination of a zoning text amendment and a zoning map amendment and shall be processed concurrently. To simplify the process, the public hearings shall be advertised and held together; when considering the overlay district establishment, the APC and the legislative body shall consider the recommendations together, the legislative body's certifications shall be combined, and the adopting ordinances shall be combined.
2. The APC or any participating legislative body of the jurisdiction shall only initiate overlay districts. IC 36-7-4-602 (b) and (c) and IC 36-7-4-607 and 608 shall govern the procedure for the establishment of overlay districts.

C. Zoning Map

As part of the establishment of overlay districts as set forth above, the APC shall recommend the boundaries of the overlay districts. Each ordinance that establishes an overlay district shall authorize the Executive Director to graphically delineate the overlay district on the zoning maps. Each overlay district shall be identified on the zoning maps with its boundaries, an identifying name, and the ordinance number that established the overlay district.

V. MISCELLANEOUS DEVELOPMENT STANDARDS

A. MINIMUM SEPARATION REQUIREMENTS FOR KENNELS

1. Kennel, Small. Where the subject property is located in an Agricultural district, the outer most edge of the facility, including the parking lot and runs, must be at least 500 feet from the property line. Where the subject property is located in an Industrial or Commercial district, the outer most edge of the facility, including the parking lot and runs, must be at least 500 feet from the nearest Agricultural or Residential zoning district boundary.
2. Kennel, Large. Where the subject property is located in an Agricultural district, the outer most edge of the facility, including the parking lot and runs, must be at least 1000 feet from the property line. Where the subject property is located in an Industrial or Commercial district, the outer most edge of the facility, including the parking lot and runs, must be at least 1000 feet from the nearest Agricultural or Residential zoning district boundary.
3. Kennel, Unlimited. Where the subject property is located in an Agricultural district, the outer most edge of the facility, including the parking lot and runs, must be at least 1500 feet from the property line. Where the subject property is located in an Industrial or Commercial district, the outer most edge of the facility, including the parking lot and runs, must be at least 1500 feet from the nearest Agricultural or Residential zoning district boundary.

VI. RESTRICTED USES

- A. **MINIMUM LOT AREA FOR RESTRICTED USES.** A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use on the following table. For uses not listed, the requirements of the District in which the use is located shall apply.

Use	Minimum Lot Area
Airport Penal or Correctional Institution	80 acres
Sanitary Landfill, Privately or Publicly Owned	50 acres
Junk Yard	10 acres
Auction Sales Yard (Excluding Livestock) Cemetery or Crematory Composting Facility Compost/Digester Facility Construction/Demolition Site Hospital Incinerator Mobile Home Park Resource Recovery Facility Public Camp Ground or Recreational Vehicle Park Slaughter House Warehouse (General) Transfer Station	5 acres
Commercial Facility for Breeding Non-Farm Fowl and Animals Kennel Stable, Private on Residential Lot	3 acres
Heliport Hotel or Motel Golf Driving Range and Miniature Golf Course	1 acre
Day Care Center	110 sq. ft./child

- B. **SETBACKS FOR RESTRICTED USES.** The following uses are subject to the special setbacks, which shall include necessary bufferyards, prescribed by the following table (in feet). If a use does not appear, or if a figure does not appear for a particular use, the standard setback and bufferyard for the District shall apply.

Use	Front	Side	Rear
Sanitary Landfill, Privately or Publicly Owned	300	300	300
Anhydrous Ammonia or Similar Liquid Fertilizer Storage & Distribution Liquefied Petroleum Gas, Bottled Gas Dealers Commercial Facility for Breeding Non-Farm Fowl and Animals Construction/Demolition Site Incinerator Junk Yard	100	100	100

Use	Front	Side	Rear
Resource Recovery Facility Sanitary Landfill, Privately or Publicly Owned Petroleum Tank Farm Stable, Private on residential lot Sale Barn for Livestock Slaughter House Warehouse (Grain Storage) Transfer Station			
Composting Facility Compost/Digester Facility Public Water Wells, Water Stations, filtration Plants, Reservoirs, & Storage Tanks	100	50	50
Public Camp Ground or Recreational Vehicle Park	100	40	40

- C. **MINIMUM DISTANCE BETWEEN RESIDENTIAL DISTRICTS AND RESTRICTED USES.** The following uses may not be located closer to residential Districts than 1,320 feet, which will include necessary bufferyards. Similarly, residential development shall not be placed closer than the distance listed in the table below including necessary bufferyards:

1,320 Feet Distance Required Between Residential Districts and the Following Restricted Uses
Airports Anhydrous Ammonia or Similar Liquid Fertilizer Storage & Distribution Confined Feeding Junk Yard Manufacturing, Use, or Storage of Explosives Penal or Correctional Institution

- D. **BUFFERYARDS FOR RESTRICTED USES.** The following uses shall provide the bufferyards as respectively prescribed by the table below at the discretion of the BZA and shall meet the size requirements specified within five years after installation.

Use	Enclosure
Auction Sales Yard (Excluding Livestock)	Bufferyard E
Airport or Heliport Slaughter House	Bufferyard E + required fencing
Outdoor Recreation Facility	Bufferyard E + Fence F2
Automatic Car Wash Junk Yard Day Care Center Veterinary Animal Hospital	Bufferyard E + Fence F3
Theater, Outdoor	Bufferyard E + Fence F4

- E. **BUFFERYARDS ABUTTING RESIDENTIAL USES FOR RESTRICTED USES.** Bufferyards shall be installed to block the following Restricted Uses from adjacent residential uses. Screen plantings shall be effective during all seasons and shall meet the size requirements specified within five years after installation. The requirements of this section may be waived by the BZA.

Use	Bufferyard
Clinic, Golf & Country Clubs, General Industry, Hospital, Police, Postal, or Fire Station	Bufferyard E
Commercial Facility for Breeding Non-Farm Fowl and Animals, Mineral Extraction, Sanitary Landfill (Privately or Publicly Owned), Telephone Exchange or Public Utility Station	Bufferyard E + required fencing
Light Industrial Park, Public Camp Ground or Recreational Vehicle, Park, Public Stable, Public or Private Outdoor Shooting Range	Bufferyard E + Fence F2
Cemetery or Crematory, Composting Facility, Compost/Digester Facility, Construction/Demolition Site, Drive-In Restaurant, Incinerator, Kennel, Resource Recovery Facility, Shopping Center, Stadium, Coliseum, Truck Freight Terminal, Warehouse (Grain Storage), Transfer Station, Wholesale Produce Terminal	Bufferyard E + Fence F3
Race Track	Bufferyard E + Fence F4

- F. **ENTRANCES FOR RESTRICTED USES.** This subsection limits the number of entrances to a primary or secondary street. However, it does not apply to entrances for emergency use only. As used in this section the term "entrance" means a passageway generally 30 feet wide from premises to thoroughfare by which vehicles enter or leave.

Category	Uses Limited to 1 Entrance	Uses Limited to 2 Entrances
Solid Waste Land Disposal Facilities	Composting Facility, Compost/Digester Facility, Construction/Demolition Site, Incinerator, Sanitary Landfill, Privately or Publicly Owned, Resource Recovery Facility, Transfer Station	
Industrial	Commercial Facility for Breeding Non-Farm Fowl and Animals, Contractor's Storage, Light Industrial Park, Junk Yard, Open Material Storage, Mineral Extraction, Slaughter House, Truck Freight Terminal, Warehouse (Grain Storage), Wholesale Produce Terminal, Manufacturing, Use, or Storage of Explosives	
Agriculture	Commercial Greenhouse, Roadside Produce Stand, Sale Barn for Livestock	
Amusement/Recreation	Golf & Country Clubs, Golf Driving Range & Miniature Golf Course, Public Camp Ground, Race Track, Private Stable, Shooting Range, Outdoor Theater	Fairgrounds, Outdoor Recreation Facility, Stadium, Coliseum

Category	Uses Limited to 1 Entrance	Uses Limited to 2 Entrances
Residential	Day Care Center	
Governmental	Penal or Correctional Institution, Parking Lot	
Other	Kennel, Veterinary Animal Hospital, Truck Service Center	Airport, Heliport, Automatic Car Wash, Cemetery or Crematory, Hotel or Motel, Recreational Vehicle Park

G. CELL TOWERS AND WIRELESS COMMUNICATIONS FACILITIES. All wireless communications Facilities shall be required to comply with the following standards.

1. CO-LOCATION.

- a. New Facility. To place a new facility, the applicant must prove that co-location is not possible based on the height of the proposed tower.
 - (1) Towers less than 150 feet tall must prove that co-location is not possible within ½ mile radius of the proposed tower location.
 - (2) Towers 150 feet tall or greater must prove that co-location is not possible within one-mile radius of the proposed tower location.
- b. Future Co-Location. The applicant must provide written agreement to permit other providers to attach antenna or other communications apparatus to the facility that do not interfere with the primary purpose of the tower. Proposed facility must provide sufficient space and support to accommodate additional antenna.
 - (1) Towers less than 150 feet tall must provide space and support to accommodate one additional antenna.
 - (2) Towers greater than 150 feet tall and less than 175 feet tall must provide space and support to accommodate two additional antennas.
 - (3) Towers 175-200 feet tall must provide space and support to accommodate three additional antennas.

2. HEIGHT. The proposed facility shall not exceed height limitations based on the zoning district in which it is proposed.

- a. Towers shall not exceed 150 feet in Districts RE, R1, R2, R3, R4, MF, UB, and PB.
- b. Towers shall not exceed 200 feet in Districts AP, AG, AB, LB, GB, I1, and I2.

3. SETBACKS AND BUFFERYARDS. The proposed facility shall meet the setback requirements based on the height of the tower.

- a. Towers less than 150 feet shall have minimum front, side, and rear setbacks of 50 feet.
- b. Towers 150 feet or greater shall have minimum front, side, and rear setbacks of 50 feet plus two feet per each foot of tower exceeding 150 feet.
- c. Setbacks for a facility that utilizes guy wires shall begin from the point at which such wires meet the ground.
- d. Regardless of height, towers require Bufferyard H plus required fencing.

4. DESIGN STANDARDS.

- a. The proposed facility shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment.
- b. The proposed facility shall be a monopole or of similar design.
- c. Proposed accessory structures and additional accessory structures shall be architecturally designed to blend with the surrounding area through materials and design features.

5. LIGHTING. The proposed facility shall not be lighted, except as required to meet applicable local, state, and federal lighting regulations.

6. REMOVAL. The applicant must provide written agreement to remove the facility after 180 days of discontinued use.
7. ADVERTISING. No signs or other forms of advertising are permitted on the proposed facility.

H. MINOR SUBDIVISIONS AND SINGLE-FAMILY HOMES IN THE AG DISTRICT. Application for Minor Residential Subdivisions and Single-Family Homes are brought before the Board of Zoning Appeals and considered a Restricted Use for the purpose of thorough review on a site-by-site basis. A variance may be requested from the requirements of Table 3 and any other sections of this ordinance at the written request of the applicant at the time of filing for Special Exception or Variance before the BZA. The following procedures and restrictions shall be considered.

1. APPROVAL. Minor subdivision approval shall be in accordance with the applicable section of the Subdivision Control Ordinance. Single-Family Homes in the AG District shall be in accordance with the procedure set forth for Special Exception.
2. DRIVEWAYS. In order to prevent strip-lot development and preserve rural character, it is necessary to encourage the sharing of driveways.
 - a. New driveways for minor subdivisions in the AG District shall be in accordance with Table 3 of this ordinance. Lots shall share a common driveway cut when possible.
 - b. When applicable, new driveways in the AG District shall be along the property line to make it possible to share the driveway with an adjoining lot in the future. In addition, the commitment may be required that the owner share the driveway when necessary.
3. CLUSTER DESIGN. In order to preserve agricultural ground, minor subdivisions in the AG District shall be laid out in a cluster design. This is best accomplished by contiguously grouping the lots in such a manner so as to consume the least amount of land possible given the constraints of the landscape.
4. BUFFERING. In order to protect residential uses from agricultural activities and vice-versa, the perimeter of the minor subdivision and lots for Single-Family Homes in the AG District shall have Bufferyard Ag.
5. COMMITMENTS. In order to protect residential uses from agricultural activities and vice-versa, commitments may be required by the BZA at the time of Special Exception approval in accordance with IC 36-7-4-921. Such commitments must be recorded with the Office of the Boone County Recorder prior to the issuance of an ILP. Commitments mandated by the BZA may include, but are not limited, to the following:

Right-to-Farm Law of Indiana. The Applicant for the Special Exception acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance.

Future Residential Subdivision. After the granting of the initial Special Exception and prior to the Applicant further subdividing the subject property beyond such approval, he shall make application for an additional Special Exception in order that the BZA may review the request and ensure that such further subdivision is in accordance with this ordinance and meets the standards for such Special Exception.

I. ADULT ENTERTAINMENT BUSINESSES. All adult entertainment businesses shall be required to comply with the following standards.

1. INTENT. In the development and adoption of this section, it is recognized that there are some adult entertainment business uses which due to their very nature have certain adverse secondary effects in the form of objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such adult entertainment businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these adult entertainment businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult entertainment business uses by restricting their close proximity to churches, parks, fairgrounds, schools, day care centers, and residential areas including AG districts.
2. PROHIBITIONS. The establishment of an adult entertainment business, as defined, shall be prohibited if such adult entertainment business is within one thousand (1000) feet of another such adult entertainment business or within six hundred (600) feet of any existing church, school, day care center, park, fairground, AG district, or "R" district within the jurisdiction of the Boone County Area Plan Commission.
3. MEASUREMENT OF DISTANCES. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business, and any church, school, park, fairground, day care center, AG district, or "R" district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest lot line of the church, school, day care center, park, fairground, AG district or "R" district.
4. EXTERIOR DISPLAY. Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an adult entertainment business shall comply with the following regulations.
 - a. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public right-of-way.
 - b. Number of Signs. Not more than one (1) wall sign shall be permitted for an adult entertainment business and said wall sign shall be permitted only on the front facade of the building. In addition to the one (1) permitted wall sign, an adult entertainment business may be permitted not more than one (1) freestanding sign, and which meets all of the requirements of the zoning district in which it is located.
 - c. Sign Surface Area. The maximum sign area of a wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum combined sign area of a freestanding sign shall not exceed one (1) square foot

for each lineal foot of frontage of the lot, or twenty-four (24) square feet, which is the lesser.

d. Lighting. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exterior lighting (e.g., spot or floodlights).

5. CONTINUATION OF NONCONFORMING USES. This Part is subject to the provisions of Section VIII Nonconforming Uses.

VII. REVIEW AND APPROVAL OF DEVELOPMENT PLANS.

1. Development Plan Review

Prior to the subdividing of any property that creates more than 15 new lots or the establishment of any new use or an addition to an existing use listed in the zoning ordinance as requiring development plan review, an applicant must submit and have approved by the APC, a development plan in accordance with the requirements of this section.

Where a development plan is required due to the subdividing of property, the development plan and study submissions required under the County's Subdivision Control Ordinance may be combined into a single submission, as long as the requirements of both the Zoning Ordinance and Subdivision Control Ordinance are met.

2. Approval Process

An application submitted under this section of the Ordinance shall be reviewed under a three-step process.

Preliminary Submission

Prior to any portion of a development plan application going before the APC, the applicant shall submit copies of a Concept Plan, relating to the proposed property, to the APC executive director. This Concept Plan shall be of sufficient detail to show proposed number of lots, proposed land uses and areas, generalized roadway and utility layout, concept landscaping and any proposed signage and lighting. The APC executive director will present the Concept Plan to the County's Technical Advisory Committee (TAC) for its review. This review is intended to familiarize the APC staff and TAC with the application and to allow feedback to the applicant regarding the proposed application. No approval is given as part of this step and suggestions made by APC staff and the TAC are advisory only and meant to assist the applicant. The APC has the final and only authority for any approvals under this development plan ordinance.

Primary Development Plan Approval

Following review of the Preliminary Submission, the applicant shall complete and submit a Primary Development Plan to the APC for its review and approval. This plan shall contain at a minimum the following information:

- a. A scale of not less than 1" equals 50' if the subject property is less than three (3) acres, and 1" equals 100' if three (3) acres or more. Drawings must be submitted in both 24" X 36" and 11" X 17" format.
- b. Date, north point, and scale.
- c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within two hundred (200) feet.
- d. Legal description of parcel.
- e. Existing and proposed topography with contours at two (2) foot intervals, (based on U.S.G.S. datum), extending a minimum of 200 feet beyond site boundaries.
- f. Existing and proposed easements.
- g. The location of and distance to the nearest schools, parks, fire, police, and emergency medical facilities.
- h. Delineation of any project phasing.
- i. A general inventory of existing vegetation on the site and an indication of any alterations.

- j. The location and nature of any streams, drains, dams, and other water features, wetlands, and/or unstable soils.
- k. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing, which are proposed. The applicant shall contact the County to determine the adequacy of utility and storm water proposals, slope and soil erosion requirements to determine if any such requirements will adversely affect the development plan.
- l. The size, location, and adequacy of all utilities existing (including, but not limited to: potable water, including analysis of fire flows, wastewater, gas, electric, phone, and cable) on and proposed for the property.
- m. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs.
- n. A detailed landscape planting plan and schedule of plants materials and sizes.
- o. Cross-section drawing of any walls, berms, etc.
- p. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five (5) feet in width shall be provided within the public right-of-way one foot from the subject site's property line. If a sidewalk in good condition exists within the public right-of-way or if the APC determines that a sidewalk would not serve the public purpose, the above requirement may be waived.
- q. The location of all existing and proposed structures of the subject property and all existing structures within two hundred (200) feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, wall, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
- r. The type, size, and location of any signage or lighting existing and proposed for the property.
- s. The location of all existing and proposed drives and parking areas.
- t. The location and right-of-way widths of all abutting streets, roads, and alleys.
- u. The locations of any wells (on the property or within 200 feet of the property) and the results of any well tests. Wells should be identified on the plans by location and water well location number.
- v. A traffic study examining the impacts of the development, as well as any new roads/intersections on current and projected traffic flow and level-of-service.
- w. A report examining the estimated impacts of the proposed development on the school district or a letter from the school district outlining its estimates of the impact of the proposed developments.
- x. Estimated impacts on and capabilities of emergency services, including, but not limited to, fire, police, and emergency medical services, and their respective response times.
- y. A report examining the estimated impacts, including, but not limited to: noise, nuisance, groundwater aquifers, traffic, and property values of the proposed development on all properties within 660 feet of the subject property, as well as any proposed mitigation measures.
- z. The results of any geologic, hydrologic, and soil tests.

- aa. An examination of the impacts of the proposed development on available recreational facilities in the County, as well as any proposed mitigation measures.
- bb. A photo of the subject property from the main or easiest point of access.
- cc. The names, address, and telephone numbers of the architect, planner, designer, engineer, or person responsible for the preparation of the development plan. A registered architect, engineer, or surveyor must seal the development plan.
- dd. The names, addresses, and telephone numbers of the property owners and developers.
- ee. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
 - 1. Estimated number of employees, resident shoppers, etc.
 - 2. Hours of operation.
 - 3. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
 - 4. Modifications to vegetative cover, drainage patterns, earth work, problem areas.
 - 5. Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
 - 6. Estimated costs of proposed landscaping berms, walls, acceleration-deceleration lanes, bypass lanes, other public improvement or any other site improvement required by the APC shall be provided.
 - 7. Draft versions of any covenants and design guidelines.

Prior to approval of the Primary Development Plan, the APC shall hold a public hearing relating to the application.

The applicant shall send notice by first class mail to the owners of record of all real property and to the occupants of all structures located within 660 feet of the boundaries of the property in question not less than thirty (30) days nor more than forty-five (45) days prior to the public hearing.

The applicant shall have published, in a newspaper of general circulation in the County, a notice of public hearing for the application. This notice shall be published not less than 30 days nor more than 45 days prior to the public hearing date.

These notices shall include:

- a. A brief description of the nature of the development plans application.
- b. Legal and graphic description of the location of the property in question.
- c. Indicate the legal owner of the property.
- d. State the date, time, and place for the public hearing.
- e. Indicate when and where written comments concerning the proposed project will be received.
- f. Indicate if property is also under consideration for rezoning.

Following the public hearing, the APC shall review the particular circumstances and facts applicable to the proposed project in terms of the standards and requirements as detailed in this section of the County's Zoning Ordinance and shall make a determination as to whether the proposed project meets the standards set forth below:

- a. Compatibility of the development with surrounding land uses.
- b. If the application is consistent with the comprehensive plan.
- c. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
- d. Management of traffic in a manner that promotes conditions favorable to health, safety, convenience, and the harmonious development of the community. This development requirement shall ensure that the:
 1. Design and location of the proposed street and highway access points minimize safety hazards and congestion.
 2. Capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 3. Entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.
 4. The safety and convenience of both vehicular and pedestrian circulation on-site, with appropriate tie-ins to adjacent public circulation systems.
 5. Adequate accessibility for emergency vehicles.
- e. Specific development requirements set forth in the Zoning Ordinance and Subdivision Control Ordinance.
- f. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- g. The arrangement of uses on the site in relation to functional, efficient, and compatible arrangements with the site and also to adjacent uses.
- h. The APC may further require landscaping, fences, and walls in pursuance of these objectives and they shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
- i. The cost estimates as required in this section may be reviewed by the appropriate County Officials and/or consultants. These reviews and recommendations shall be forwarded to the APC for the inclusion in any approved development plan.
- j. The APC may waive development plan information for topography, vegetation, problem soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.
- k. The APC may seek and consider the input from any public officials, public bodies, and/or outside consultants as part of the development plan review process, prior to approving, disapproving, or approving with conditions, the development plan.

If after the public hearing and subsequent review of this project, the APC finds that the proposed development meets the standards set forth in this ordinance necessary for approval, the APC shall grant the applicant Primary Development Plan Approval.

Such approval is limited only to an approval of the overall concept, general layout and phasing scheme, and does not grant nor guarantee Secondary Development Plan approval. The APC may grant only conditional approval for the Primary Development Plan for items that it feels need to be more fully addressed and decided upon during the Secondary Development Plan approval process. In those cases, the APC must fully itemize those items for which it is granting only conditional approval in its motion.

Unless waived by the APC, at the time of Primary Development Plan approval, a public hearing is mandatory for APC review and approval of a Secondary Development Plan.

Secondary Development Plan Approval

Following approval of the Primary Development Plan, the applicant shall complete and submit a Secondary Development Plan to the APC for its review and approval. This plan shall contain at a minimum the following information:

- a. All information required under Primary Development Plan approval
- b. Complete engineering drawings and calculations for all roads, bridges, signs, sanitary sewers, water, and storm water infrastructure.
- c. All roads, whether public or private, shall be designed to County standards as found in the County's Subdivision Storm Drainage, Erosion, and Sediment Control Ordinance.
- d. Storm water and drainage shall be designed to County standards as found in the County's Subdivision Storm Drainage, Erosion, and Sediment Control Ordinance.
- e. Floor plans and elevation drawings for all non-residential buildings.
- f. All landscape construction plans and drawings.
- g. Lighting plans and drawings.
- h. Golf course management and/or landscape management plans
- i. The location and type of any hazardous materials or landscape maintenance chemicals to be stored on the site.
- j. Master deeds, master condominium documents, and special subdivision regulations or covenants.
- k. Detailed plans addressing any special concerns or requests of the APC raised during the Primary Development Plan approval phase.

The APC shall review the application for Secondary Development Plan approval, together with any reports from County staff/consultants, and approve, approve with conditions, or deny the application based upon its meeting the standards set forth in this ordinance.

Unless waived by the APC at the time of Primary Development Plan approval, a public hearing is mandatory for APC review and approval of a Secondary Development Plan.

Unless the APC waives the requirement for a public hearing for Secondary Development Plan approval, the applicant shall make notice of the public hearing under the same standards and deadlines as for the Primary Development Plan public hearing.

3. Copies Required

Twelve copies of all submissions required by this ordinance shall be delivered to the APC offices at least fifteen (15) business days prior to any meeting during which the applicant wishes to have the information reviewed.

4. Content of Development Plan File

The development plan(s), all supplementary data, together with minutes of any meetings and/or hearings related to the applications shall become part of the official development plan file.

5. Area Plan Commission Actions

The APC, upon completing its review of a Primary or Secondary Development Plan application, shall take one of the following actions:

- a. Approval—If the APC determines that the development plan meets all the requirements of this section, the County's Zoning Ordinance, Subdivision Control Ordinance, other applicable County Ordinances, and special items raised during review of the application, the APC shall approve the application and record such approval and the Chairman shall sign three (3) copies of the development plan; filing one in the official development plan file, forwarding one to the County, and returning one to the applicant.
- b. Disapproval—If the development plan does not meet all the requirements of this sections, the County's Zoning Ordinance, Subdivision Ordinance, other applicable County Ordinances and special items raised during the review of the application, the APC may deny the application and record the reasons for denial. The applicant may not subsequently re-file another development plan for any portion of the subject property for a period of one (1) year from the date of the APC's denial.
- c. Conditional Approval—If minor corrections to the development plan are necessary for it to meet the standards set for APC approval, and such minor corrections can be clearly noted, then the APC may so note such conditions and the Chairman shall sign 3 development plans as conditionally approved and stating the necessary conditions. One copy shall be retained in the official development plan file, one forwarded to the County, and one returned to the applicant.
- d. Table—If the development plan is found to be in violation of the requirements or incomplete with respect to necessary information, the APC may table action on the development plan until compliance is shown or required additional information is provided.

6. Performance Guarantees

To ensure compliance with all development plan standards and any conditions imposed thereunder, the APC may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the County, equaling 110% of the APC's estimated cost of improvements associated with a project for which development plan approval is sought, be deposited with the County to ensure faithful completion of the improvements and also be subject to the following:

- a. The performance guarantee shall be deposited prior to the onset of any construction, clearing of land or earth moving related to the development plan. The County may establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ration of work completed on the required improvements will be make as work progresses. Any partial release of funds shall be less than 10 per cent, which shall be retained by the County until all work has been completed and subsequently inspected and approved by the County or its agents. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure proper functioning of said public improvements.

- b. As used in this section, “improvements” mean those features and actions associated with a project, which are considered necessary by the APC, to protect natural resources, or the health, safety, and welfare of the residents of the County and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage, Improvements do not include the entire project, which is the subject of development plan approval.

VIII. NON-CONFORMING USES

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

1. Non-conforming lots
2. Non-conforming structures
3. Non-conforming uses of land
4. Non-conforming districts;

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

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

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is hereby defined at a minimum as having a valid ILP upon passage of this ordinance on December 21, 1998.

- A. **NON-CONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of adoption or amendment of this ordinance notwithstanding limitation imposed by other provisions of this ordinance. Such lot must be in separate record and not of continuous frontage with existing lots. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Such lot of record must meet all of the previous requirements for building lots for single-family dwelling units in the appropriate districts as follows:

Table 14, Single-Family Requirements for Non-Conforming Lots of Record										
	AG	RE	R1	R2	R3	R4	LB	GB	PB	I1 & I2
Minimum Lot Area (sqft unless otherwise noted)										
With sewers	24,000	3 acres	24,000	12,000	6,000	12,000	6,000	6,000	12,000	14,000
Without sewers	37,500	3 acres	43,560	30,000	30,000	30,000	30,000	30,000	30,000	30,000
Minimum Lot Depth to Width Ratio for lots 10 acres or less in all districts: 3:1										
Minimum Road Frontage: Lots less than 5 acres require 75 feet of road frontage. Lots 5 acres and above require 100 feet of road frontage.										

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

1. No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than 50% of the area of the building immediately prior to the damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. A non-conforming use may be extended throughout any parts of a building, which manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

C. NON-CONFORMING USES OF LAND. Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided.

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

D. NON-CONFORMING DISTRICTS. At the time of adoption of this ordinance, some zoning districts may no longer be listed in this ordinance. Unless otherwise noted, property zoned under these districts will continue to be zoned as such until such time as the property is rezoned to a conforming district. Non-Conforming Districts, their restrictions, and permitted uses include:

1. R5-High Density, Multi-Family Residential. Permitted uses include all uses currently permitted in the R4 and MF Districts by right, Special Exception, and with Development Plan approval as listed.
2. CR-Commercial Reserve. Uses in the underlying zoning districts of the CR District areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed.
3. SC-Shopping Center. Uses in the underlying zoning districts of the SC District areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed.

4. IR-Industrial Reserve. Uses in the underlying zoning districts of the IR District areas shall be permitted in accordance with the current use table by right, Special Exception, and with Development Plan approval as listed. Industrial development currently permitted in the I1 District would be permitted in this district only by Special Exception and with a minimum tract of 20 acres.

IX. IMPROVEMENT LOCATION PERMIT

A. APPLICABILITY

1. The director, or their agent, shall be responsible for the issuance of all ILP's for any alteration to the condition of land, or structures thereon, with the Jurisdictional Area of the APC. Any persons making said alterations must obtain an Improvement Location Permit for said alterations from the APC prior to the start of any construction
2. The filing fee for an ILP is shown on the Boone County Area Plan Commission Fee Schedule, which is hereby established as a part of this section.
3. Fences under 6 feet high shall not require an ILP.

B. CERTIFICATE OF OCCUPANCY

1. No land shall be occupied or used and no building hereafter erected, altered, or reconstructed shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy has been issued by the Director, or their agent, stating that the use complies with all of the provisions of this ordinance.
2. The Certificate of Occupancy shall be issued within five days of the completion of the improvements authorized by the ILP, provided said improvements are in compliance with all provisions of this ordinance.

C. DOCUMENTATION. Upon application for an ILP, the applicant must furnish the following information.

1. The applicant must furnish two copies of a dimensioned site plan drawn to scale and certified by a Registered Land Surveyor. One copy will be retained in the permanent file and the second will be returned with stamp of approval to the applicant. The site plan must contain the following:
 - a. The owners' name and address
 - b. The legal description of the property including bearing notations and lengths
 - c. Existing and proposed structures on the property including water and sewage facilities
 - d. Existing and proposed elevations of the building site including the proposed elevation of the first floor of the structure
 - e. All easements required by the Zoning Ordinance or any other Ordinance of the County, or by an Act of the Legislature of the State of Indiana
 - f. All adjacent streets including all required easements thereto and also the location and size of ingress and egress points from the property
 - g. All required bufferyards, parking, signs, and Restricted Use requirements
2. The applicant shall show written approval of the proposed structure and site plan from any developer or homeowners' association having jurisdiction over the site and structure per covenants and restrictions.
3. The applicant shall present written approval of the proposed structure from any agency, commission, board, or other department of the State of Indiana having jurisdiction over the proposed structure prior to issuance of the ILP.
4. The applicant shall present written approval of the proposed water and sewage facilities from the Boone County Health Board, and when applicable, written approval of the driveway from the Boone County Highway Department.
5. The applicant shall submit two complete sets of construction plans for the proposed improvements. The plans must be certified by the Building Inspector as meeting all building and mechanical codes required

by local or State law prior to issuance of the ILP.

6. As a condition of issuing an ILP, the Director or their agent, may require the relocation of any structure or any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of public welfare.
7. An ILP for a Special Exception may not be issued until the application has been approved by the BZA.
8. Any application that requires physical encroachment upon another's property to meet drainage requirements shall provide a notarized letter of agreement to allow encroachment from those owners upon whose property encroachment must occur.

D. **INDUSTRIAL USES: CERTIFICATE OF COMPLIANCE.** If an application for an ILP relates to a light or general industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a Registered Professional Engineer of the State of Indiana, stating that the use will meet the performance standards established by this ordinance.

E. **EXPIRATION AND RENEWAL OF IMPROVEMENT LOCATION PERMIT**

1. If a person to whom an ILP has been issued fails to complete construction within 24 months after the permit is issued, or fails to comply with the approved plan upon which the permit was issued, said ILP shall be null and void.
2. Extension. The director may grant one 12-month extension upon any ILP at the written request of the applicant stating the need for such extension.

X. ADMINISTRATION AND ENFORCEMENT

- A. **ORDINANCE ADMINISTRATION.** The provision of this ordinance shall be administered and enforced by the Director of the APC. The Director may be assisted by the staff of the APC. The Director shall have final authority on all matters of administration and enforcement subject to the guidance of the APC and BZA. Appeal from the decisions of the Director may be made to the BZA. Recourse from the decision of the BZA shall be to the courts through procedures provided by law.
- B. **THE AREA PLAN COMMISSION**
1. **ESTABLISHMENT.** The APC is established, with membership as provided by IC 36-7-4-200 Series.
 2. **ORGANIZATION.** At the first meeting of the calendar year, the APC shall elect from among its members a Chairman and a Vice-Chairman as per established Rules of Procedure. Consistent with State law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.
 3. **RULES OF PROCEDURE.** The APC shall supervise and make rules for the administration of the affairs of the APC and prescribe uniform rules pertaining to investigations and hearings.
 4. **MEETINGS AND RECORDS.** The APC, or Plat Committee as appropriate, shall hold a public hearing after the receipt of an application for a Change of Zoning, Minor Plat, Primary Plat, Secondary Plat, or a Change in Development Plan from the applicant or their agent in accordance with the established Rules of Procedure. Meetings of the APC shall be open to the public. Before holding the required public hearing, applicant must be in compliance with the established Rules of Procedure.
 5. **POWERS AND DUTIES**
 - a. **Subdivisions.** The APC and Plat Committee as appropriate shall render decisions regarding subdivisions in accordance with the Subdivision Control Ordinance and Rules of Procedure.
 - b. **Development Plan.** The APC shall render decisions regarding Development Plans in accordance with the Development Plan section of this ordinance.
 - c. **Planned Unit Developments.** In addition to requirements for Development Plan, the APC shall render recommendation regarding PUD District Ordinance to the appropriate legislative body in accordance with the PUD section of this ordinance.
 - d. **Proposals to Change the Zone Maps Incorporated into the Ordinance.** The following procedure 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 this Zoning Ordinance.
 - (1) The proposal may be initiated either
 - a) by the APC
 - b) by a petition signed by property owners who own at least 50% of the land involved,
or
 - c) by the appropriate legislative body; however, if the appropriate legislative body initiates the proposal, it shall require the APC to prepare it.
 - (2) The APC or petitioners shall prepare the proposal so that it is consistent with applicable state law.
 - (3) In considering the proposal, both the APC and the appropriate 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 Jurisdictional Area, and
 - e) responsible development and growth.

- (4) The APC shall give notice and hold a public hearing on the proposal in accordance with its Rules of Procedure.
 - (5) Whenever the APC deems it advisable they may permit or require the owner of a parcel of real property to make a commitment subject to the rules prescribed for commitments in this section. By permitting or requiring a commitment, the APC does not become obligated to recommend or not recommend the adoption of the proposal.
 - (6) Within 10 business days after the APC determines its recommendation, the APC shall certify the proposal to the appropriate legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation from the APC.
 - (7) The appropriate legislative body shall vote on the proposal within 90 days after the APC certifies the proposal. The appropriate legislative body's consideration of the proposal is governed by IC 36-7-4-608.
 - (8) During the time when the proposal is being considered by the appropriate legislative body, 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 APC. No further action of the APC is required for a new commitment to be effective. If a commitment made when the proposal was before the APC is modified and the effect of the modification is to make the Commitment more stringent, no further action of the APC 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 APC to be effective. A commitment made or modified under this provision is subject to the rules prescribed for commitment in this section.
 - (9) If the proposal is adopted, the APC shall update the zone maps that it keeps available with the Zoning Ordinance and the County's Code of Ordinances.
 - (10) Unless the proposal provides for a later effective date, the updated zone maps contained in the proposal take effect when the proposal is duly adopted.
- e. Proposals to Amend or Partially Repeal the Text of the Ordinance. The following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of this Zoning Ordinance.
- (1) The proposal may be initiated by either the APC or the appropriate legislative body; however, if the appropriate legislative body initiates the proposal, it shall require the APC to prepare it.
 - (2) The APC shall prepare the proposal so that it is consistent with applicable state law.
 - (3) In considering the proposal, both the APC and the appropriate 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 Jurisdictional area, and
 - e) responsible development and growth.
 - (4) The APC shall give notice and hold a public hearing on the proposal in accordance with its Rules of Procedure. The APC, in its discretion, may also give notice and hold hearings at other places within the county where the distribution of the population or diversity of interests of the people indicate that such hearings would be desirable.
 - (5) Within 10 business days after the APC determines its recommendation, the APC shall certify the proposal to the appropriate legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation from the APC.
 - (6) The appropriate legislative body shall vote on the proposal within 90 days after the APC certifies the proposal. The appropriate legislative body's consideration of the proposal is governed by IC 36-7-607.
 - (7) If the proposal is adopted, the APC shall print the amendments to the Zoning Ordinance in book or pamphlet form, or arrange for them to be included in the county's Code of Ordinances.

- (8) Unless the proposal provides for a later effective date, the amendments contained in the proposal take effect when the proposal is duly adopted, except for any provision prescribing a penalty or forfeiture for a violation, which may not take effect until the APC complies with the applicable notice and filing requirements described in IC 36-7-4-610.
- (9) Verification of Petition. The Director shall verify the completeness of the application and the date of verification shall be noted on the application.
- (10) The APC shall send a copy of the application to the following agencies for their review and comments.
 - a) Boone County Health Department
 - b) Superintendent of the affected school district
 - c) The official, or officials, responsible for municipal street facilities and water and sewer utilities
 - d) The applicable safety service agencies
 - e) Boone County Soil and Water Conservation District
- f. Adoption or Amendment of Comprehensive Plan.
 - (1) Adoption or amendment of the Comprehensive Plan shall be in accordance with Indiana Planning Law and established Rules of Procedure.
 - (2) The APC shall give notice and hold public hearings, one of which hearings shall be held in each participating city and in each of the townships within the county. At least 10 days prior to the date set for the first hearing, the APC shall publish a schedule of all such meetings in accordance with its Rules of Procedure.

6. RULES GOVERNING COMMITMENTS

- a. Form. A Commitment must be substantiated by the form set forth in the APC's Rules of Procedure, and must identify any specially affected persons or class of specially affected persons who may enforce the Commitment. A commitment must authorize its recording by the Director in the Office of the Boone County Recorder.
- b. Recording: Copies. A commitment shall be recorded in the Office of the Boone County Recorder and takes effect upon the adoption of the proposal to which it relates. Following the recording of a commitment, the Director shall return the original recorded commitment to the owner and shall retain a copy of the recorded commitment in the APC's file.
- c. Persons Bound. Unless it is modified or terminated by the APC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires 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 the person acquiring the interest has actual notice of the commitment.
- d. Modification or Termination by APC. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the APC made at a public hearing after notice of the hearing has been given under the APC's Rules of Procedure.
- e. Rezone Proposals: Automatic Termination. A commitment made in accordance with this section automatically terminates if after the adoption of the proposal to which it relates to the zone map applicable to the parcel is changed or the parcel is designated as a PUD District under this Zoning Ordinance.

C. AREA BOARD OF ZONING APPEALS

- 1. ESTABLISHMENT. The Area BZA is established, with membership as provided by IC 36-7-4-902(d).
- 2. ORGANIZATION. At the first meeting of the calendar year, the BZA shall elect from among its members a Chairman and a Vice-Chairman as per established Rules of Procedure. Consistent with

Indiana Planning Law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.

3. RULES OF PROCEDURE. The BZA shall supervise and make rules for the administration of the affairs of the BZA and prescribe uniform rules pertaining to investigations and hearings.

4. MEETINGS AND RECORDS. The BZA shall hold a public hearing after the receipt of an application for a Variance, Special Exception, or appeal from an applicant or their agent in accordance with the established Rules of Procedure. Before holding the required public hearing, applicant must act in accordance with the established Rules of Procedure. Meetings of the BZA shall be open to the public. The BZA shall keep minutes of its meetings, keep records of all examinations and other official actions, make any findings in writing and record the vote of each member on each question. Minutes and records shall be filed in the office of the BZA and made available to the public. A majority of the members of the BZA shall constitute a quorum. No action of the BZA is official unless concurred by a majority of the membership of the BZA.

5. POWERS AND DUTIES

a. Variance. The BZA shall authorize in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions fully demonstrated on the facts presented, a literal enforcement of this ordinance will result in an unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. The BZA may grant a Variance with respect to specific property if, after a hearing, the BZA finds that such variance is warranted per Indiana Planning Law.

(1) The BZA shall not grant a Variance from a Use District or classification.

(2) When in the public interest, the Director may consider and render decisions on applications involving minor deviations from the provisions of the ordinance, limited to the following.

a) Lot area requirements may be reduced by not more than 10% of that required in the District.

b) Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than 10% of the area of a required yard.

c) Maximum building heights may be increased by not more than 10%

(3) The following standards shall apply for evaluating variances as established by IC 36-7-4-918.5:

a) The variance will not be injurious to the public health, safety, morals, and general welfare of the community.

b) The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

c) The strict application of the terms of the Ordinance will continue the usual and unnecessary hardship as applied to the property for which the variance is sought because.

b. Special Exception. The BZA shall hear and determine Special Exceptions to the terms of this ordinance upon which the BZA is required to act. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said Special Exception.

(1) The Special Exceptions listed in the Districts (see Table 2, Authorized Uses), and their accessory buildings and uses may be permitted by the BZA in the Districts indicated therein, in accordance with the procedures set forth in this section. Uses listed as Special Exceptions in the Conservation District must be approved by the Indiana Department of Natural Resources prior to application for Special Exception by the BZA.

- (2) Upon receipt of an application for a Special Exception, the Director may refer the application to the APC for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Master Land Use Plan. The APC shall report the results of its study to the BZA within 90 days following receipt of the application. If no such report is filed with the BZA within the time period, or, if no report is requested by the Director, then the BZA shall proceed to process the application. The BZA shall then proceed with a hearing on the application in the manner prescribed in this ordinance. Following the hearing, and upon an affirmative finding by the BZA that the applicant meets the requirements and criteria established by Indiana Planning Law and this ordinance, the BZA shall order the Plan Director to issue an ILP.
 - (3) An existing use which is listed herein as a Special Exception, and which is located in a District in which such Special Exception may be permitted, is a conforming use. Any expansion of the Special Exception involving the enlargement of the buildings, structures, or land area devoted to such use shall be subject to the procedures described in this section.
 - (4) The following standards shall apply for evaluating special exceptions as established by IC 36-7-4-918.2:
 - a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
 - b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.
 - e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.
 - f) The special exception will be located in a district where such use is permitted and all other requirements set forth in the Ordinance that are applicable to such use will be met.
- c. Uses Not Listed. It is recognized that in the development of a Zoning Ordinance, not all uses of land can be listed, nor can all future uses be anticipated. A “use” may have been omitted from the list of those specified as permissible in the various Districts established by this ordinance, or questions may arise concerning words that are synonymous. Applicant shall file a request with the APC for a decision by the BZA. The BZA may also initiate an application. The BZA shall render a decision after such application is made, and shall notify the applicant and any person requesting such notice of such decision. In such instances the following procedures shall apply:
- (1) In classifying a use, the BZA shall first make a finding that all of the following conditions exist:
 - a) That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the District wherein it is proposed to be located
 - b) That the subject use is similar to one or more uses permitted in the District within which it is proposed to be located;
 - c) That the subject use will not cause substantial injury to the values of property in the neighborhood or District within which it is proposed to be located; and
 - d) That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected
 - (2) Classification. The BZA shall classify such use as to permitting such use by right, or permitting such use subject to Special Exception.

- (3) When classification of use is appealed or referred to the BZA, it shall be the duty of the BZA to ascertain all pertinent facts concerning said use and set forth in writing its findings and the reasons for designating a specific classification for such use.
 - (4) Limitations in Power to Classify. In no instance shall the BZA determine that a use be permitted in a District when such use is specifically listed as first permissible in a less restricted District.
 - (5) Effect of Determination. Uses classified pursuant to this section shall be regarded as listed uses. The Director shall maintain in the office of the APC an up-to-date list of all such classifications that have been made.
 - (6) Should the BZA determine that a use cannot be classified, then the use shall be considered appropriate only within a PUD District.
- d. Appeals. The BZA shall hear and determine appeals from and review any order, requirement, decision or determination made by the Director in the enforcement of this ordinance. In exercising its powers the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all of the powers of the Director from whom the appeal is taken. The BZA shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the affected parties as determined by the BZA. The BZA must require the party taking the appeal to assume the cost of public notice and due notice to interested parties.
- (1) When an appeal from the decision of any official or board has been filed with the BZA, all proceedings, operation, and work on the premises concerned shall be stayed, unless the official or board from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.
 - (2) Every decision of the BZA shall be subject to review by certiorari. Any person aggrieved by a decision of the BZA, may present to the circuit or superior court of the county in which the premises affected are located, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the entry of the decision or order of the BZA complained of. No change of venue from the county in which the premises affected are located shall be had in any cause arising under the provisions of this section.

D. ZONE MAPS. The Zone Maps, which accompany and are hereby declared to be a part of these regulations, show the boundaries of and the area covered by the Districts, notations, references, indications and other matters shown on the Zone Maps are as much a part hereof as if they were fully described herein.

- a. The boundaries of the Districts established by this section are as shown on the Zone Maps, which are a part of this ordinance. Such boundaries may be changed only by amending this ordinance
- b. When the exact boundaries of a District are uncertain, they shall be determined by use of the scale of the Zone Map
- c. When a right-of-way is vacated, the Districts adjoining each side are respectively extended to the center of the area so vacated.
- d. In the case of further uncertainty, the BZA shall interpret the intent of Zone Maps as to the location of the boundary in question
- e. In the event of annexation of lands to a city or town in the jurisdictional area, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures.

1. OFFICIAL MAPS. Each of the 12 townships of Boone County shall have an official zoning map. An official zone map shall be identified by the Signatures of the appropriate legislative body and attested to by the appropriate official. Each incorporated city or town within the jurisdiction of the APC shall also have a zoning map identified by the signatures of the appropriate legislative body.
 2. CHANGES. If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zone Maps, such changes shall be entered on the appropriate map by the Director, after the amendment has been approved by the appropriate legislative body.
 3. LOCATION OF ZONE MAPS. Regardless of the existence of purported copies of the Official Zone Map, which may from time to time be made or published, the Official Zone Map of Boone County and Jurisdictional Areas shall be located in the office of the Boone County APC. These official maps shall be the final authority as to the current zoning status of land and water areas, buildings and other structures within the Jurisdictional Area.
 4. DAMAGED, LOST, OR DESTROYED MAP. In the event the Official Zone Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the numbers of changes and additions, the appropriate legislative body or the APC may direct the Director to prepare a new Official Zone Map which shall supersede the prior map upon approval by the APC and appropriate legislative body and attested to by the appropriate official. The signatures of the above mentioned and the date of final approval shall be placed on the new maps. The new Official Zone Map may correct drafting errors or other omissions or legal changes in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or subsequent amendments thereof.
- E. COMPLAINTS. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Director. The Director, or their agent, shall investigate the complaint, take immediate action and may refer the matter to the APC, BZA, or their attorney for review. The Director or other member of the APC staff shall have authority to enter upon property at any time to investigate a written complaint.
- F. ENFORCEMENT
1. REMEDIES. The APC, BZA or any designated enforcement official, may institute a suit for injunctive relief in the circuit court, or any court in the county having jurisdiction to entertain said matters, to restrain an individual person or a governmental unit from violating the provisions of the ordinance enacted pursuant to its terms or the Subdivision Control Ordinance. The APC or the BZA may also institute a suit for mandatory injunction, directing an individual person or a governmental unit to remove a structure erected in violation of the provisions of these ordinances, enacted pursuant to its terms. In the event that the APC or BZA deems it necessary to invoke one or more remedies under this subsection, then, and in that event, they shall be entitled, if found to be the prevailing party, to an award of attorneys fees and costs of this action.
 2. IMPROVEMENT LOCATION PERMITS.
 - a. Any persons or corporation who shall initiate construction prior to obtaining an ILP, or Certificate of Occupancy or any other permit or authorization required herein, shall pay an "Early Bird Fee" as set forth in the Boone County Area Plan Commission Fee Schedule.
 - b. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
 3. ZONING ORDINANCE. Any person or corporation who shall violate any of the provisions of these ordinances or fail to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved plot plan or building plans shall be subject to civil penalties of not more than \$300 per day of violation.
 4. SUBDIVISION CONTROL ORDINANCE.

- a. It shall be the duty of the Director to periodically research the County Auditors records and perform the other necessary investigation to detect any violations of these regulations.
- b. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the APC in accordance with the provisions of these regulations and filed with the Boone County Recorder.
- c. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the APC in accordance with these regulations and filed with the Boone County Recorder.
- d. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- e. The Director shall enforce these regulations and bring to the attention of the APC attorney any violations or lack of compliance herewith. The APC attorney shall take steps necessary under the Indiana Code to civilly enjoin any violation of these regulations.

G. SEVERABILITY AND EFFECTIVE DATE

1. SEVERABILITY. If any chapter, section, subsection, clause, paragraph, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of proper jurisdiction, such decision shall not affect any other chapter, section, subsection, clause, paragraph, provision, or portion of this ordinance.
2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners for the unincorporated area of Boone County, Indiana, or by the appropriate legislative body for any incorporated Town or City in Boone County, Indiana.

This ordinance was passed by:

The Boone County Commissioners on December 21, 1998

The Whitestown Town Board on February 8, 1999

The Advance Town Board on August 3, 1999.

XI. GENERAL DEFINITIONS.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted or defined as follows (Words used in the present tense include the future tense. The term "shall" is always mandatory.)

ACCESSORY STRUCTURE. A subordinate building or structure detached from but located on the same lot as a principal building which does not alter or change the character of the premises. Agricultural buildings, public utility communications, electric, gas, water, and sewer lines, their supports and incidental equipment, and public telephone booths shall be considered accessory structures even though no principal building exists on the premises.

ACCESSORY USE (see also HOME OCCUPATION).

A use that:

1. is clearly incidental and customarily found in connection with a principal building or use;
2. is subordinate to and serves the principal use;
3. is subordinate in area, extent, or purpose to the principal use served;
4. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal use served;
5. is located on the same lot as the principal use served.

ACT. Area Planning Law of the State of Indiana, as defined by IC 36-7-4-102.

ADULT BOOKSTORE. An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, theatre, restaurant or similar establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by their emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.

ADULT ENTERTAINMENT BUSINESS. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

ADULT LIVE ENTERTAINMENT ARCADE. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI MOTION PICTURE THEATRE. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or by exposure of specified anatomical areas for observation by patrons therein.

ADULT MOTION PICTURE ARCADE. Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATRE. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee, with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT. Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

AGRICULTURE. Areas in which the general use of land is devoted to one or more of the following;

1. Tillage of soil in the production of crops.
2. Production or maintenance of hay and pasture crops.
3. Husbandry or production of livestock or poultry, and horses, and their products, excluding dogs and other small animals commonly kept as household pets.
4. Growing of trees for the production of timber or timber products, erosion control and other purposes commonly found in agricultural areas.

AGRICULTURAL BUILDING. A structure utilized for the conduct of farming operations but not including dwellings used for human occupancy.

AIRCRAFT. Any contrivance used or designed for transporting a cargo and/or passengers more than five feet above the ground.

AIRPORT/HELIPORT. Any area which is used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

ALLEY. A right-of-way other than a street, road, crosswalk, designed to provide a secondary means of access for the special accommodation of the property it reaches.

ANIMAL DAY-CARE FACILITY. Any facility in which four or more dogs or other small animals that are commonly kept as household pets, which are at least three months old, and where the primary use of the facility is to care for those animals during the day-time hours. Overnight boarding of the animals at the facility is prohibited.

APC. The Area Plan Commission of Boone County, Indiana.

APPLICANT. The owner or owners of real estate who makes application to the APC or BZA for action by said commission affecting the real estate owned thereby.

AUTOMATIC CAR WASH. A building, or portion thereof, where automobiles, trucks, or other self-powered vehicles are washed by mechanical devices of any type.

AUTOMOBILE REPAIR. Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, or repair of vehicles is conducted or rendered.

AUTOMOBILE SERVICE STATION. Any building, structure, or land used primarily for the dispensing or sale of any automobile fuels, oils, or accessories. This includes lubrication and replacement or installation of minor parts or accessories, but does not include major repair work such as motor replacement, transmission replacement, body and fender repair, or spray-painting.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, FARM IMPLEMENT AND CONSTRUCTION MACHINERY SALES AREA. An open area other than a street or public right-of-way, used for the display, sale, or rental of new or used motor vehicles, mobile homes, travel trailers, farm implements and construction machinery.

BED AND BREAKFAST. A residential building, or portion thereof - other than a motel, apartment hotel or hotel - containing lodging rooms for accommodation of five (5) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by pre-arrangement and for definite periods and for compensation.

BLOCK. An area that abuts a street and lies between two intersecting streets or barriers such as railroad rights-of-way or watercourses.

BOOK STORE. A business established for the retail trade of books, magazines, or similar literature, excluding adult or sexually oriented materials.

BZA. The Boone County Area Board of Zoning Appeals of the Area Plan Commission of Boone County, Indiana, or the Board of Zoning Appeals of any incorporated city or town under the jurisdiction of the Area Plan Commission of Boone County, Indiana, whichever the case may be.

BUFFERYARD. A unit of yard together with the planting thereon required to separate land uses from each other.

BUILDING. Any enclosed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind and includes any structure.

BUILDING INSPECTOR. The employee or officer of the APC who is empowered to inspect and approve ILP's, and to act as the agent of the Director in any other matter concerning the enforcement of the applicable building code ordinances.

BUILDING, DETACHED. A building having no structural connection with another building.

BUILDING, HEIGHT OF. The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING PERMIT. A document signed by the Director or the Building Inspector that certifies that a proposed use meets the requirements of the Boone County Zoning Ordinance and all other codes which may be applicable.

BUILDING AREA. The horizontal projected area of the buildings on a lot or premises, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

BUILDING LINE. The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

BUSINESS. The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMPING GROUNDS. A parcel of land used or intended to be used for temporary occupancy by campers, recreational vehicles, travel trailers, mobile homes, tents, etc.

CEMETERY. Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY. A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.

CHURCH or TEMPLE. A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which buildings, together with accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

CLEAN FILL SITE. Means a facility or site specifically designed and restricted to the disposal, processing and/or reclamation of off-site generated, uncontaminated and untreated stone, bricks, or concrete; road demolition waste materials; natural growth including tree limbs and grass clippings; sawdust from untreated natural wood; and other items not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management. Clean Fill Sites shall be classified into one of the following types:

1. Long term permitted clean fill disposal site.
2. Temporary permitted clean fill disposal site.
3. Long term permitted clean fill processing site.
4. Temporary permitted clean fill processing site.
5. Temporary permitted clean fill land reclamation site.

CLINIC. A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUB. A building or portion thereof or premises owned or operated by a person or group for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests excluding adult or sexually oriented activities. This does not include any use or activity rendering a service usually and ordinarily carried out as a business including restaurants or food service.

COMMERCIAL CLASSIFICATIONS. These shall be obtained from the latest edition of the Standard Industrial Classification Manual, Executive Officer of the President, Bureau of the Budget.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMITMENT. A covenant concerning the use or development of a parcel of real property which is made in writing by the owner of that parcel, either voluntarily or in accordance with an order or request of the APC or the appropriate legislative body.

COMPOSTING. Means the biological treatment process by which microorganisms decompose the organic component of vegetative matter and other types of organic material; the compost may be used as:

1. A soil conditioner.
2. A cover material for a solid waste landfill.
3. Another use approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

COMPOSTING FACILITY. A solid waste processing facility specifically designed and operated for the express purpose of composting.

COMPOSTING/DIGESTER FACILITY. A specific type of composting facility.

COMPREHENSIVE PLAN. The Boone County Comprehensive Plan approved by the Board of County Commissioners on July 14, 1997, as amended.

CONCEPT PLAN. An informal review of a plan by the APC at a public hearing to alert applicants to problems and requirements prior to an official submission for the purpose of saving time and money for all parties.

CONDOMINIUM. Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements, together with individual ownership in fee of a particular unit or portion of such building, which building shall be the same as dwelling, multi-family.

CONFINED FEEDING OPERATION. As defined in IC 13-11-2-40,

1. any confined feeding of three hundred or more cattle, six hundred or more swine or sheep and thirty thousand or more fowl;
2. any animal feeding operation where the operator elects to come under the Act;
3. any animal feeding operation that violates Chapter 214 of the Act of 1943 as determined by the Water Pollution Control Board of the State of Indiana; or
4. as defined by the Indiana Department of Environmental Management latest revisions or amendments.

CONSERVATION AREA. Designated open space further defined as Primary and Secondary Conservation Areas. Primary Conservation Areas include wetlands, lands that are generally inundated, land within the 100-year floodplain, and slopes exceeding 25%. Secondary Conservation Areas typically include parks and natural resources such as forests, meadows, farm fields, wildlife habitat, and water quality protection or other reasons.

CONSERVATION EASEMENT. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION/DEMOLITION SITE. A solid-waste land disposal facility, or site, designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination. Further, in the Boone County Solid Waste Management District, a Construction/Demolition Site is to be specifically designed and restricted to the disposal, processing, and/or reclamation of only construction or demolition waste to include bricks; concrete; stone; glass; wallboard; lumber; roofing materials; other items which are affixed to the structure being constructed or demolished including plumbing fixtures; wiring and non-asbestos insulation; and other items not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

COOPERATIVE. A building or land in which an individual owns stock in a corporation with the right through a proprietary lease to occupy a portion of the land or part of the building, which building shall be the same as dwelling, multi-family.

COUNTY. The County of Boone, Indiana.

HOME OCCUPATION. An occupation carried on by an occupant at his or her place of residence in accordance with the requirements of this ordinance.

DAY CARE CENTER. A commercial facility or single family home licensed and/or regulated by the Indiana Department of Public Welfare for the care and/or education of human beings. A day care center shall not be considered a home occupation.

DECIBEL. A unit of measurement of the intensity of loudness of sound.

DEVELOPER. Any person engaged in developing a lot or group of lots or structures thereon for use or occupancy.

DEVELOPMENT PLAN. A specific plan for the development of real property that:

1. Requires approval by the APC under the 1400 Series of IC 36-7-4;
2. Includes a site plan.
3. Satisfies the development requirements specified in the ordinance regulating the development; and
4. Contains the plan documentation and supporting information required by the ordinance regulating development.

A Preliminary Development Plan is a map indicating the proposed layout of the site plan that is submitted to the APC for preliminary approval. A Final Development Plan is a map of all or a portion of a site plan that is presented to the APC for final approval.

DEVELOPMENT REQUIREMENT. Development standards plus any additional requirements specified in the Boone County Zoning Ordinance which must be satisfied in connection with the approval of a Development Plan. As relates to Chapter VI, Development Plan, a requirement:

1. for development of real property in a zoning district for which a Development Plan is required; and
2. that conforms to IC 36-74-1403.

As relates to planned unit development a requirement:

1. for development of real property in a planned unit development district that must be met; and
2. that conforms to IC 36-7-4-1508.

DIRECTOR. The Executive Director of the Boone County Area Plan Commission who has the power to enforce this ordinance, and is responsible for the performance of any duties or functions required by the Area Plan Commission of Boone County, Indiana under IC 36-7-4.

DISTRICT. A section of the jurisdictional area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DRIVE-IN RESTAURANT. An establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended, or used for the consumption of such items on the premises outside of the building in which they were prepared

DRUG STORE. A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where non-medical products may be sold as well.

DWELLING. A building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, bed and breakfast, or mobile home as defined in this ordinance.

DWELLING, MULTI-FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE FAMILY. A detached residential dwelling unit designed for and occupied by one family only.

DWELLING, TWO FAMILY. A detached residential building containing two dwelling units designed for occupancy by not more than two families.

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, eating, sleeping and cooking. The term shall include mobile and manufactured homes but shall not include recreational vehicles.

EASEMENT. An authorization or grant by a property owner to specific persons, the general public, corporations, utilities, etc; for the purpose of providing services or access to the property.

ESTABLISHMENT OF AN ADULT ENTERTAINMENT BUSINESS. This phrase means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
4. The relocation of any such business.

FAMILY. One or more persons living as single housekeeping unit, but not including a group occupying a hotel, motel, club, nursing home, dormitory, fraternity or sorority house.

FENCE. A partition including entrance and exit gates, designed and constructed for enclosure or screening.

FILLING OR SERVICE STATION. Means the same as "Automobile Service Station."

FLOOD OR FLOODWATER. The water of any river or stream which is above the bank and/or outside the channel and banks of such river or stream.

FLOODWAY. The channel of a river or stream and those areas adjacent to the channel which are expected to carry and discharge the peak flow of the 100 year frequency rainfall event.

FLOODWAY FRINGE. That portion of the floodplain which lies outside the floodway that may also be inundated by the peak flow of the 100-year frequency rainfall event.

FLOOD HAZARD AREA. Any floodplain, floodway, floodway fringe, or any combination thereof which is subject to inundation by the peak discharge from a 100-year frequency flood event. The area shown as Zone A on the Flood Hazard boundary Maps of Boone County and incorporated areas.

FLOOD PROTECTION GRADE. The elevation of the lowest point around the perimeter of a building at which floodwater may enter the interior of the building.

FLOOD PLAIN. The area adjacent to a stream or river, which is subject to inundation by flood, waters, including the floodway fringe and the regulatory floodway.

FLOOR AREA, NET. The sum in square feet computed from the outside dimensions of the structure. It does not include crawl space, unusable attic area, unenclosed porches or patios, elevator shafts, display windows, etc.

FOOD PROCESSING. The preparation, storage, or processing of food products.

FRATERNITY, SORORITY OR STUDENT HOUSING. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

FRONTAGE. The distance at which a property or properties is located along a dedicated street or road.

GARAGE, PRIVATE RESIDENTIAL. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

GARAGE, PARKING. Any garage, other than private garage, for the parking of vehicles.

GARAGE, TRUCK REPAIR. A building, other than a parking garage or private residential garage, used for the care, repair, or equipment of trucks, over one ton, or where such vehicles are parked or stored for remuneration, hire, or sale.

GEOMETRIC CENTER. The center point of the smallest rectangle that will encompass the entire site.

GRADE. The slope of a road, street, or other public way, specified in terms of percentage.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

GROUND FLOOR AREA. Same as Floor Area, Net except computed for ground floor only.

GROUP RESIDENTIAL FACILITY. A facility licensed by the State of Indiana, which provides a home-like setting to the developmentally disabled and/or the mentally ill who need the benefits of a group living situation as an alternative to hospitalization or institutionalization.

HELIPORT. See Airport.

HAZARDOUS WASTE. Means a waste or combination of wastes that, because of its quantity; concentration; or physical, chemical, and/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 WASTE LANDFILL. A facility approved by the EPA and sited by the State of Indiana for the disposal of hazardous wastes as defined elsewhere in this ordinance.

HOTEL OR MOTEL. A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house.

ILP. An Improvement Location Permit, which is written permission issued by the APC for the construction, repair, alteration, or addition to a structure that complies with the development standards of the Zoning Ordinance and applicable building codes.

INCINERATOR. An engineered apparatus or solid waste processing facility designed for the burning of solid waste under the effect of controls of temperature, retention time, air, and other combustion factors.

INDUSTRIAL, GENERAL. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

INDUSTRIAL PARK. A tract of land that is planned and developed as a distinctive unit featuring landscaped open spaces and well designed structures to be used for research, offices, experimental, and testing laboratories, light industrial, storage and distribution facilities, and for necessary uses to the convenience of employees, and is controlled by an organization guaranteeing the continued maintenance of all commonly used areas and installations.

INOPERATIVE MOTOR VEHICLE. Any automobile, truck, semi-trailer, school bus, recreational vehicle, etc. that lacks a motor, drive train, wheels, axles, transmission, etc; also a vehicle which does not carry a current year state registration or license tag.

INSTITUTION. Any home, orphanage, or other facility maintained or conducted by a group of persons, a firm, association, corporation, or governmental body engaged in receiving and caring for dependent, neglected,

handicapped, or permanently disabled persons, or children in danger of becoming delinquent or in operating for gain a private business of boarding children who are unattended by parents or guardians, or persons in loco parentis.

JUNK YARD. Any lot, parcel, or tract of real estate, platted or un-platted, at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including but not limited to used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper matter; and property used for the dismantling, wrecking, storage, sale, or dumping of two or more inoperative motor vehicles or their parts. This shall not include tractors, combines, pickers, discs, plows, or other similar farm machinery that is owned by a farm operator and is used for parts replacement for machinery currently being used in the farming operation.

JURISDICTIONAL AREA. The unincorporated area of Boone County, Indiana, and participating incorporated areas.

KENNEL, SMALL. Any lot or premises on which there are located four to twenty-five run cages, pens and/or animal housing units for dogs or other small animals that are commonly kept as household pets, at least four months old and where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

KENNEL, LARGE. Any lot or premises on which there are located twenty-six to fifty runs, cages, pens, and/or animal housing units for dogs or other small animals that are commonly kept as household pets, which are at least three months old, where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

KENNEL, UNLIMITED. Any lot or premises on which there are located more than fifty runs, cages, pens, and/or animal housing units for dogs or other small animals that are commonly kept as household pets, which are at least three months old, where the primary use of the facility is to breed and/or board the animals, whether on a temporary or long-term basis. All animals must be licensed in accordance with County regulations.

LANDSCAPE CONTRACTOR. A person, partnership, or corporation involved in the business of growing, storing, planting, installing, and otherwise caring for live-trees, shrubs, flowers, etc.

LEGISLATIVE BODY. The Boone County Board of Commissioners or the appropriate legislative body of the incorporated areas of Boone County.

LIFE CARE FACILITY. A facility for the housing and care of elderly residents that may or may not contain on-site health care facilities.

INDUSTRY, LIGHT. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

LIMITED ACCESS HIGHWAY. A highway to which abutting properties are denied access.

LOADING AND UNLOADING BERTHS. The off-street area required for the receipt or the distribution, by vehicles, of material or merchandise.

LOT. A platted parcel or tract of land of at least sufficient composition to meet minimum zoning requirements and provide such yards and other open spaces as are hereby required.

LOT AREA. The area of horizontal plan bounded by the vertical planes through front, side, and rear lot lines.

LOT, CORNER. A lot at the junction of or abutting two or more intersecting streets. Corner lots have two front yard setbacks and two side yard setbacks.

LOT DEPTH. The average horizontal distance between the front and rear lot lines.

LOT, FLAG. A lot with access provided to the majority of the lot by means of a narrow corridor.

LOT, GROUND LEVEL. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

LOT, INTERIOR. A lot other than a Corner Lot or Through Lot.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel street.

LOT LINE. A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT. Any property line separating the lot from a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. Any property line which is not intersecting and most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, SIDE. Any lot boundary-line, not a front lot line or rear lot line.

LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat recorded in the office of the County Recorder, provided that such lot meets the requirements for lots in the District in which it was located at the time of recording.

LOT WIDTH. The horizontal distance between side lot lines, measured at the required front setback line.

LOW LEVEL NUCLEAR WASTE. Radioactive byproduct materials generated by laboratory, hospital and industrial research and commercial production as defined by the Atomic Energy Act of 1954 as amended and administered by the Nuclear Regulatory Commission.

MANUFACTURED HOME. As defined in IC 22-12-1-16, a dwelling unit (as defined in P.I. 312), designed and built in a factory which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law, and certified by the State of Indiana. Such manufactured home shall be constructed after January 1, 1981, classified as residential design, and exceed 750 square feet of occupied space, and exceed 12 feet in width. Occupied space does not include porches, terraces, garages, pullout, or expansion rooms.

MANUFACTURED HOME SUBDIVISION. A parcel of land platted for subdivision according to all requirements of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODES. Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety act), rules and regulations adopted there under (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said code by the Indiana Department of Fire and Safety, all of which became effective for mobile/manufactured home construction on June 15, 1976.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing

alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment, or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his behalf will pay money or give any other consideration or any gratuity therefore. However, massage as used in this ordinance shall not apply to the activity of any person who is registered or licensed by the United States Government or any agency thereof, by the State of Indiana or any agency thereof, by Boone County or any agency thereof, or registered or licensed by any agency or association authorized to so register or license by any statute or ordinance of the United States, the State of Indiana, or Boone County, while such person so registered or licensed is performing the services for which the registration or license was issued and during the period of time said registration or license is in effect.

MASSAGE ESTABLISHMENT. Any establishment having a source of income or compensation derived from the practice of massage as herein defined and which has a fixed place of business where any person, firm, association, or corporation engages in, or carries on any of the activities as defined in a massage.

MAXIMUM DENSITY. A unit of measurement which represents the maximum number of units per acre of land on the aggregate total land to be developed, exclusive of rights-of-way of perimeter streets, floodway areas, and areas designated as Primary Conservation Areas or other non-developable areas.

MINERAL EXTRACTION. Activities including mining or quarrying, and the removal of earth materials.

MOBILE HOME. As defined in IC 16-41-27-4, a detached transportable structure designed to be used as a single-family residential dwelling with all of the following characteristics:

1. Certified in a factory and fabricated to the standards outlined in Indiana Public Law 135 pursuant to IC 91-5-1;
2. Designed to be transported after fabrication on its own wheels; and
3. Arriving at the site where it is to be occupied as a dwelling complete, including the major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to the utilities, and the like.

MOBILE HOME PARK. As defined in IC 16-41-27-5, any parcel or tract of land licensed and registered under provisions of the Mobile Home Commission Act, being Act 419 of the Public Acts of 1976, as amended, under the control of any person upon which three or more occupied mobile homes are harbored on a continual or non-recreational basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with any building structure, enclosure, street, equipment, or facility used or intended for use incident to the harboring or occupancy of mobile homes.

MOBILE HOME, TEMPORARY. The temporary placement of a mobile home for one of the following purposes:

1. Temporary residence for persons intending to build a permanent residence on the same property within two years.
2. Temporary residence of a mobile home adjacent to the permanent residence of one who is able to provide care or in need of care.
3. Temporary use of a mobile home, trailer, or van as a contractor's office, watchman's shelter, or tool and equipment storage on the project site and only during the period of construction.

MULTI-UNIT DEVELOPMENT. A development that contains three or more residential units.

NIGHT CLUB. An establishment dispensing liquor and/or meals and in which music, dancing, or entertainment is conducted, excluding adult or sexually oriented activities.

NON-CONFORMING USE. Lots, structures, uses of land, and/or zoning districts which were lawful before this ordinance was amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

NUCLEAR WASTE. Radioactive fuel elements, assemblies, etc. generated by utility companies; military, industrial and commercial production as defined by the Atomic Energy Act of 1954 as amended and administered by the Nuclear Regulatory Commission. Any radioactive material whether gaseous, liquid, or solid and associated carrier materials whether gaseous, liquid or solid which has been declared "de minimus" and no longer under control of the NRC. Such material may or may not be designated hazardous by the EPA.

NURSING HOME. A facility licensed by the State of Indiana that provides nursing and health care services on a continuing basis to persons of all ages who may require medical treatment but not hospitalization.

OPEN BURNING. The combustion of any matter in the open or in an open dump.

OPEN DUMP. Means the consolidation of solid waste from one or more resources or the disposal of solid waste at a single disposal site that does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations, and that is established and maintained without cover and without regard to the possibilities of contamination of surface or subsurface water resources.

OPEN SPACE. An area that is intended to provide light and air and is designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. Open space shall not include areas devoted to public or private streets or rights-of-way.

ORPHANAGE. An institution for the care of children whose parents are incapacitated or deceased.

OVERLAY DISTRICT. A zoning District that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

PARENT LOT, TRACT OR PARCEL. The lot, tract or parcel of land for which approval is sought to subdivide it into at least two (2) lots, tracts, parcels or other divisions of land for sale, development or lease.

PARKING AREA. Any public or private area, under or outside of a building or structure, designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

PARKING SPACE. A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle.

PERSON. Any individual, corporation, firm, partnership, association, or organization, or any other group that acts as a unit.

PLANNED UNIT DEVELOPMENT. A district established to allow development of an area of land as a single entity for a number of uses conforming to an approved Development Plan, which may not correspond with number of units, bulk, type of use, density, open space, parking, signage, landscaping, or other standards required by other ordinances; a zoning district for which a PUD ordinance is required.

PLANNER. The employee of the APC who is empowered to inspect sites for compliance with this ordinance and act as the agent of the Director in any other matter concerning the enforcement of this ordinance.

PLANT NURSERY. Land, buildings, structures or a combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail or wholesale sale on the premises including products used for gardening and landscaping.

PLAT. A map or chart indicating the subdivision or re-subdivision of land intended to be filed for record.

PLAT COMMITTEE. In accordance with IC 36-7-4-701(e), a sub-committee created by the Plan Commission to hold hearings on minor residential subdivisions and re-plats on behalf of the APC in accordance with the Rules of Procedure of the APC.

PRIMARY STRUCTURE. A building in which the primary use of the lot or premises on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof. With respect to residential uses, the primary building shall be the main dwelling.

PRIMARY USE. The predominant use of any lot or parcel or as determined by the primary structure.

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (land cannot be urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields or crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. These areas are defined and illustrated on the map Important Farmlands as defined in 1975 by Cartographic Division, Soil Conservation Service, USDA, of Boone County, Indiana as amended.

PRINCIPAL USE. The main use of land or structures as distinguished from a secondary or accessory use.

PRIVATE SCHOOL. A private primary, grade, high or preparatory school or academy not supported by public tax dollars.

PROFESSIONAL OFFICE CENTER. A building or group of buildings housing professional offices and appropriate associated and accessory uses.

PUBLIC SEWER UTILITY. A municipal or public sewage disposal service that has been issued a final order by the Indiana Utility Regulatory Commission (IURC) granting a Certificate of Territorial Authority (CTA) to the Utility and maintains said CTA in good standing with the IURC.

PUBLIC UTILITY. A municipal or public utility service which has been issued a final order by the Indiana Utility Regulatory Commission granting an applicable Certificate to the Utility and maintains said Certificate in good standing with the IURC.

PUBLIC UTILITY INSTALLATIONS. The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water and sewage treatment plants, pumping stations, and other similar public service structures by a public utility, railroad or by a municipal or other governmental agency.

PUBLIC WATER UTILITY. A municipal or public water utility service that has been issued a final order by the Indiana Utility Regulatory Commission (IURC) granting a Certificate of Necessity and Convenience (CNC) to the Utility and maintains said CNC in good standing with the IURC.

PUD. Planned Unit Development.

P U D DISTRICT. A zoning district for which a PUD District Ordinance is adopted.

PUD DISTRICT ORDINANCE. A zoning ordinance that does the following:

1. Designates one or more parcels for real property as a PUD District.
2. Specifies uses or range of uses permitted in the PUD District.
3. Expresses in detailed terms the development requirements that apply in the PUD district.
4. Specifies the plan documentation and supporting information that must be supplied before an ILP may be issued for development of real property in the PUD District.

5. Specifies any limitation applicable to a PUD District.
Meets the requirements of the IC 36-7-4-1500 series.

RECOVERY. Means obtaining materials or energy for commercial or energy for commercial or industrial use from solid waste or hazardous waste.

RECREATION AREA. An area designated, designed, and equipped for the conduct of sports and leisure-time activities.

RECREATION FACILITY, INDOOR. A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors.

RECREATION FACILITY, OUTDOOR. An area primarily designed and equipped for the conduct of outdoor sports and leisure-time activities. Such facility may be either public or private.

RECREATIONAL VEHICLE (RV). A vehicle designed as a temporary living quarters for recreation, camping or travel, either with their own motor power or mounted or towed by another powered vehicle.

RECREATIONAL VEHICLE PARK. Any lot or land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

RECYCLING. Means a process by which materials that would otherwise become solid waste are collected, separated or processed, and converted into materials or products for reuse or sale.

REGULATORY FLOOD PROFILE. A longitudinal profile along the thread of a stream showing the maximum water surface attained by the regulatory flood.

RESOURCE RECOVERY FACILITY. Means a solid waste processing facility designed and operated for the express purpose of processing solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY. Means the processing of solid waste into commercially valuable materials or energy.

RESOURCE RECOVERY SYSTEM. A solid waste management system that provides for collection, separation, recycling, and recovery of solid and/or non-hazardous wastes including the disposal of non-recoverable waste residues.

RESTRICTED WASTE SITE. Means a solid waste land disposal facility designed and operated to accommodate specific types of waste as specified in 329 IAC 2-9.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses.

RINGLEMAN NUMBER. The number of the area on the Ringleman Chart that most nearly approximates the light observing capacity of smoke. The Ringleman Chart is described in the U.S. Bureau of Mines Information Circular 6888; on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringleman No. 1 shall be considered as no smoke or Ringleman No. 0.

ROADSIDE PRODUCE STAND. A temporary structure designed or used for the display or sale of agricultural and related products.

SANITARY LANDFILL. Means a solid waste land disposal facility designed to accommodate general types of solid waste as elsewhere defined in this ordinance, excluding waste regulated by 329 IAC 3, and operated by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with cover

material at the end of each working day. This definition does not include a Clean Fill Site, or a Construction/Demolition Site, which are defined elsewhere in the ordinance.

SEPTIC SYSTEM, PRIVATE. A septic tank, filtration field and subsurface drainage if required, which are located on an individual lot. Installations of such a system shall be based on the requirements of the Boone County Sewage Disposal and Drainage Ordinance as administered by the Boone County Health Department.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED ANATOMICAL AREAS. This phrase, as used in the definition of “adult service establishment”, means and includes any combination of two or more of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
2. The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons,
3. The operation of coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices 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 an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
4. Live performance by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; and
5. The operation of a massage establishment.

SETBACK LINE. A line established by the zoning ordinance defining the limits of a yard in which no building or structure may be located except as may be excluded in said ordinance.

SHARED DRIVEWAY. A single driveway that serves two to four adjacent lots pursuant to access easements.

SIGN. Any object, device, display, or structure, or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For purposes of this ordinance, the following signs are defined:

1. animated sign - any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. banner - any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state, or municipal flags, or the official flag of any institution or business shall not be considered banners.
3. building marker - any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
4. building sign - any sign attached to any part of a building, as contrasted to a freestanding sign.
5. canopy sign - any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
6. flag - any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
7. freestanding sign - any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
8. incidental sign - a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” and other similar directives. No sign with a commercial message legible from a position off the lot on which this sign is located shall be considered incidental.

9. 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.
10. Off-premises sign - directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.
11. portable sign - any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
12. projecting sign - any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
13. residential sign - any sign located in a residential district that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.
14. roof sign - any sign erected and considered wholly on an over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
15. roof sign, integral - any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.
16. suspended sign - a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
17. temporary sign - any sign that is used only temporarily and is not permanently mounted.
18. wall sign - any sign attached parallel to, but within six inches of, 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 which displays only one sign surface.

SITE PLAN. A plan prepared to scale, and other material showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, interior vehicular and pedestrian access proposed for a specific parcel of land.

SMOKE UNIT. The number obtained when the smoke density in Ringleman number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringleman density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

SOLID WASTE. Garbage; refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; or other discarded materials including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. However, the term solid waste does not include:

1. Solid or dissolved materials in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Water Pollution Control Act Amendments (33 U.S.C. 1342);
2. Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et. seq.); or
3. Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation (P.L. 143-1985, Section 90).

SOLID WASTE PROCESSING FACILITY. Means a solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding facility, and other facilities, or recycling facilities, not included in the above definition if subsequently approved by the Boone County Solid Waste Management District and the Indiana Department of Environmental Management.

SOLID WASTE TRANSFER STATION. A facility for the collection, separation, compaction, processing and storage of solid waste until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes by the State of Indiana.

SPECIAL EXCEPTION. The authorization of a use, designated as being permitted in the District concerned if it meets special conditions, and upon application, is specifically authorized by the BZA.

SPECIFIED ANATOMICAL AREAS. This phrase means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. This phrase means and includes any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or

Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in division (1) through (6) above.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

STABLE, PUBLIC. An accessory building in which horses are kept for commercial use including boarding, hire, riding, show, or sale.

STATE. The State of Indiana.

STORY. That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the next floor above. A basement shall not be counted as a story.

STREET (road). A right-of-way established for or dedicated to the public use, which affords the principal means of access to abutting properties.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or roof.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

SUBDIVIDER. Any person having an interest in land that is the subject of an application for subdivision. Also, a person submitting an application for subdivision.

SUBDIVISION. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, development or lease.

SUBDIVISION, MAJOR RESIDENTIAL. The division of a lot, tract, or parcel of land into five (5) or more residential lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as one of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SUBDIVISION, MINOR RESIDENTIAL. The division of a lot, tract, or parcel of land into two (2) to four (4) residential lots, tracts, parcels or other divisions of land for sale, development or lease. The parent lot, tract or parcel of land counts as one of the subdivided lots, tracts, parcels or other subdivisions of land for the purpose of determining whether the application for approval is to be treated as a major or minor residential subdivision.

SWIMMING POOL. A self-contained body of water at least 18 inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined or masonry structure located either above or-below ground level. Swimming pools may be either public or private in use. A private pool is considered as an accessory use.

THOROUGHFARE. See Street.

THOROUGHFARE PLAN. The portion of the Boone County Comprehensive Plan and Zoning Map indicating the existing and proposed location of interstate highways, primary arterials, secondary arterials, feeders and local roads and streets and right-of-ways within the jurisdiction of the APC.

TOWN. The incorporated constituent areas under the jurisdiction of this ordinance.

TRADE OR BUSINESS SCHOOL. A secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or non-profit organization, or a school conducted as a commercial enterprise for teaching music, dancing, barbering, hair dressing, drafting, or industrial or technical arts.

TRANSFER STATION. Means a solid waste processing facility at which solid waste is transferred from a vehicle or a container to another vehicle or container for transportation, but shall not include neighborhood recycling collection centers or transfer activities at generating facilities.

TRUCK SERVICE CENTER. An occupancy, which provides especially for the servicing of trucks, with incidental operations similar to those permitted for "Automobile Service Station".

USE. The specific purposes, for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE. A modification of the specific requirements of this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and District.

VETERINARY ANIMAL HOSPITAL OR CLINIC. A facility where the primary use is for a licensed veterinarian and his/her supervised staff to care for, diagnosis, and treat sick, ailing, infirm or injured animals, and those in need of medical or surgical attention. Temporary boarding on the premises as an accessory use is allowed

VIDEO STORE. A business where videos and associated visual home entertainment products are sold, rented, or otherwise distributed, excluding sexually oriented material.

WIRELESS COMMUNICATIONS FACILITY. Any towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

YARD. A space on the same lot with principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT. A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the perpendicular distance between the street right-of-way line and the front setback line.

YARD, REAR. A yard extending across the full width of the lot between the rear of the main building and the rear lot line the depth of which is the perpendicular distance between the rear lot line and the rear setback line.

YARD, SIDE. A yard extending across the full length of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.

YARD SALE. Garage sales, rummage sales, yard sales, and the like shall mean the sale of personal property from a residentially occupied site, provided that such sale shall not extend beyond three consecutive days and further that they may be conducted to a maximum of four times in a calendar year.

ZONE MAP. The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts and any amendments thereto of the jurisdictional area of the APC.

ZONING ORDINANCE. The Boone County Zoning Ordinance enacted by the APC on October 6, 1976 and as amended. It is a regulatory measure designed to encourage high standards of development and to foster the most efficient use of land within the county.

Table 16, Plant Materials Recommended for Bufferyards

Scientific Name	Common Name	Soil Type			Growth Rate	
		Hydric	Mesic	Xeric	Fast	Slow
Canopy Trees						
Acer spp.	Maple					
Aesculus hippocastanum	Common Horsechestnut					
Ailanthus altissima	Tree of Heaven					
Betula spp.	Birch					
Carya spp.	Hickory					
Catalpa spp.	Northern Catalpa					
Celtis occidentalis	Common Hackberry					
Fagus grandifolia	American Beech					
Fraxinus spp.	Ash					
Ginkgo biloba	Ginkgo Tree					
Gleditsia spp.	Honeylocust					
Gymnocladus dioicius	Kentucky Coffeetree					
Juglans spp.	Walnut					
Plantanus spp.	Sycamore					
Populus spp.	Poplar					
Prunus serotina	Black Cherry					
Quercus spp.	Oak					
Salix spp.	Willow					
Tilia spp.	Linden					
Ulmus spp.	Elm					
Canopy Trees - Evergreen						
Abies spp.	Fir					
Juniperus spp.	Juniper					
Larix spp.	Larch					
Picea spp.	Spruce					
Pinus spp.	Pine					
Thuja occidentalis	American Arborvitae					
Tsuga canadensis	Canadian Hemlock					
Understory Trees						
Acer spp.	Maple					
Aesculus glabra	Ohio Buckeye					
Alnus spp.	Alder					
Amelanchier spp.	Serviceberry					
Betula spp.	Birch					
Carpinus carolinia	American Hornbeam					

Cercidiphyllum japonicum	Japanese Katsuratree		
Chionanthus virginicus	White Fringetree		

Scientific Name	Common Name	Soil Type			Growth Rate	
		Hydric	Mesic	Xeric	Fast	Slow
Cornus spp.	Dogwood / Cherry					
Crataegus spp.	Hawthorn					
Eleagnus spp.	Olive					
Euonymus atropurpureus	Eastern Wahoo					
Lindera benzoin	Spicebush					
Maclura pomifera	Osage Orange Tree					
Magnolia spp.	Magnolia					
Malus spp.	Crab Apple					
Morus alba	White Mulberry					
Ostrya virginia	Ironwood					
Prunus spp.	Plum					
Pyrus spp.	Pear					
Syringa japonica	Japanese Tree Lilac					

Shrubs

Amorpha fruticosa	Indigo Bush					
Aronia spp.	Chokeberry					
Berberis thunbergi	Japanese Barberry					
Calycanthos floridus	Carolina Allspice					
Caragana spp.	Peashrub					
Ceanothus americanus	New Jersey Tea					
Celastrus scandens	American Bittersweet					
Cephalanthus occidentalis	Button Bush					
Chaenomeles spp.	Quince					
Cornus spp.	Dogwood					
Corylus americana	American Hazelnut					
Cotinus coggygria	Smokebush					
Cotoneaster spp.	Cotoneaster					
Deutzia gracilis	Slender Deutzia					
Euonymus alatus	Burning Bush					
Forsythia spp.	Forsythia					
Hamamelis spp.	Witchhazel					
Hydrangea spp.	Hydrangea					
Hypericum spp.	St. Johns wort					
Ligustrum spp.	Privet					
Lonicera spp.	Honeysuckle					
Myrica pennsylvanica	Northern Bayberry					

Prunus spp.	Plum		
Ptelea trifoliata	Hope Tree		
Rhamnus frangula	Buckthorn		

Scientific Name	Common Name	Soil Type			Growth Rate	
		Hydric	Mesic	Xeric	Fast	Slow
Rhodotypos scandens	Black Jetbead					
Rhus spp.	Sumac					
Ribes spp.	Gooseberry					
Rosa spp.	Rose					
Rubus spp.	Raspberry					
Sambucus canadensis	Elderberry					
Shepherdia canadensis	Buffaloberry					
Spiraea spp.	Spirea					
Symphoricarpos orbiculatus	Indian Currant					
Syringa spp.	Lilac					
Viburnum spp.	Viburnum					

Evergreen Shrubs

Juniperus spp.	Juniper		
Pinus mugo	Mugo Pine		
Taxus spp.	Yew		

Boone County Area Plan Commission Fee Schedule	
<i>Residential</i>	
Single Family Dwelling or Two Family Dwelling	\$200 base fee plus \$.10 per sq. ft. of floor area (excluding garage, attic areas, etc.)
Multi Family Dwelling (3 or more units)	\$225 per unit
Accessory Structures, Attached and Detached Garages	\$.10 per sq. ft. of floor area, minimum \$100
Additions	\$55 base fee plus \$.10 per sq. ft. of floor area
Interior Remodel	\$40 base fee plus \$.10 per sq. ft. of floor area
Swimming Pool	\$175
Temporary Mobile Home	\$155 for the first 2 years, \$300 per year after the first 2 years
<i>Commercial and Industrial</i>	
Commercial and Industrial Structures	\$350 base fee plus \$.10 per sq. ft. of floor area
Interior Remodel	\$75 base fee plus \$.10 per sq. ft. of floor area
Accessory Structures and Additions	\$.10 per sq. ft. of floor area, minimum \$140
<i>Other Structure Fees & Fines</i>	
Church, School, Library, Museum, Private Recreation, etc.	\$200 base fee plus \$.10 per sq. ft. of floor area. Additions, accessory structures, and interior remodels should follow Commercial and Industrial fees respectively.
Change in Electrical Service	\$65
Parking Structure	\$9 per parking space
Re-inspection	\$50 residential / \$120 other
Sign	\$2.50 per sq. ft. of marketable area per visible face, minimum \$100
Early Bird Fine (start of construction prior to permit issuance)	the amount of the permit in addition to the cost of the permit issued
<i>Appeals, Special Exceptions, Variances, Exclusions, and Zoning Amendments</i>	
Zoning Amendment (change of zoning classification or text)	\$325 base fee plus \$18 per acre of project area, including undeveloped areas
Special Exception	\$275 (\$650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard)
Variance	\$275
Variance Fine (variance required because construction did not occur per approved site plan)	5 times the cost of the approved building permit in addition to the cost of the variance
<i>Plats, PUD, and Change of Development Plan</i>	
Minor Subdivision (Primary, and Secondary Plat)	\$350
Concept Plan (placard)	\$50
Primary or Secondary Plat for Major Subdivisions Preliminary or Final Development Plan	\$425 base fee plus \$12 per lot
Change of Development Plan (previously approved Plan)	\$450