Zoning Ordinance

Boone County, Indiana

1998

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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 Boone County, 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 Boone County, 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agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, other than those expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted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. ESBLISHMENT 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	The Agricultural Zoning District is intended to maintain the rural and scenic qualities of Boone County by preserving farm land and significant open lands while allowing landowners a reasonable return on their holdings. It is further intended to provide for controlled rural residential growth beyond the limits of the urban service districts of the City of Lebanon, while maintaining the viability of existing Boone County agricultural activities, providing for farming opportunities for future farmers, allowing current farmers to realize the monetary value of their land, protecting historic, scenic or environmentally sensitive areas, and ensuring that rural residential growth can be adequately served by public roadways, fire and police protection, and public schools, without requiring unplanned and/or inordinate public expenditures. To achieve this intent, the Agricultural District is designated to (a) minimize the loss of farm lands and significant open lands to residential uses through the establishment of contiguous parcels of non-residential acres, and (b) maximize the clustering of rural residential lots on the least number of acres located on existing farm lands and significant open lands.
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.
AZ	Airport Zoning	This district is designed to include airports and heliports and all other facilities and uses appropriate and common with the taking off and landing of aircraft along with storage and servicing off such aircraft.
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		

Table 1, Land Use Districts		
	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.
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 Zoning Districts established by this Ordinance are shown in Table 2, Authorized Uses. The table identifies letters as symbols to represent the following categories of uses. Each letter means the following:

A. Where the symbol "P" is shown, the use to which it refers is permitted as a "use by right" in the indicated district.
B. Where the symbol "S" is shown, the use to which it refers is a "special exception" and must be approved by the Board of Zoning Appeals.
C. Where the symbol "D" is shown, the use to which it refers requires development plan approval by the Area Plan Commission.
D. Where no symbol exists, the use is excluded.

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 to any use, the Director can require the applicant submit a land use determination application to be reviewed and determined by the Boone County Board of Zoning Appeals.

A. Determination of Use Classification:

Applicant shall file a Use Classification request 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 classifying a use, the BZA shall first make a finding that all of the following conditions exist:

i) That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the Zoning District where it is proposed to be located.
ii) That the subject use is similar to one or more uses permitted in the Zoning District within which it is proposed to be located.
iii) That the subject use will not cause substantial injury to the values of property in the area or Zoning District within which it is proposed to be located; and
iv) That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.

B. Findings

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.

C. Limitations in Power to Classify

In no instance shall the BZA grant a use variance. However, the BZA can make a determination that a use is similar to other uses already permitted in a District and therefore allow the use.

D. 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.

E. Decision

Should the BZA determine that a use cannot be classified, then the use shall be considered prohibited.

TABLE 2: AUTHORIZED USES

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Education																	
Art & Music Schools												P	P	P			
Colleges & Universities					S	S	P	P	P						S		
Elementary & Secondary Schools			D		P	P	P	P	P		P	P	P	P			
Junior Colleges & Technical Institutes					S	S	P	P	P								
Libraries & Information Centers			D		P	P	P	P	P				P	P			
Trade or Business School												P	S	S	P		
Non-Industrial Farm, Agricultural, Animal Related Uses																	
Agricultural products, sales, distribution, and storage		P	P														
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	
Commercial Greenhouse		S	P									P			P	P	
Community Farms/Gardens		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Equipment Sales and Services		S	S														
Forestry and Logging		P	P														

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Non-Industrial Farm, Agricultural, Animal Related Uses																	

Hay, Grain, Feed Stores		P	P								P	P			P	P	
Kennel, Large			D												D	D	
Kennel, Small			D								D	D			D	D	
Kennel, Unlimited			D												D	D	
Landscape Contractor		S	S								S	S			S	S	
Plant Nursery		S	S								P	P			P	P	
Raising and Breeding of Farm Fowl or Animals (commercial)		S	S														
Raising and Breeding of Non-Farm Fowl or Animals (commercial), except for kennel		S	S														
Roadside Produce Stand		S	P								P	P			P	P	
Sale Barn for Livestock		S	P												S	P	
Support Activities for Agriculture		S	S														
Veterinary Animal Hospital			S									P	P	P	P	P	
Vineyard Wineries		P	P														
Government																	
Municipal or Government Buildings			D		S	P	P	P	P	P	P	P	P	P	P	P	
Penal or Correctional Institutions												S			S	S	
Police, Postal, or Fire Station			D		P	P	P	P	P	P	P	P	P	P	P	P	

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

Industrial Uses																
Anhydrous Ammonia or Similar Liquefied Fertilizer Storage & Distribution		D	D											D	D	
Auction Sales Yard (Excluding Livestock)											S			S	P	
Commercial Facility for Breeding Non-Farm Fowl & Animals		P	P											S	P	
Confined Feeding		P	P													
Contractors Storage														S	P	
Farm Product Processing											P	P		P	P	
Food Processing											P	P		P	P	
Fuel Dealers											D			D	D	
Industry, General															P	
Junk Yard														S	P	
Light Industrial Park														P	P	
Light Industry														P	P	
Liquefied Petroleum Gas, Bottled Gas Dealers														S	P	
Machine Shop, Large														S	S	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Industrial Uses																	
Machine Shop, Small			S												S	S	
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	P	
Petroleum Tank Farm															S	P	
Slaughter House		S	S												S	P	
Truck Freight Terminal															P	P	
Warehouse (General)												S			P	P	
Warehouse (Grain Storage)		S	S									S			S	P	
Warehousing, Storage, or Recycling of Hazardous Waste																	
Warehousing, Storage, or Recycling of Radioactive Waste																	
Wholesale Business												P			P	P	
Wholesale Produce Terminal			S									S			P	P	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Non-Profit Membership Organization																	
Business Associations												P	P	P	P	P	
Charitable Institutions												P	P	P	P	P	
Church or Temple			D		P	P	P	P	P	P	P	P	P	P			
Civic, Social, Religious, Political, or Fraternal Organizations			D									P	P	P	P	P	
Recreation, Amusement, Tourism																	
Agritourism		S	S														
Bed and Breakfast			D		D	D	D	D	D	D	D	D	D				
Billiard & Pool Establishments												P	P				
Bowling Alleys												P	P		P		
Dance Halls, Studios & Schools												P	P				
Fairgrounds			P												P	P	
Golf & Country Clubs					P	P	P	P	P						P	P	
Golf Driving Range & Miniature Golf Course										P		P			P	P	
Hotel or Motel										P		P	P		P		
Indoor Recreation Facility												P		P	P	P	
Lodge or Private Club												P	P		P		
Motion Picture Theater												P	P				
	C	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**

Recreation, Amusement, Tourism																	
Museum & Art Gallery												P	P	P			
Outdoor Recreation Facility		S	S		S	S	S	S							S	S	
Outdoor Shooting Range, Public or Private		S	S		S	S	S	S							S	P	
Public Camp Ground or Recreational Vehicle Park		S	S								S			S	S	S	
Public Golf Course					P	P	P	P	P						P	P	
Publicly Owned Park or Recreational Facility	P	P	D		P	P	P	P	P	P	P	P	P	P	P	P	
Race Track															S	P	
Seasonal Hunting & Fishing Lodge		P	D														
Skating												P			P		
Stable, Private		P	P	P	P	P	S								P	P	
Stable, Public			P	S								P			P	P	
Stadium, Coliseum															P	P	
Theater, Outdoor			S							S		P			P	P	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Residential																	
Customary Home Occupation (Accessory Use)		P	P	S	S	S	S	S	S	P	P	P	P	P	P	P	
Academic and Cultural Arts Tutoring		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Assorted Fabric Services Excluding Dry Cleaner		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Consultation Only-Insurance Office, Planning, Real Estate, Notary Public, Manufacturer's Agent		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hair Grooming, Home Catering, and Internet Sales		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Law, Medicine, Architecture, Engineering, Accounting		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Woodworking Services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling-Single Family			S	P	P	P	P	P		P	P	P	P	P	S	S	
Dwelling-Multi-Family									D		D	D	D	D			
Dwelling-Two Family						D	D	D		D	D	D	D	D			
Farm Seasonal Worker Housing		P	P												P	P	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Residential																	
Fraternity, Sorority or Student Housing								D	D			D					
Group Residential Facility						S	P	P	P		P	P	P		S		
Major Residential Subdivision				S	P	P	P	P	P	P	P	P	P	P	S	S	
Minor Residential Subdivision			S	S	P	P	P	P		P	P	P	P	P	S	S	
Mobile Home Park					D	D	D	D									
Nursing Home								D	D		D	D		D	D		
Orphanage							D	D	D					D			
Temporary Mobile Home		S	S	S	S	S	S	S	S	S	S	S		S	S	S	
Retail, Trade, Food Stores																	
Cafeteria, Restaurant										P	P	P	P				S
Candy, Nut & Confectionary										P	P	P	P				
Carry Out Restaurant										S	S	P	P				
Dinner Theater												P	P				
Drive-In Restaurant										D	D	D	D				
Fruits & Vegetables										P	P	P	P				
Grocery, Bakery, Meat & Fish, Dairy Products, Health Foods											P	P	P				
Night Club										P		P	P				
Tavern											S	P	P				

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Retail, Trade, General Merchandise																	
Antique Store											S	P	P				
Apparel Shop, Shoes, Custom Tailoring											P	P	P				
Bait Sales											P	P	P				
Bicycle Shops											P	P	P				
Boat Sales												P	S				
Book & Stationary Store											P	P	P	S			
Camera & Photographic Supply												P	P				
China, Glassware, Metal ware											S	P	P				
Department Store												P	P		P		
Drapery, Curtain & Upholstery											S	P	P				
Drug Store											S	P	P	S			
Electrical Supply Store												P	P		P	P	
Farm & Garden Supply												P	P		P		
Farm Implements & Equipment Sales												P			P	P	
Floor Coverings											S	P	P				
Florists, Furriers											P	P	P				
Gift, Novelty & Souvenir Shops										S		P	P				
Hardware or Variety Store											P	P	P		P		
Hobby, Toy & Game Shops												P	P				
	C	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**

Retail, Trade, General Merchandise																	
Household Appliances, Furniture											S	P	P				
Jewelry Store												P	P				
Liquor Store											D	D	D				
Lumber & Building Materials Dealer												P			S	P	
Monument Sales												P	P		P		
Music & Video Stores											S	P	P				
News Dealers										P	P	P	P	P			
Paint, Glass & Wallpaper												P	P		P		
Pet Shops												P	P				
Plumbing, Heating & Air Conditioning Dealer												P	P		P	P	
Shopping Center											D	D	D				
Sporting Goods												P	P				
Tobacco Stores											P	P	P				
Services, General																	
Accounting, Auditing, & Bookkeeping Service												P	P	P	P	P	
Advertising Agencies												P	P	P			
Agricultural Credit Institutions											P	P	P	P			
Attorney Services											P	P	P	P			
Auto License Bureaus											P	P	P	P			

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Services, General																	
Accounting, Auditing, & Bookkeeping Service												P	P	P	P	P	
Advertising Agencies												P	P	P			
Agricultural Credit Institutions											P	P	P	P			
Attorney Services											P	P	P	P			
Auto License Bureaus											P	P	P	P			
Bank & Branch Banks											P	P	P	P	P		
Blueprinting & Photocopying											S	P	P		P		
Bond & Mortgage Company, Savings & Loan, Installment Sales, Finance											P	P	P	P			
Clothing Rental												P	P				
Coin Operated Laundry & Dry-cleaning											P	P	P				
Collection Agencies												P	P	P			
Commercial Testing Laboratories												P			P	P	
Counselor-At-Law											P	P	P	P			
Detective Agencies & Protective Services												P	P	P			
	C	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**

Services, General																	
Disinfecting & Exterminating Services												P	P				
Disinfecting & Exterminating Services												P	P				
Dressmaking											P	P	P				
Electrical Repair Shop											S	P	P		P	P	
Engineering & Architectural Service												P	P	P	P	P	
Insurance Agents, Brokers & Service											P	P	P	P			
Newspaper Publishing												P	P	P	P		
Private Employment Agencies												P	P	P			
Professional Office											P	P	P	P	P		
Real Estate Service												P	P	P	P		
Reupholster & Furniture Repair											S	P	P		P	P	
Shoe Repair											P	P	P				
Stenographic Service												P	P	P			
Stock Brokers & Dealers											P	P	P	P			
Tailoring & Pressing Shops											P	P	P		P		
Temporary Help Supply Services												P	P	P			
Watch, Clock & Jewelry Repair											S	P	P				

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Services, Medical																	
Barber Shop, Beauty Shop										P	P	P	P				
Blood Banks											P	P	P				
Cemetery or Crematory	P	P												P	P		
Clinic										P	P	P	P				
Convalescent Homes							D	D					D				
Hospitals							P	P		P			P				
Life Care Facility							P	P					P	P			
Medical & Dental Laboratories											P	P	P				
Medical Office										P	P	P	P				
Mortuary											P	P	P				
Photographic Studio											P	P					
Reducing & Health Salons											P	P		P			
Services, Personal																	
Solid Waste Disposal Facility																	
Compost /Digester Facility	S	S											S	S	S	S	
Composting Facility	S	S	S												P	P	
Construction/Demolition Site		S											S	S	S	S	
Incinerator	S	S											S	S	S	S	
Landfill, Hazardous Waste or Radioactive Waste																	

	C	AP	AG	RE	R1	R2	R3	R4	MF	AB	LB	GB	UB	PB	I1	I2	AZ
Solid Waste Disposal Facility																	
Long Term Clean Fill Disposal Site		S	S							S	S	S	S	S	P	P	
Long Term Clean Fill Processing Site		S	S						S	S	S	S	S	S	P	P	
Resource Recovery Facility	S	S															
Restricted Waste Site		S															
Sanitary Landfill, Privately or Publicly Owned		S											S	S	S	S	
Temporary Clean Fill Disposal Site		S	S							S	S	S	S	S	P	P	
Temporary Clean Fill Land Reclamation Site		S	S							S	S	S	S	S	P	P	
Temporary Clean Fill Processing Site		S	S							S	S	S	S	S	P	P	
Transfer Station	S	S											S	S	P	P	
Utilities, Transportation, Communications, Vehicle Dealers, Repair & Services																	
Airport or Heliport			S											S	S	P	
Automatic Car Wash										D	D	D	D		D	D	
Automobile Body Shop & Painting												S	S		S	P	
Automobile or Motorcycle Sales												P	P		P	P	
Automobile Parts Supply												P	P		P		
	C	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**

Utilities, Transportation, Communications, Vehicle Dealers, Repair & Services																	
Automobile Repair, Service Station										P	S	P	P		P	P	
Mass Transit Station			P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mobile Home, Travel Trailer, Camper Sales & Service												P	S		P	P	
Off-Premises Signs										P		P			P	P	
Parking Garage												P	P	P	P	P	
Parking Lot										S	S	S	S	S	S	S	
Passenger Car Rental										S		P	P		P	P	
Public Water Wells, Water Stations, Filtration Plants, Reservoirs, & Storage Tanks	S	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Radio or Television Station or Studio												P		P	P	P	
Storage & Dismantling of Disabled Vehicles																P	
Telephone Exchange, or Public Utility Station	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	
Tire, Battery & Accessory Structures										S	S	P	P		P		
Transmission Lines for Utilities	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	C	**AP**	**AG**	**RE**	**R1**	**R2**	**R3**	**R4**	**MF**	**AB**	**LB**	**GB**	**UB**	**PB**	**I1**	**I2**	**AZ**
Utilities, Transportation, Communications, Vehicle Dealers, Repair & Services																	

Truck Sales, Rental, Leasing, Repair												P	P		P	P	
Truck Service Center										D		D	D		D	D	
Wireless Communication Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

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
Minimum Acres Required per Dwelling Unit											
Minimum Acreage on well /septic	2 Acres	3 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres	2 Acres
Minimum Acreage on Utilities	2 Acres	3 Acres	1 Acre	0.6 Acre	0.33 Acre	0.23 Acre	0.23 Acre	0.23 Acre	0.23 Acre	0.23 Acre	0.23 Acre
Maximum Lot Coverage	50%	50%	60%	60%	70%	70%	70%	70%	70%	70%	70%

Minimum Primary Structure Width: 18 feet in all districts

Lot Width to Depth Ratio: (3:1)
(All newly created residential lots in all the above zoning districts, will not establish a lot depth which is 3 times greater than the lot width)

Minimum Lot Area: 5,000 square feet in all districts with public sewers. 2 acres in all districts without public sewers, and 3 acres in the RE district, with or without public

Public water & Public sewer Connection: required in all districts for lots that are less than one acre in size.
Utility Connection: required for major residential subdivisions with 15 lots or more.

Road Frontage: All residential lots utilizing a private access driveway for access shall have frontage on a public road. The minimum width of that frontage is 100' of continuous width which extends the depth of the lot. (in major subdivisions, up to 20% of the total subdivisions may reduce road frontage by up to 20%.

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)

Minimum Rear Yard for Primary Structures: 20 feet in all districts

Minimum Rear Yard for Accessory Structures: 5 feet in all districts

Minimum Side Yard: 5 feet in all districts except the Agricultural District.

Number of Parking Spaces per Lot: 2 in all districts

Minimum Spacing between dwellings created in the Agricultural District: 140' feet

Maximum Driveway Length: No private access driveway or private driveway shall extend the distance of more than one-thousand three hundred twenty (1320) feet in length from the public right-of-way. Such measurement shall be taken along the centerline of the public street. The area in which the private access driveway is to be located shall have a minimum cleared width of thirty-six (36) feet.
Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows: Arterials and Major Collectors - 500 feet; Minor Collectors - 300 feet; Local Streets - 200 feet.

Curvature measure along the center line shall have a minimum radius as follows: Arterials and Major Collectors - 500 feet; Minor Collectors - 300 feet; Local Streets - 200 feet

Residential Orientation Standard: All new residential structures shall orient the front façade towards the direct view shed of the side facades of existing structures. In no case shall a new residential structure orient the front façade in the direct view shed of any front or rear façade of existing structures located within 1,000 feet in proximity of the proposed new structure. The only exception to the above mentioned zoning provision would be instances where front facades of residential structures are orientated to face each other separated by a public road way, street, alley or other means of ingress/egress.

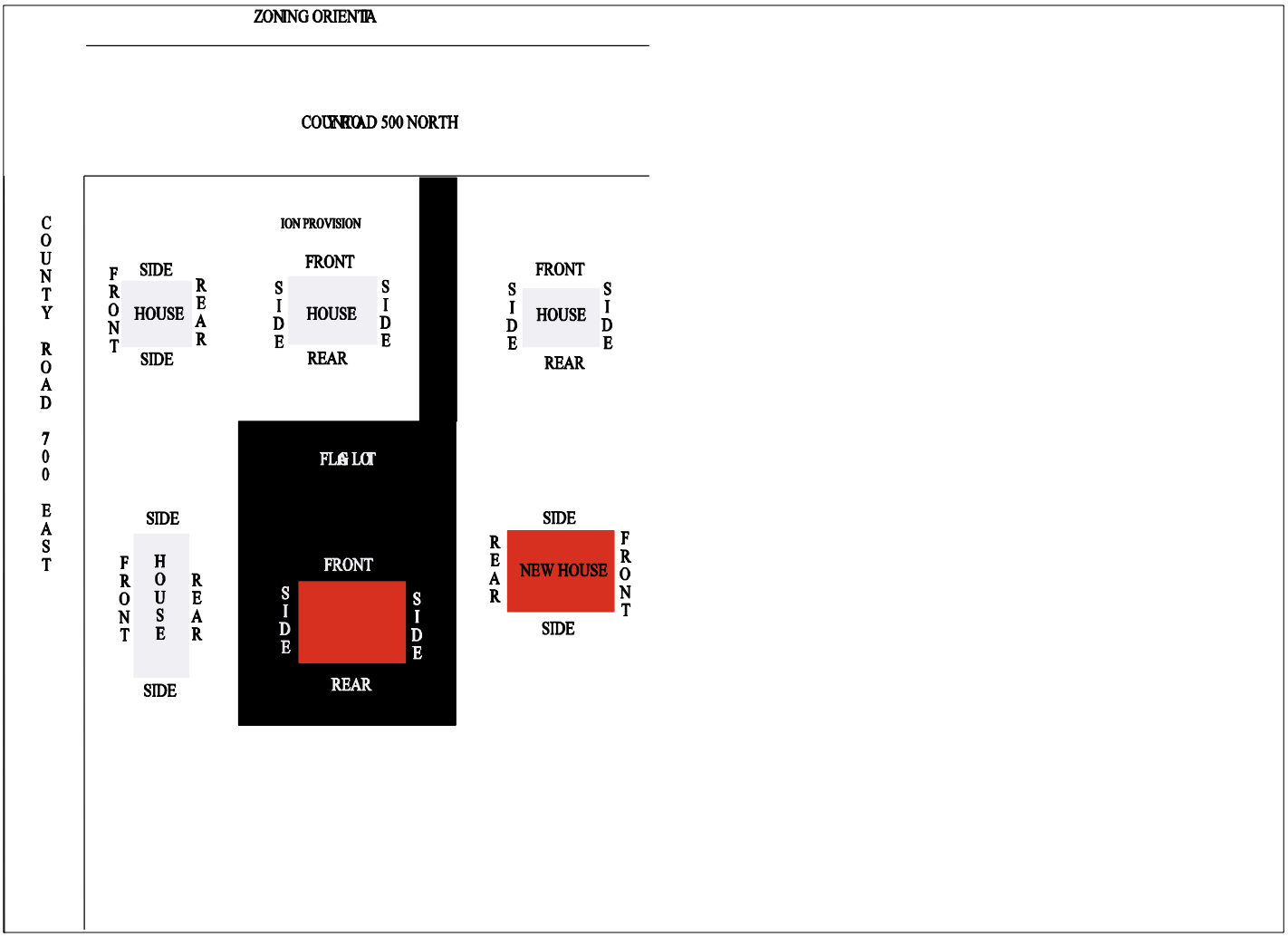


Table 4, Residential Uses and Requirements - Two Family and Multi Family Dwellings									
Zoning District	R2	R3	R4	MF	LB	UB	GB	PB	AB
Maximum Density (units per acre)									
Two-Family Dwellings	1.75	3	4.25	NA	4.25	4.25	4.25	4.25	4.25
Multi-Family Dwellings	NA	NA	NA	7	20	20	20	20	12
Maximum Height 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 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				
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 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 not be erected prior to the primary structure, except structures which classify as Farm Buildings, as stated under the definitions section of this Ordinance.

2. The following accessory structures are permitted in all districts and may be installed in any required yard without an ILP: 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.

3. Any accessory structure which is classified as a Farm Building, as determined by this Ordinance, shall be only required to secure an ILP.

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.

6. Context and Relationship to the Primary Structure.
   a. Use of Accessory Structure.
      i. An accessory structure shall be ancillary and complimentary to the use of the primary structure.
      ii. When the primary use of the property is residential, the structure shall be for the sole purpose of storing the property owner's or tenant's personal property.
      iii. Living quarters are not permitted within an accessory structure without a variance from the BZA. For purposes of this section, "living quarters" is defined as permanent or roughed-in provisions for sleeping, cooking, and sanitation. This definition also includes a camper or recreational vehicle being occupied inside of an accessory structure.
   b. Context. In general, accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure with the following provisions:
      i. All Districts. The general contextual provisions do not apply to "agricultural buildings" and "farm buildings" as defined in this ordinance.

ii. AG District. When the primary use of the property is residential (or is platted for residential development), an accessory structure shall not exceed three thousand (3,000) square feet. The cumulative area of all accessory structures shall not exceed four thousand (4,000) square feet.
iii. Residential Districts. No more than two (2) accessory structures are permitted on one (1) parcel. The cumulative square footage of all accessory structures shall not exceed seventy-five percent (75%) of the footprint of the primary structure.
iv. Commercial Districts. These contextual provisions do not apply to commercial uses in the Commercial Districts.
v. Industrial Districts. These contextual provisions do not apply to industrial uses in the Industrial Districts.

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 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. A farm building may be erected or changed to any height necessary for its operation, however, any new structure regardless of height shall secure an ILP.

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.

1. PURPOSE AND INTENT

A. The purpose of this Section is to protect the darkness of the nighttime sky, protect public health, safety, and welfare, provide safe roadway conditions for motorists, cyclists, and pedestrians, and promote energy-efficient lighting while minimizing light pollution, intrusion, and trespass from uncontrolled light sources. This Section intends to minimize the intrusion of light across property lines and into the nighttime sky.

2. APPLICABILITY

These regulations shall be applicable to all outdoor lighting sources, which are:

A. Newly designed, constructed, erected, or placed into operation after the effective date of February 5, 2024; and

B. Require the relocation or replacement of existing lighting fixtures commenced after the effective date of this Section.

3. EXEMPTIONS

A. All outdoor light fixtures permitted prior to the adoption of these regulations shall be exempt from the shielding requirements of this Section, except that when an outdoor light fixture becomes inoperable, the replacement light fixture shall comply with the standards of this Section.

B. All hazard warning lighting is required by federal and State regulatory agencies.

All temporary emergency lighting is required by local law enforcement, emergency service, and utility department(s).

C. All traffic control and directional lighting.

D. All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this Section.

E. All lighting for temporary festivals.

F. All low-wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.

G. All lighting for single-family dwellings on their own lots outside of major subdivisions, agricultural buildings, and their accessory structures.

4. PROHIBITIONS

The following shall be prohibited:

A. The installation or use of any mercury vapor lamp.

B. The use of laser source light or other similar high-intensity light for outdoor advertising, except when otherwise permitted in conjunction with an Electronic Sign, when projected above the horizontal.

C. The operation of searchlights and floodlights for advertising purposes.

D. The use of any lighting source on towers shall be prohibited except as General Requirements required by the Federal Aviation Administration (FAA).

E. The illumination of off-site advertising Signs.

5. GENERAL STANDARDS

A. All light fixtures, with the exception of internally-illuminated signs or electronic signage, shall be fully shielded and direct light downward toward the ground.

B. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent lots and rights-of-way.

C. All lighting sources, with the exception of internally-illuminated signage or electronic signage, shall be positioned in such a manner as to direct light away from adjacent lots and rights-of-way.

D. Light pole height shall not exceed twenty-five feet (25’). All light fixtures in parking areas shall be designed and located to confine emitted light to the parking area.

E. All Light Fixtures shall meet County Building Code requirements for their appropriate construction class.

6. MULTI-FAMILY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL STANDARDS

The following shall apply to all multi-family, commercial, and industrial uses:

A. All Light Fixtures, with the exception of internally-illuminated signage or electronic signage, shall be positioned in such a manner so that no light-emitting surface is visible from a residential lot right-of-way when viewed at ground level.

B. Light meter readings shall not exceed:

i) One-half-foot (0.5’)candles at a single-family or multi-family residential lot line; or

ii) One-foot (1’)candle at all other lot lines.

iii) It should be understood that, with all of these measurements, light will still be visible at or beyond lot lines.

C. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.

D. All canopy structures shall have lights with recessed diffusers that do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface.

E. Lighting under awnings and canopies shall only illuminate a front building façade, a sign under an awning or canopy as measured on a plane parallel to the earth's surface.

F. All parking area lighting for nonresidential uses shall be a minimum of one-foot (1’) candle of illumination, shall be fully shielded, and shall be reduced (e.g., turned off or dimmed) by a minimum of thirty percent (30%) within 30 minutes of the closing of the last business or no later than 11:00 PM.

G. All parking lights shall not exceed twenty-five feet (25') in height from the adjacent grade to the top of the fixture. Building-mounted lighting shall not be permitted to illuminate parking areas.

H. No outdoor sports or recreational facilities shall be illuminated after 11:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to 11:00 PM.

I. The off-street parking areas and service facility areas for multi-family residential uses shall have sufficient lighting facilities, which shall be located and adjusted so that the glare or beam is directed away from any adjoining property, street, or multi-family dwelling window.

7. SIGN LIGHTING

A, Light Fixtures used to illuminate an outdoor advertising sign, other than a monument sign or an internally-illuminated sign, shall be mounted on top of or above the sign structure and comply with this Section's shielding requirements.

B. Light fixtures used to illuminate ground-mounted or monument signs may be illuminated with a ground-mounted or bottom-mounted light fixture, provided that the light fixture is fully shielded and all light output is directed onto the sign surface.

C. Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00 PM or the end of the business' hours of operations, whichever is earlier.

8. LIGHTS NOT CONFORMING TO THIS SECTION

A. Any lawfully installed lighting fixture at the effective date of this Ordinance which does not conform to the provisions of this section may continue provided the lighting remains in conformance with the provisions of this Subsection N.

B. Nothing in this section Shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition that triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

i) Loss of Lawful Status
   (1) Legal nonconforming status shall terminate under the following conditions:
      (a) If a light fixture is no longer used for a period of six (6) months, it shall be deemed abandoned and shall not thereafter be reestablished; or
      (b) If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
      (c) If a lighting fixture is relocated, replaced, or moved in any way, or the lighting fixture is damaged and the cost of repair exceeds fifty percent (50%) of its replacement value.

ii) Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.

9. LIGHTING – PUBLIC HAZARD

Notwithstanding the non-conforming standards of this Section, lighting found by a governmental agency to create a public hazard can be ordered removed or altered at any time.

10. MAINTENANCE

Installed lights must be operable at all times. Routine lighting fixture maintenance, such as changing lamps or light bulbs, housing, lenses, and other similar components, is required and shall not constitute replacement, provided such changes do not result in a higher lumen output.

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	0º	30º	45º	60º	90º
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. LANDSCAPING

1. PURPOSE AND INTENT

A. The purpose of this Section is to establish minimum standards for the provision, installation, and maintenance of landscaped areas to physically separate and visually screen adjacent uses and zoning districts that are not fully compatible. These regulations intend to:

i. Increase the compatibility of development with both adjacent development and the natural environment.
ii. Use landscaping to break up the monotony and soften the harsher aspects of development.
iii. Promote the health, attractiveness, and safety of the county.
iv. Protect and enhance property values.
v. Improve environmental quality by preserving natural features or adding landscaping to filter runoff and reduce noise and glare.
vi. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the community.

B. This Section intends to manage and control drainage, runoff, and erosion, increase the compatibility of development with the natural environment and adjacent developments, encourage connectivity through the use of pedestrian and bicycle networks, and maintain and increase the value of land by requiring that landscape be incorporated into developments.

C. It is also the intent of this Section to promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping and establish procedures and standards for the administration and enforcement of this Section.

2. APPLICABILITY

A. The Section shall apply to all new development as described below after the effective date of this Section February 4, 2024.
B. This Section shall apply to the Major Thoroughfares Overlay District, except for single-family uses and structures not located within a major subdivision or agricultural uses and structures.
C. This Section shall not apply to minor residential subdivisions.
D. Plantings and landscape features required by this Section shall be subject to inspection to verify continued compliance with this Section.

3. GENERAL LANDSACPE DESIGN STANDARDS

A. Consultation

i. A landscape architect, nurseryman or other professional experienced in the installation and care of plant materials should be consulted to ensure that proposed plants are appropriate and will survive.

B. Scale and Nature of Landscaping

i. The scale and type of landscape materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.

C. Groundcover

i. Decorative mulch planting beds containing stone, trees, shrubs, or other similar materials

ii. Earth stabilization in areas subject to severe runoff or erosion

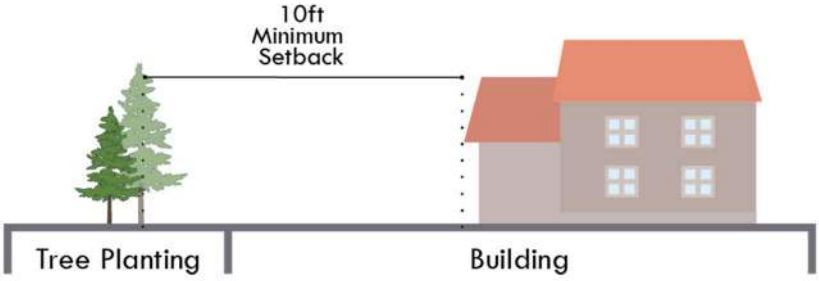
iii. Low-impact development areas

Areas not so designated shall be required to have grass or other groundcover and shall be used in all green space areas and yards, including, but not limited to, required mounds and parking area landscape islands.

D. Placement

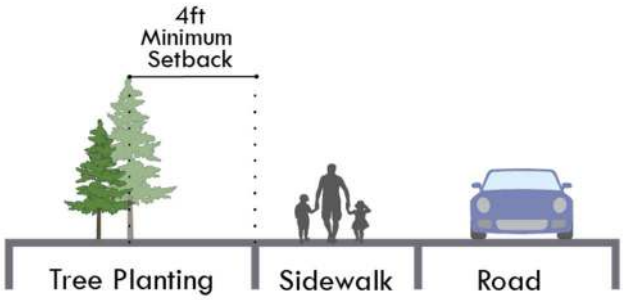
i. Clearance from Structures: Trees shall be planted so when they reach maturity, there will be a minimum of ten feet (10') of clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.

ii. Clearance from Structures: Trees shall be planted so when they reach maturity, there will be a minimum of ten feet (10') of clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.

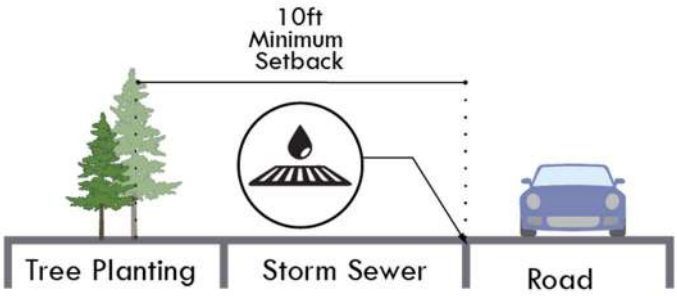


iii. Right-of-Way: Unless approved by the Area Plan Commission, landscape materials shall not be planted or placed in rights-of-way or easements without permission from the County or easement holder.

iv. Minimum Distance from Sidewalk and Curb: For areas with sidewalks and curbs, trees shall be planted a minimum distance of four feet (4') from the edge of a street curb or sidewalk.



v. Minimum Distance from Stormwater Structure: For areas with stormwater structures, trees shall be planted a minimum distance of ten feet (10') from any storm sewer or subsurface drain, unless otherwise permitted in accordance with the stormwater utility's construction standards.



vi. Easements: Required landscaping shall not be located in any utility or drainage easements.

vii. Arrangement: A natural or irregular row and spacing of plantings is preferred. Trees and shrubs should be grouped or clustered where possible to simulate natural tree stands. Plantings should be arranged to promote energy conservation wherever practical. This includes deciduous trees on the south and west sides of a building to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.

viii. Noise Reduction: Properties adjacent to highly trafficked streets or businesses shall arrange landscape to reduce the noise by reflecting, deflecting, and absorbing sound. Techniques include positioning berms, walls, fences, or plantings to provide physical separation and absorb noise.

4. GENERAL LANDSACPE DESIGN STANDARDS

A. Landscape Materials

i. Landscape materials selected shall be appropriate to local growing and climate conditions and follow the guidelines set by the American Standard for Nursery Stock (current edition) as published by the American Association of Nurserymen, Inc.

ii. Prohibited plant species shall not be planted and shall be removed from any site subject to this Section's requirements. Prohibited plant species include:

a. Species included on the Invasive Exotic Plant List, as maintained by the Indiana Department of Natural Resources.

b. Species included on the Federal Noxious Weed List as identified in the Plant Protection Act of 2000 and any future amendments thereof.

c. Species included on the Indiana Noxious Weed List authorized under Indiana Code 15-15 and all other state codes.

iii. Trees and shrubs shall be carefully selected and properly planted and maintained so they will not:

a. Impair pedestrian access to sidewalks and structures;

b. Cause damage to nearby buildings or adjoining public improvements;

c. Interfere with aboveground and underground utilities, including access to aboveground and underground utilities;

d. Conflict with vehicles when parked; or

e. Restrict or impair sight distance of motorists and bicyclists entering or leaving the site.

iv. Groundcover shall be of live plant material. Bark, stone, gravel, and similar materials may be used in combination with a vegetative cover.

v. Condition: All plants shall be of specimen quality, superior form, healthy, vigorous, well-branched, densely foliated when in leaf, free of disease and insects' eggs or larvae, and have well-developed root systems. They shall be free from damage or conditions that would prevent normal growth.

vi. Diversity: Tree genus and species selections for a site shall coincide with the following chart. To achieve certain design effects, the APC Executive Director may approve a greater number of the same tree genus and/or species. The following chart represents tree genus and species variation for any given site. An appropriate and diverse mix of plant sizes and materials shall be provided for all other plant material.

Number of New Trees	Maximum Percentage of Any One Genus	Maximum Percentage of Any One Species
1 – 19	50%	50%
20 – 39	33%	25%
40 – 59	25%	15%
60 or more	15%	15%

vii. Size of Plant Material: All plant material shall be installed in accordance with the size specifications below. All planting material shall be in accordance with the most current publication of the American Standard for Nursery Stock as produced by the American National Standards Institute, Inc.

a. Shade trees: All street trees and shade trees at the time of planting shall be a minimum of eight feet (8') in height and a minimum caliper of two inches (2") when measured from six inches (6") above ground level. Shall be of a variety that will attain an average mature spread greater than twenty feet (20').

b. Ornamental trees: At the time of planting, all ornamental trees shall have a minimum caliper of two inches (2") when measured from six inches (6") above ground level.

c. Evergreen trees: All evergreen trees shall have a minimum height of six feet (6') at the time of planting.

d. Shrubbery: All deciduous and evergreen shrubs shall have a minimum height of 18 inches (18") at the time of planting.

e. Groundcover/Ornamental Grass: All groundcover/ornamental grass at the time of planting shall have a minimum size of one gallon unless otherwise noted on the Landscape Plan.

f. Credit for Larger Trees: A proportional decrease in the required number of trees is allowed if larger Caliper trees than required herein are planted (e.g., trees with Caliper measures of four inches (4") may replace two (2) required two-inch (2") Caliper trees).

viii. For design flexibility, plant substitutions may be made on the following basis, unless otherwise noted:

a. 1 shade tree = 2 ornamental trees = 2 evergreen trees

b. 1 ornamental tree = 1 evergreen tree

c. 1 large shrub = 2 medium shrubs or 4 small shrubs

d. 1 medium shrub = 2 small shrubs

ix. Earthen berms and/or opaque fences or walls may be used in combination with the plant materials specified above, provided they meet the following requirements.

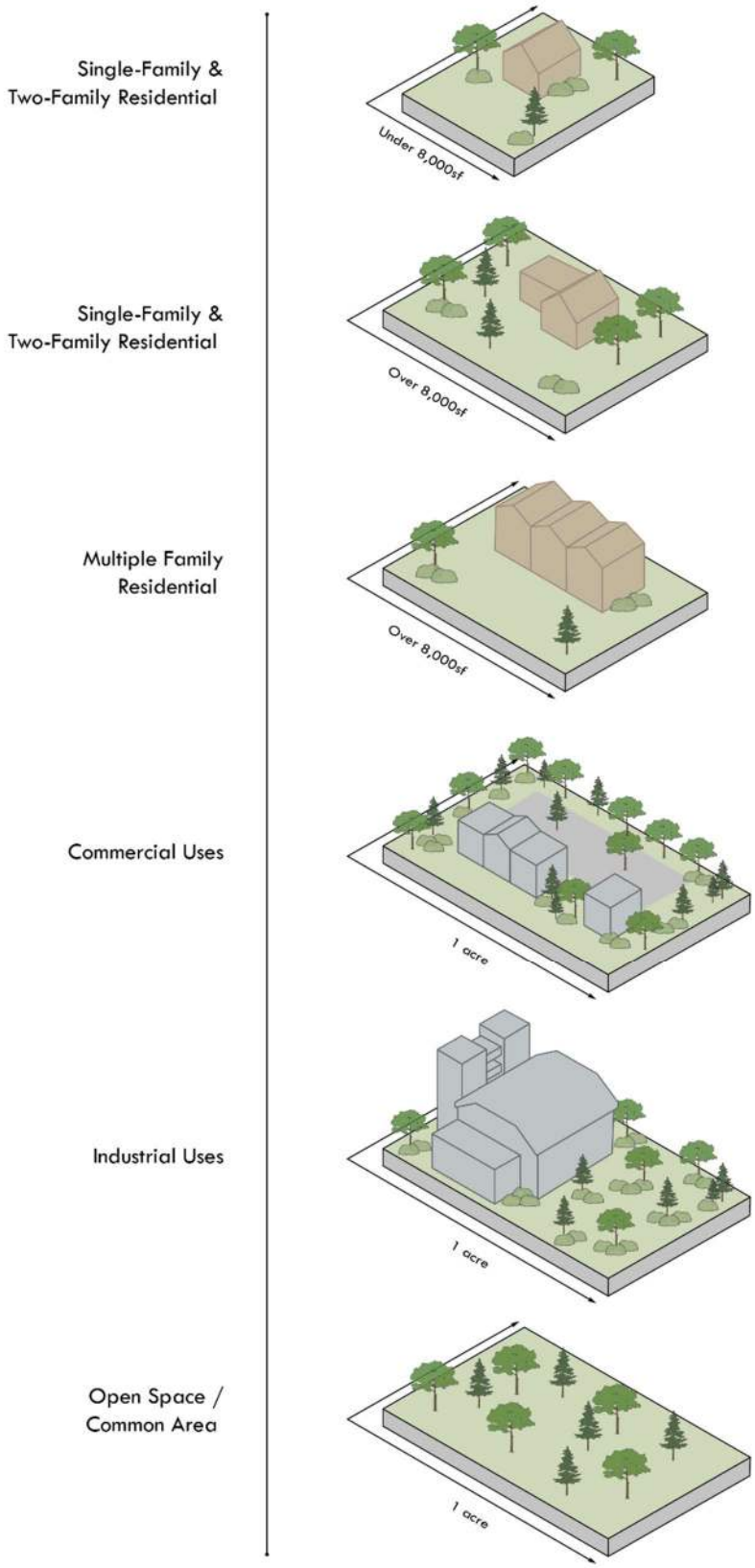
a. Earthen berms shall have a maximum slope of 4:1. They must be entirely vegetated with lawn or groundcover within two years of the date of planting.

b. Opaque fences or walls shall be constructed of wood, brick, masonry, or other material approved by the APC Executive Director and bear no signs or advertising.

B. Minimum Lot Landscaping Requirements

Yards and open space areas of all lots shall be landscaped in accordance with the following chart:

Land Use		Plant Materials		
		Shade Trees	Ornamental or Evergreen Trees	Shrubs
In Subdivisions	Single-Family & Two-Family Residential (per lot under 8,000 square feet)	2	1	4
	Single-Family & Two-Family Residential (per lot over 8,000 square feet)	4	2	4
	Multiple-Family Residential (per Unit)	1	1	4
	Commercial Uses (per acre)	10	10	25
	Industrial Uses (per acre)	5	5	25
	Open Space / Common Area (per acre)	10		0


Single-Family &
Two-Family Residential
Under 8,000sf
Single-Family &
Two-Family Residential
Over 8,000sf
Multiple Family
Residential
Over 8,000sf
Commercial Uses
1 acre
Industrial Uses
1 acre
Open Space /
Common Area
1 acre

i. Calculation for Recreation Areas: Acreage for athletic fields and courts (including adjacent perimeter areas for coaching and spectator viewing) and areas with playground equipment may be subtracted from the gross acreage before computing the Minimum Lot Landscape Requirements.

ii. Calculation for Open Space / Common Area: Plantings required for Open Space or Common Area may be calculated for an overall development, or phase of development, and then installed and distributed throughout the development's various Open Spaces and Common Areas.

iii. Credit: All other landscape plantings required by this Section to be located on the subject lot (e.g., foundation plantings, parking area landscape) or within an Open Space / Common Area (e.g., buffer yard landscape, street frontage landscape) may be credited toward the individual lot's or open space / common area's lot landscape requirements at a 1:1 ratio.

C. Foundation Plantings Requirements

Foundation plantings shall be provided as follows:

i. Plant materials shall be required intermittently (approximately every forty feet (40')) against long expanses (over eighty feet (80')) of building façades, fences, and other barriers to create a softening effect.

ii. Plant materials shall also be required along the front building façade of all buildings at a minimum ratio of one shrub or ornamental tree per 12 lineal feet (single-family dwelling units and two-family dwelling units are exempt from this requirement.)

iii. The primary landscape material used shall be ornamental trees, shrubs, and grasses. Groundcover plants may supplement the required plant materials. Plantings may be clustered to provide a more natural appearance and to accommodate vehicular and pedestrian access, loading, and maintenance areas.

iv. Plantings shall be located within fifteen feet (15') of the building façade, fence, or other barrier being softened and shall occur within planting beds at least ten feet (10') in width.

v. Monument signs shall include a landscaped area at the base of the monument sign. The minimum size of the landscaped area shall be equivalent to one side of the monument sign's face. The landscaped area shall be substantially covered with a variety of planting types such as groundcover, perennials, shrubs, and ornamental trees.

D. Street Frontage Landscape Requirements

The landscape in this Subsection shall be required where any portion of a development abuts an external street.

i. Residential Subdivision: A landscape area with a minimum depth of thirty feet (30') shall be required abutting an external street frontage along any residential development. The landscape area shall include a minimum of 3 evergreen trees, 3 shade trees, 3 ornamental trees, and 25 shrubs per 100 lineal feet. In addition, a minimum three-foot (3') tall undulating mound shall be required along the entire external street frontage.

ii. Non-Residential Uses: A landscape area with a minimum depth of ten feet (10') shall be required abutting an external street frontage along any nonresidential development. The landscape area shall include a minimum of 3 evergreen trees or 3 shade trees, 2 ornamental trees, and 25 shrubs per 100 lineal feet. This requirement may be credited toward required parking area landscape requirements if the required parking area landscape is located within twenty feet (20') of the right-of-way. In addition, a minimum three-foot (3') tall undulating mound shall be required for industrial districts along the entire external street frontage.

iii. Easements: Trees required to be planted along external streets should be located outside drainage and utility easements that would otherwise prohibit required landscape. Landscape shall be located in a manner that mitigates interference with infrastructure located within those easements. Trees may be clustered or grouped to attain creative site design or to accommodate utility infrastructure.

iv. Unimproved Right-of-Way: The Area Plan Commission may approve a Development Plan that lessens planting requirements per the street frontage requirements by up to fifty percent (50%) along the portion of a development that abuts future right-of-way, as noted in the Boone County Thoroughfare Plan, if:

a. Future right-of-way is unimproved at the time of development plan approval; and

b. There are no immediate plans by the County, State of Indiana, towns, or cities, nor requirement of the Applicant, to improve said right-of-way.

E. Buffer Yard Requirements

Buffer yards shall be required to minimize the conflicts between land uses by using distance, plantings, fences, walls, and berms, as noted in this Subsection.

i. General: Plantings should physically separate and visually screen different land uses from one another without precluding connectivity between uses.

ii. Location: Buffer yards shall apply along the entire length of all abutting lot lines where conflicting zoning districts are adjacent. If adjacent properties possess a mix of land uses, then the highest intensity use shall determine the required buffer yard. Buffer yards shall not be required:

a. Between uses within a planned unit development district (unless the PUD district provides otherwise)

b. Internal to subdivisions

c. Adjacent to external street frontages, as the street frontages' landscape requirements shall apply to adjacent external streets.

iii. Responsibility for Installation: The lot which is zoned for higher-intensity use at the time of development shall install the required buffer yard.

iv. Buffer Yard Types: The following types of buffer yards are established. The numbers established below are minimum requirements. Plantings should be arranged in a manner that creates a visual barrier between land uses without precluding connectivity between uses.

Buffer Yard Type	**Planting Materials per 100 Lineal Feet**				
	Width	**Shade Trees**	**Evergreen Trees**	**Shrubs**	**Berm / Fence**
Buffer A (small)	30 ft	3	3	10	None required
Buffer B (medium)	40 ft	4	4	10	4 ft tall undulating berm for at least 60% of the length of the shared lot line.
Buffer C (large)	50 ft	5	5	10	4 ft tall undulating berm for at least 60% of the length of the shared lot line and a 6 ft – 8 ft tall opaque fence.
Buffer D (Agriculture)	40 ft	0	0	0	None required – for abutting agriculture

a. Required Buffer Yard: The minimum required buffer yard shall be determined by the abutting zoning district(s) and/or land uses, whichever is more restrictive, in accordance with the following chart.

Required Buffer Yard Type		Adjacent Use / Zoning District														
Proposed Use / Zoning District	Adjacent District	AG	RE	R1	R2	R3	R4	MF	LB	GB	UB	PB	AB	I1	I2	PUD
	AG	-														
	RE	D	A													
	R1	A	A	A												
	R2	A	A	A	A											
	R3	A	A	A	A	A										
	R4	A	A	A	A	A	A									
	MF	B	B	B	B	B	B	A								
	LB	B	B	B	B	B	B	B	A							
	GB	B	B	B	B	B	B	B	B	A						
	UB	B	B	B	B	B	B	B	B	B	A					
	PB	B	B	B	B	B	B	B	B	B	B	A				
	AB	B	C	C	C	C	C	B	B	B	B	B	A			
	I1	C	C	C	C	C	C	C	C	C	C	C	B	A		
	I2	C	C	C	C	C	C	C	C	C	C	C	B	B	A	
	PUD	B	B	B	B	B	B	B	B	C	C	C	C	C	C	B

1. Planned Unit Development: The Plan Commission may approve a smaller buffer yard than required above (but not less than fifteen feet (15')) for PUD's on Lots of Record (as of February 4, 2024, when the Zoning Code was amended) that are less than ten acres in size and adjacent existing uses.

v. Landscape may be required to be supplemented with a fence or masonry wall to assist in addressing the impact of the proposed use on adjacent existing uses.

vi. No drives or parking areas shall be permitted in a reduced buffer yard.

F. Single-Family Dwelling Subdivisions Abutting Agricultural Uses: If the Area Plan Commission determines a smaller buffer yard is appropriate after consideration of the existing and potential use of the adjacent property, then as part of the overall development plan review, the Area Plan Commission may approve a narrower buffer yard with fewer plantings than required above (but not less than fifteen feet wide (15')) for Single-Family Dwelling Subdivisions adjacent to agricultural use.

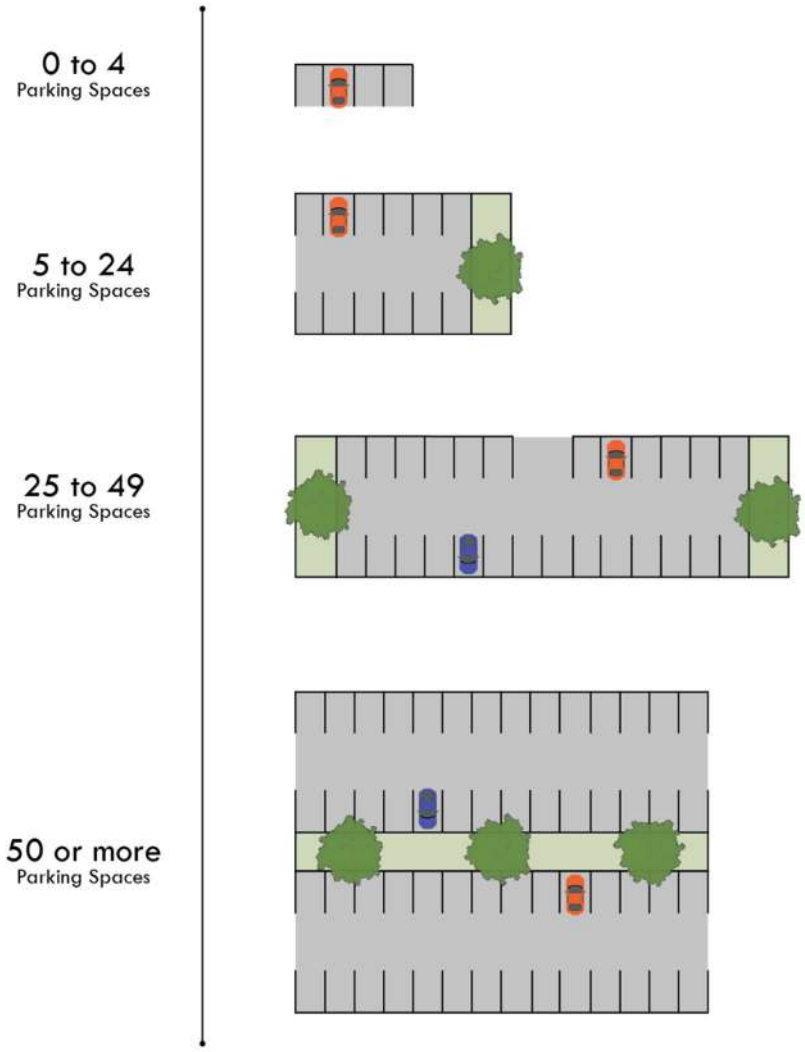
G. Parking Area Landscape Requirements

This Section shall apply to parking areas to a) screen parking areas from the right-of-way, b) prevent the creation of large expanses of paving, c) reduce the visual impact of glare, headlights, and parking lot lights from the public right-of way and adjoining properties, and c) provide shade to paved areas.

a. Interior Parking Area Landscape

i. Minimum Area Required: A minimum landscape area of parking area shall be set aside for parking area islands in accordance with the following:

Number of Parking Spaces	Percent of Parking Area to be Islands
0 to 4	0%
5 to 24	5%
25 to 49	7.5%
50 or more	10%



b. Interior Parking Area Islands

i. Location: Parking area islands shall be dispersed throughout parking areas in a design and configuration that aesthetically corresponds to the size and shape of the parking area. Combining or placing parking area islands together such that more than one tree can be planted on the island shall be considered when possible. Parking area islands shall be dispersed to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred feet (200') in length.

c. Design: Parking areas islands shall be:

i. Constructed at least six inches (6") above the surface of parking areas and curbed in a manner that restricts vehicles from driving over landscaped areas;

ii. A minimum area of one hundred and twenty square feet (120 sq. ft.);

iii. A minimum of seven feet (7') in width, measured from the back of the curb to the back of the curb.

d. Plantings: Parking area islands shall include at least one tree and four shrubs per island. One hundred percent (100%) of every island shall be covered with permitted groundcover material to achieve complete coverage.

i. Vision Clearance: No landscape within parking area islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or existing parking areas.

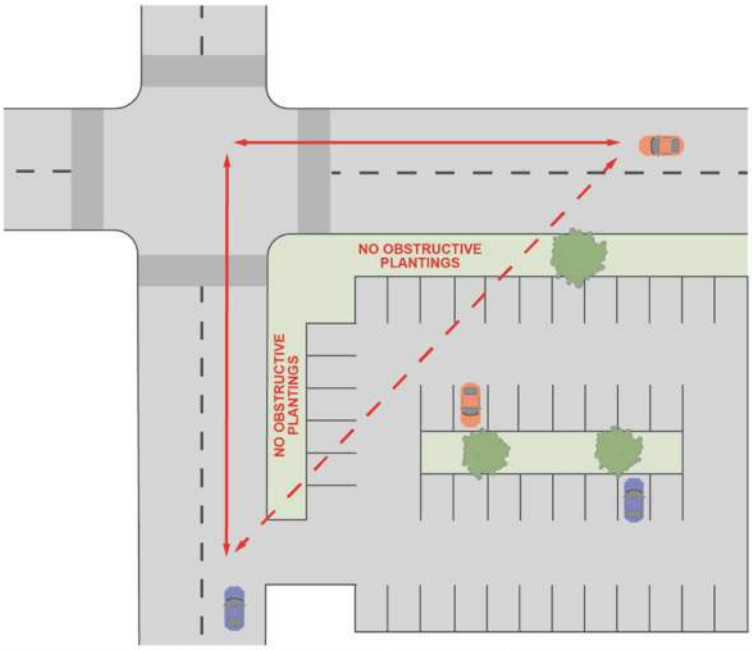
e. For a vision clearance area, no sign, fence, landscape, public utility installation, or other improvement that obstructs sight lines between three and nine feet (3 to 9') above a street shall be permitted on a corner lot, unless otherwise approved in writing by the APC Executive Director, within the triangular area formed by the right-of-way line and a line connecting points:

i. Forty feet (40') from insertions of collectors or local roads;

ii. Seventy-five feet (75') from the intersections of State Routes or arterials;

iii. Ten feet (10') from intersections of driveways or alleys;

iv. Twenty-five feet (25') from intersections of private streets.



f. In the case of rounded lot lines, the distances shall be measured from the point at which the right-of-way lines would intersect if they were not rounded at the corner.

ii. Perimeter Parking Area Landscape

a. Requirement: Perimeter landscape is required for parking areas with ten or more spaces where the parking area is located within:

i. An established front yard;

ii. A required yard; or

iii. Twenty feet (20') of a lot line or right-of-way line.

In situations where parking is shared between adjacent lots, the standards of this Subsection shall not apply to the shared lot line.

b. Design: Perimeter parking area landscape shall be a minimum of five feet (5') wide and shall extend along the perimeter of parking areas and include:

i. A minimum of one tree per 30 lineal feet of parking area length. Trees may be clustered in an aesthetically pleasing manner.

ii. A minimum of one shrub per three feet (3') of parking area length. Shrubs may be clustered in an aesthetically pleasing manner.

iii. Grass or other permitted groundcover for areas not planted with trees or shrubs is required.

c. Drive Aisles: Plantings within the perimeter parking area landscape areas between drive aisles and a rear or side lot line may be reduced by up to fifty percent (50%) of the required plantings above if no parking spaces are located between the lot line and the drive aisle.

d. Exemption: If the parking lot is directly adjacent to a required buffer yard, the side that is located directly adjacent to the buffer yard is exempt from the perimeter parking area landscape requirements.

iii. Multi-Family Districts: In addition to the other standards in this Section, the following shall apply to multi-family districts:

a. Parking areas, parking spaces, and service facility areas in a multi-family district that may be visible from streets or perimeter lot lines shall be screened by walls or other solid materials in addition to the landscape required in this Section. Screening shall be depicted on the landscape plan.

b. Solid screens or landscape materials shall be installed to protect the privacy of residents when parking spaces are located within ten feet (10') of residential units to prevent headlights from shining directly into windows.

H. Detention and Retention Areas Requirements

i. Appearance

a. Detention and retention areas shall be landscaped in a manner that replicates the natural form of ponds and shall include shade trees, ornamental trees, evergreens, shrubs, hedges, or other plantings. Use of native species is encouraged.

b. Wetlands or vegetation planted around the wet perimeter of such areas should be utilized to further this design objective. However, if such plantings are utilized for water quality control, then landscape plans shall be prepared and stamped by a licensed landscape architect.

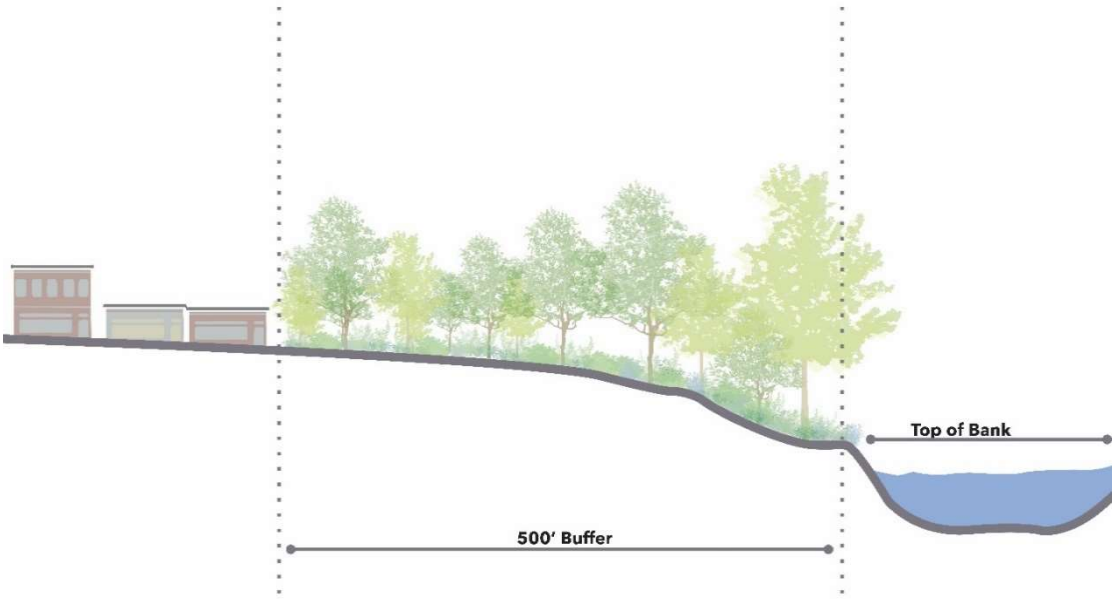
c. Detention and retention areas shall be designed to be natural in appearance, with meandering edges.

ii. Location: Detention and retention areas should be located to enhance viewsheds and incorporated as amenities into the development.

iii. Side Slopes: Side slopes above the water line for retention areas and water features shall not exceed 4:1. Side slopes above the water line for detention areas shall not exceed 4:1 and shall be graded to harmonize with the overall open space design of the site.

I. Stream and Creek Buffer

i. There shall be a five hundred-foot (500') setback from all streams and creeks measured from the Top of Bank.



J. General Screening Requirements

i. Mechanical Screening: Wall and ground-mounted mechanical equipment for nonresidential or multi-family structures shall be completely screened so it is not visible from streets and/or adjacent properties. Clearance for proper functioning of the equipment and access to the equipment for maintenance shall be incorporated into the design. Screening may be achieved by using either:

a. A wall or fence constructed of masonry materials, wood, fiber, or cement that is visually integrated into the adjacent building façade with a minimum height that fully screens the equipment;

b. A solid evergreen screen with a combination of trees and shrubs; or

c. A combination of the two that accomplishes the same effect.

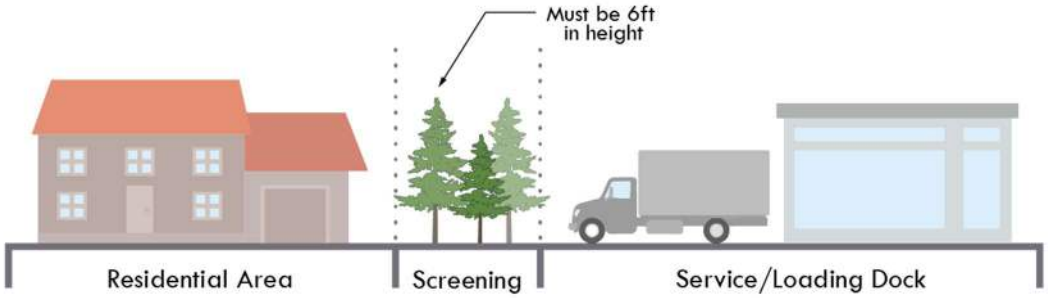
ii. Service and Loading Areas: Loading areas, loading docks, service areas, and maintenance areas shall be screened from residential uses and all right-of-way. Screening shall be achieved by using either:

a. A six-foot (6') high, completely opaque fence for the wall;

b. A six-foot (6') high berm;

c. A six-foot (6') high screen of evergreen trees planted nine feet (9') on center in a double staggered row; or

d. A combination of the previous three (3) that accomplishes the same effect.



5. CONTENTS OF LANDSCAPE PLAN

Landscape plans shall comply with the following standards:

i. Landscape plans shall be submitted for all required landscapes, buffer areas, buffer yards, open space areas, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended that landscape plans be prepared by licensed landscape architects, nurserymen, or other professionals experienced in landscape design, installation, and maintenance. A narrative describing the ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.

ii. Landscape plans shall show the entire project drawn to scale on sheets (minimum 24”x36”) and shall contain the following information:

a. Names and addresses of property owners, developers, plan preparer, plan preparation date, scale, and a north arrow.

b. Locations and dimensions of all existing and proposed structures, parking areas, driveways, streets, private streets, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, and open space.

c. Locations, quantities, sizes, and names (botanical names and common names) of planting materials.

d. Details including specific grading measures or protective devices to be utilized where trees are to be preserved in cut and fill areas.

e. Location of dense trees, shrubs, and other natural areas to be preserved or removed.

f. An inventory of existing trees to be credited and preserved may be shown on the landscape plan or separately, as otherwise outlined in this Section, which may include tables clearly displaying relevant statistical information (including numbers of existing trees and numbers of trees preserved, for example).

6. LANDSCAPE MODIFICATIONS

i. When a change in use occurs, or when modifications that require a building permit are made to an existing structure, then landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

ii. If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, then revisions to approved landscape plans shall be permitted.

iii. Under conditions where a strict interpretation of the requirements of this Section may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit rather than the literal interpretation of the Ordinance. The proposed solution must equal or exceed standard landscaping requirements. Requests to the APC Executive Director for the use of alternative landscape schemes are justified only when one or more of the following conditions apply:

a. The sites involve space limitations or unusually shaped parcels;

b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;

c. Due to a change of use of an existing site, the required buffer is larger than can be provided;

d. Safety considerations are involved; or

e. Existing utility lines or easements complicate the placement of required plant materials.

iv. The applicant must provide a justification statement that describes which of the requirements established by this Ordinance will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance. The Executive Director will review the alternative compliance application and recommend approval, approval with conditions, or disapproval to the Area Plan Commission.

v. Plant substitutions for species specified on approved landscape plans are occasionally required due to seasonal planting problems or a lack of plant availability. Minor revisions to planting plans can also be approved by the APC Executive Director if there is no reduction in the quantity of plant material, no significant change in size or location of plant materials, and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the site's microclimate to ensure healthy plant growth. If the proposed plant substitutions do not fulfill these criteria, then the changes must be submitted to the Area Plan Commission and reviewed for new approval.

7. PRESERVATION AND REPLACEMENT OF TREES

i. General

a. The following considerations shall be made in regard to tree preservation efforts:

1. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs.

2. The condition of vegetation concerning continued vitality.

3. The possibility of preserving vegetation through pruning rather than removal.

4. The desirability of a particular tree or species because of its appearance, historical or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component.

5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.

6. The potential for interference with utility services along streets and walkways.

ii. Tree Inventory

a. Existing trees to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees in accordance with this Section.

Tree inventories shall be required for those trees that are required by an ordinance or commitments to be preserved or that are to otherwise be credited pursuant to this Section. Tree inventories shall depict locations, sizes, and

common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features.

iii. Replacement

a. If any tree designated for preservation dies within five years of project completion, then the Property Owner shall replace such tree with a tree(s) of equal tree preservation value, as set forth herein, within 180 days.

iv. Incentives to Preserve Trees

a. Existing trees that are preserved in accordance with this Article may be credited for required landscaping based on a ratio of one tree credit per one tree preserved if the tree meets all the following criteria:

1. It shall be greater than four-inch (4") Caliper.

2. It shall be in good condition and have a life expectancy greater than 10 years.

3. It shall have a trunk with no extensive decay.

4. It shall have no more than one major or no more than four (4) minor dead limbs.

5. It shall have no major insect or pathological problems or otherwise be a species identified by the State or the County to be negatively impacted by a major insect or pathological problem.

6. It shall be of a species native to the State or on the Master Tree and Shrub List, as maintained by the County.

iv. Tree Protection

a. Barriers shall be used to protect trees during site development. Barriers shall be specified on Landscape Plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

b. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

v. Tree Preservation Easement

a. A tree preservation easement shall be required for trees identified for preservation that are not otherwise protected by a landscape easement.

8. PRESERVATION AND REPLACEMENT OF TREES

i. General

The following considerations shall be made in regard to tree preservation efforts:

a. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs.

b. The condition of vegetation concerning continued vitality.

c. The possibility of preserving vegetation through pruning rather than removal.

d. The desirability of a particular tree or species because of its appearance, historical or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component.

e. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.

f. The potential for interference with utility services along streets and walkways.

ii. Tree Inventory

a. Existing trees to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees in accordance with this Section. Tree inventories shall be required for those trees that are

required by an ordinance or commitments to be preserved or that are to otherwise be credited pursuant to this Section. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features.

iii. Tree Preservation Plan

a. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees, individual shrubs, areas of dense tree or shrub concentrations, and other natural features to be preserved or removed. No disturbance shall be permitted in the Critical Root Zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.

iv. Replacement

a. If any tree designated for preservation dies within five years of project completion, then the Property Owner shall replace such tree with a tree(s) of equal tree preservation value, as set forth herein, within 180 days.

v. Incentives to Preserve Trees

a. Existing trees that are preserved in accordance with this Article may be credited for required landscaping based on a ratio of one tree credit per one tree preserved if the tree meets all the following criteria:

1. It shall be greater than four-inch (4") Caliper.

2. It shall be in good condition and have a life expectancy greater than 10 years.

3. It shall have a trunk with no extensive decay.

4. It shall have no more than one major or no more than four (4) minor dead limbs.

5. It shall have no major insect or pathological problems or otherwise be a species identified by the State or the County to be negatively impacted by a major insect or pathological problem.

6. It shall be of a species native to the State or on the Master Tree and Shrub List, as maintained by the County.

b. The Area Plan Commission or APC Executive Director may credit required plantings where the existing vegetation of a preserved natural area is located within a buffer yard or external street frontage landscape area and where the natural area otherwise accomplishes the intended screening effect of a buffer yard or external street frontage landscape area.

vi. Tree Protection

a. Barriers shall be used to protect trees during site development. Barriers shall be specified on Landscape Plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.

b. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

vii. Tree Preservation Easement

a. A tree preservation easement shall be required for trees identified for preservation that are not otherwise protected by a landscape easement.

9. SELECTION, INSTALLATION, AND MAINTENANCE OF PLANT MATERIALS

i. Mounds: The following shall apply to mounds at the time of installation, unless otherwise specified herein.

a. Measurement: Minimum mound height requirements established herein are measured at the lowest elevation of the "valley" of an undulating mound. The maximum mound height requirements are measured at the "peak" of the mound. All mound heights are measured from the highest natural grade of the adjacent ground.

b. Maximum Slope: The maximum slide slope of mounds shall not exceed a ratio of three (horizontal units) to one (vertical unit).

c. The maximum slide slope of a mound may be increased to a two (horizontal units) to one (vertical unit) ratio for those areas of the mound that only include trees and shrubs and no-mow groundcover or mulch.

d. Groundcover: In addition to plantings otherwise required herein, mounds shall be covered with grass or living Groundcover.

ii. Installation: Landscaping materials should be installed in accordance with planting procedures established by the American Association of Nurserymen.

i. Timing and Permits

a. No Certificate of Occupancy shall be granted until the required landscaping is installed. The installation of required landscaping may be delayed, at the APC Executive Director's determination, for up to one hundred and twenty (120) days due to periods of adverse weather, availability of plant material, or conflicts between construction scheduling and proper planting conditions. If such a delay is approved, a certificate of occupancy can be given. Still, a performance bond for the landscape must be filed with the Area Plan Commission.

b. Landscaping located within all Common Areas (e.g., buffer yards, external street frontage landscape, parking area landscape, detention and retention areas) shall require a performance bond, filed and approved with the Area Plan Commission, prior to the release of each section of a Secondary Plat in which the landscaping is located, unless as otherwise waived by the APC Executive Director.

ii. Maintenance:

a. All newly planted vegetative material shall meet minimum American Nursery Stock Standards. Landscaping shall be maintained in healthy growing condition. This includes:

1. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises.

2. All plant material that dies shall be replaced with plant material of the required size within thirty days of the plant material’s death. This period may be extended if weather conditions inhibit the installation of new plant materials.

3. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property.

4. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association.

5. Treat plant materials that exhibit evidence of insect, pest, or disease damage.

6. Replenishing natural landscape materials such as rock, stone, bark chips, and shavings that no longer cover the area in which they were originally deposited.

7. Repairing, replacing, or maintaining structural landscaping features including, but not limited to, fountains, reflecting pools, outdoor artwork, screening walls, retaining walls, fences, benches, or other street furniture elements, as necessary to maintain these items in good condition.

8. All landscaped areas shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair.

9. There shall be no structures, outdoor storage, parking, or loading facilities in buffer yards, except for agricultural or residential uses.

10. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-

way, or property owned by the County. The County shall have the authority to order the removal of any such trees, shrubs, or vines.

11. Any other action necessary to maintain landscaping installed in accordance with an approved Landscape Plan that promotes the life, growth, health and beauty of landscaping.

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.

a. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

b. 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.

c. 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.

d. 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.

e. 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	AZ, 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
Lighting										
	Animated, Exposed Bulbs, or									
	Internal/External Illumination					X	P (k)	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. RADIO COMMUNICATIONS

1 TITLE

a. The title of this Section of the General Provisions shall be: “Radio Communications Ordinance”

2. PURPOSE

a. The purpose of this section is to provide minimum standards to insure a a reasonable degree of reliable emergency services communications from within certain buildings and structures located within the County of Boone between public safety users and emergency communication centers.

b. It is the responsibility of the Boone County Communications Center to get the signal to and from the building site.

c. At the time of application for the (ILP) Improvement Location Permit, the building owner or designated tenant shall submit the required site plans and receive approval from the Boone County Sheriff's Office or their designated appointee. Failure to comply with the Radio Communications requirements shall be grounds for APC to deny the ILP application. Furthermore, the approved Bi-Directional Amplifiers (BDA) must be installed to the satisfaction of the Boone County Sheriff's office or designated appointee prior to the Boone County Area Plan Inspectors approving any type of Certificate of Occupancy. If the owner or tenant finds an issue with the above requirements, a written appeal may be taken in the manner set forth in the County of Boone's Code of Ordinances.

3. DEFINITIONS

a. Antenna: Device designed to convert electrical signals from a cable to electro-magnetic radiation in the air.
b. County or Municipality**:** County of Boone
c. FCC: Federal Communications Center
d. Public Safety Services: Those services including, but not limited to Police, Fire, EMS, and Public Works departments.
e. Building: Any structure, enclosed or open, public or private.
f. Building Amplifier**:** Any system which is designed to receive a radio signal outside of the Building and radiate it throughout the Building and conversely, receive a radio signal generated within the Building and re-radiate a signal outside of the Building.
g. Battery: An electrochemical storage device consisting of either Nickel Metal Hydride (NiMH), Nickel Cadmium (NiCad), or Lead (Pb).
h. Owner: Building Owner
i. Talk-out: The ability of a Public Safety Radio Network Infrastructure Site to transmit a radio signal of sufficient strength as to be clearly received by a Public Safety Radio user in the field.
j. Talk-back: The ability of a Public Safety Radio user located in the field to transmit a radio signal of sufficient strength as to be clearly received by a Public Safety Radio Network Infrastructure Site.
k. Sufficient Strength: As defined by this Ordinance, a minimum received radio signal level of 95 dBm measured either at the Public Safety Radio Infrastructure Site, or received in the field by a Public Safety Radio user.

4 . RADIO COVERAGE

a. Except as otherwise provided, no person shall erect, construct, or modify any building or structure or any part thereof, or cause the same to be done which inhibits or degrades adequate radio coverage for public safety services. A certificate of occupancy may not be issued for any building or structure which fails to comply with this requirement.
b. The frequency range which must be supported shall be 806-870MHz, or as otherwise established and required in writing by the County of Boone as being necessary for public safety purposes.
c. For the purposes of this ordinance, adequate radio coverage shall include the following:
    1. A minimum signal strength of -95 dBm available in ninety percent (90%) of the area of each floor of the building when transmitted from the closest Public Safety Radio Network Site (PSRNS).
    2. A minimum signal strength of -95 dBm received at the closest PSRNS when transmitted from ninety percent (90%) of the area of each floor of the building.
    3. A ninety percent (90%) reliability factor.

5 . AMPLIFICATION SYSTEM ALLOWED

a**.** Buildings and structures shall be equipped with any of the following, in order to achieve adequate radio coverage.
    1. A radiating cable system;
    2. An internal multiple antenna system with FCC Type Accepted (CFR Part 47,90.219) Bi-Directional Amplifiers as needed to encompass the frequency range stated above or frequency range subsequently established by the County of Boone; or

3. A system that has been approved by the County of Boone as being capable of providing amplification to meet the requirements of this Ordinance.

b. The system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input.
   1. The battery system shall automatically charge in the presence of external power input.
   2. If a battery standby system is used, these batteries shall be replaced, and disposed of properly by the Owner, once every 24 months after initial system installation.
   3. Documentation shall be retained and made available for immediate inspection to assure that batteries have been replaced in accordance to this Ordinance.

c. There shall be no connectivity between the amplification system and fire alarm system.

d. In the event that a signal booster is employed:
   1. It shall be fully encased within a dust and water resistant case with a NEMA 4 rating or better.
   2. It shall have a 4-hour safety survivability rating or greater.
   3. It shall be painted red and bear the lettering as follows: Boone County Emergency Communications Center Equipment.

e. All proposed building amplifier systems must provide the following information to the Boone County Emergency Communications Center:
   1. A building blueprint showing name and address of contractor, name of Owner and Occupant, Location, including street address, point of compass, full height cross section or schematic diagram including structural member information if required for clarity and including ceiling construction and method of protection for non-metallic piping, location of partitions, location of fire walls, occupancy class and use of each area or room, a graphic representation of the scale used on all plans.
   2. Make, type, model, and size of all cable, amplifiers, antennas, batteries, etc. (specification sheets).
   3. Drawings indicating the locations of the amplification equipment and associated antenna systems, cables, antennas, hangers, sleeves, braces, methods of securing cables, which includes a view showing building access to the equipment.
   4. Schematic drawings of the electrical, backup power, antennas system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

6. OWNER RESPONSIBILITY

a. It shall be the responsibility of the Owner of a building or structure which currently holds a Certificate of Occupancy or allows the building or structure to be used for any purpose other than construction, to be in compliance with this Ordinance.

7. INADEQUATE RADIO COVERAGE

a. The Owner of any building or structure found to have inadequate public safety radio coverage must submit to the Boone County Emergency Communications Center for approval a Plan to correct the radio coverage deficiency.

b. This Plan must be submitted within ninety (90) days from the date the radio coverage is found to be inadequate.

c. The approved Plan must be put into place by the Owner within one hundred and twenty (120) days after the Plan has been approved by the Boone County Emergency Communications Center.

8. EXISTING BUILDINGS AND STRUCTURES

a. Any building or structure existing, under construction, or for which a building permit application is pending, or has been approved as of the effective date of this Ordinance, shall not be required to comply with the provisions of this Ordinance unless the building has been modified, altered, or repaired and the costs of same exceeds fifty percent (50%) of the assessed value of the existing building and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%).

9. EVALUATION PROCESS

a. The evaluation process for determining the need for in-building amplification is conducted in a minimum of two phases: Pre-construction and acceptance/implementation.

b. Pre-construction Phase.

1. Before the construction of the new building, basic information can be gathered to begin the process of determining the need, type and actual implementation of augmentation to the radio system. In most cases, the following information must be known to properly design and cost estimate an in-building radio system.
2. New Building Information
   a. Type/size of building—single story, multi-level, square footage, number of stories.
   b. Orientation of building—above/below ground, line of sight.
   c. Construction of the outer and inner walls—plaster, drywall, brick, sheet metal.
   d. Proposed equipment locations—equipment rooms, cableways, conduits.
   e. Building location—longitude and latitude coordinates.
   f. Local building code requirements and special requirements.
   g. Building blueprints and drawings.

c. Existing System Information—to be supplied by Boone County Emergency Communications Center.

1. Public Safety Radio Network Site location nearest to construction locations.
2. Donor Channel Frequency—specific digital channel to enhance radio coverage.
3. Grade of service required to meet coverage requirements.
4. Type of Subscriber unit.
5. Number of channels and their frequencies.
6. Signal strength of donor site at the building locations.

With the information above, the following steps can establish the potential need for a building amplifier.

d. Needs Determination-Signal Strength Measurements

1. At the planned construction site, measure (or have measured) the signal strength of the donor control channel.
2. If the signal strength of the donor is -95 dBm or less on the outside of the building, the probability of additional in-building coverage is high.
3. If the signal strength of the donor is greater than -95 dBm, determine the expected signal strength of the donor by subtracting the sum of the interior losses due to walls, doors, and windows from the ambient signal outside the building. (See Table 1)
4. If a signal strength of -95 dBm or greater is calculated at the inner most point of the building, an in-building system may not be required.
5. If a signal strength is calculated at -95 dBm or less, an in-building system is warranted.
6. To determine signal strengths for specific areas and evaluate the impact of the proposed building on existing structures, consult the latest Boone County Emergency Communications District RF Survey Report.
7. If determined that an in-building amplification system is required for either the proposed site or existing structures impacted by the proposed construction, provide placeholder in budget for cost of communication system based on results of the above.

10. ACCEPTANCE TEST PROCEDURES

a. Acceptance testing for an in-building radio amplification system is required, upon completion of installation of the system It is the Owner's responsibility to have the radio amplifier system functionally tested to ensure adequate two-way coverage provided on each floor of the building is in compliance with requirements as set forth in this Ordinance.

b. A minimally acceptable test plan shall require that each floor of the building be divided into a grid of approximately twenty (20) equal areas. A maximum of two nonadjacent areas will be allowed to fail the test.

c. In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty (40) equal areas. In such event, a maximum of four nonadjacent areas will be allowed to fail the test. After the forty (40) area tests, and if the system continues to fail, the Owner shall repair, replace, alter, or upgrade the system to meet the coverage requirements of this Ordinance.

d. Talk-out and Talk-back testing from the building site to the Boone County Public Safety Radio Network shall use a three watt portable transceiver with out-speaker/microphone.

e. A test location approximately in the center of a grid area will be selected for the test, then the radio will be keyed with a voice message used to verify two-way communication to and from the outside of the building.

f. Once the test location has been selected, use of another test location within the grid area will not be permitted. Each test location will also require the capture of the actual signal strength (measured in units of dBm) at that location.

g. Signal strength testing instruments are to be recently calibrated (within the past 12 months prior to testing) and of a frequency selective type incorporating an antenna similar to the ones used on the hand-held transceivers.

h. The gain values of all building amplifiers shall be measured and the results kept on file with the Owner so that building amplifier performance measurements can be verified each year during the annual tests.

i. In the event that the measurement results become lost, the Owner will be required to rerun the coverage acceptance test to reestablish the gain values.

11. ANNUAL TESTS

a. Once an in-building radio amplifier system is installed, the building owner shall test all active components of the system including but not limited to amplifier, power supplies, and back-up batteries, a minimum of once every 12 months.

b. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

c. Back-up batteries and power supplies shall be tested under load for a period of one hour to verify that they will operate during an actual power outage.

d. All other radio signal radiating components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose.

12. FIVE YEAR TEST

a. In addition to the annual test, the Owner shall perform a radio coverage test a minimum of once every five years to ensure that the radio system continues to meet the requirements of the Ordinance at the time of original implementation.

b. The procedure set forth above shall apply to such tests.

13. QUALIFICATIONS OF TESTING PERSONNEL

a. All tests shall be conducted, documented, and witnessed by a person in possession of a current FCC general radiotelephone operator license or a manufacturer-authorized maintenance agent for the Boone County Emergency Communications Center radio system.
b. All test records shall be retained at the inspected premises by the Owner and a copy submitted to the Boone County Emergency Communications Center and the County of Boone within thirty (30) days of when the test has been conducted.
c. In the event the test results fail to comply with the minimum requirements of the Boone County Emergency Communications Center and the County of Boone, appropriate repairs shall be made and additional tests conducted until tests meet the minimum requirements.

14. INSPECTIONS
a. Boone County Emergency Communications Center and County of Boone personnel (or their representative), after providing reasonable notice to the Owner or his representative, shall have the right to enter onto the property to conduct field verification to be certain that the required minimum level of radio coverage is present.
b. The cost associated with this activity is the responsibility of the Owner.
c. Repairs or upgrades needed to correct identified amplifier system shortfalls, to bring failed systems into compliance with the technical and functional requirements of this Ordinance, are the responsibility of the Owner.

15. PROPERTY OWNER MAINTENANCE RESPONSIBILITIES
a. Upon verification of coverage testing results as outlined above, the Owner shall be responsible for maintenance of the system.
b. A copy of the Owner's Maintenance Contract shall be provided to the Boone County Emergency Communications Center with the name of contractor, who will supply a 24-hour, 7-day emergency repair response within two (2) hours after notification by either the Boone County Emergency Communications Center and the County of Boone or the Owner.
c. The maintenance contract shall also contain appropriate information as to the contact personnel with phone numbers.
d. The Owner shall also be responsible for making any repairs, replacement or upgrades to the systems as directed by the Boone County Emergency Communications Center, should the system fail or no longer work in the future.

16. EXEMPTIONS
a. This Ordinance shall not apply to the following buildings provided they do not make use of any metal construction or any underground storage or parking areas.
b. Any new building which is reviewed and determined by Area Plan Staff or Designated Appointee to be utilized in a non commercial capacity and does not necessitate the need for Radio Communications for the duration of the building regardless of future ownership.
c. For purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts and elevators are included in the definition of "all parts of a building".

17. AUTHORITY

a. The Fire Chief or his authorized designee from that jurisdiction shall render interpretations of this code and make and enforce rules and regulations in order to carry out the application and intent of its provisions.

b. The Fire Chief or his authorized designee in that jurisdiction shall make and enforce rules and supplemental regulations in order to carry out the application and intent of its provisions. The Fire Chief or his authorized designee shall require additional safeguards consisting of special systems suitable for the protection of the hazard involved. Therefore, the Boone County Emergency Communications Center requires that public safety radio amplification system shall be installed within certain buildings and structures within the County of Boone to provide for emergency communications to and from the emergency communications center.

18. SCOPE

a. This Article covers all new construction or building remodels in the County of Boone after the effective date.

W. Conditional Use Standards

Land Use Standards for Special Exception Approval
Board of Zoning Appeals

Scope

This Section of the Boone County Zoning Ordinance provides a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the Boone County Community. For purposes of this Ordinance, all Conditional Land Uses within the various districts are subject to the conditions and standards of this Chapter.

Application and Review Procedures

A. An application shall be submitted through the Area Plan Commission Office, accompanied by:
1. the payment of a fee as established by the Legislative Body;
2. a completed application form, as provided by the APC; and
3. a complete site plan in ten (10) copies.

B. Applications for Special Exception/Development Plan "SD" land use shall be submitted at least thirty (30) days prior to the next Area Plan Commission meeting at which the application is to be considered.

C. The completed application, along with the required site plan, shall be forwarded to the Area Plan Commission at its next scheduled meeting.

D. Any of the listed conditional uses shall require Special Exception by the Board of Zoning Appeals after a public hearing. Upon approval of the BZA, the Area Plan Commission (APC) shall hold a public hearing on the application, providing notice of such hearing is in accordance with the Indiana Law. The Area Plan Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the APC Staff, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.

E. No petition for Special Exception/Development Plan "SD" approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might reasonably result in favorable action upon resubmittal.

F. A Special Exception approved pursuant to this Section shall be valid for two (2) years from the date of approval. Each development shall be under construction within two (2) years after the date of approval of the Special Exception, except as noted below.

1. The Area Plan Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the Conditional Land Use approval.

Standards for Granting Special Exception/Development Plan Approval

Approval of a Special Exception/Development Plan "SD" proposal shall be based on the determination that the proposed use will be consistent with the Conditional Use Standards of the Ordinance. The "SD" application will comply with all standards of the Ordinance.

A. **Primary Standards**

1. The conditional land use shall comply with the provisions of the Zoning Ordinance of Boone County, Indiana
2. Compliance with the standards in Section W of the Ordinance.

B. **Additional Standards**

1. Protection of the Public Health, Safety, and General Welfare
   The establishment and maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

2. **Compatibility with Surrounding Uses**
   The proposed development shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district and adjacent districts. In determining whether this requirement has been met, consideration shall be given to:

   a. The location and screening of vehicular circulation and parking areas in relation to surrounding development
   b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
   c. The hours of operation of the proposed use. Approval of a conditional land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
   d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses. Any proposed building shall be compatible with the predominant type of building in the particular district in terms of size, character, location or proposed use.
   e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a conditional land use
   f. Hours of operation shall be compatible with the surrounding neighborhood

C. **Detrimental Effects**
   The proposed conditional land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

D. **Impact of Traffic**
   The location of the proposed conditional land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

   a. Proximity and access to major thoroughfares and other public streets.
   b. Estimated traffic generation by the proposed use.
   c. Proximity and relation to intersections.
   d. Adequacy of driver sight distances
   e. Location of and access to off-street parking.
   f. Required vehicular turning movements.
   g. Provisions for pedestrian traffic.

E. **Adequacy of Public Services**
The proposed conditional land use shall be located so as to be adequately served by essential public facilities and services, such as Highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional land use is established.

F. **Protection of Site Characteristics**
The conditional use shall preserve and incorporate the site's important architectural, natural and scenic features into the development design. The Conditional Land Use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

G. **Compatibility with Natural Environment**
The proposed conditional land use shall be compatible with the natural environment and conserve natural resources and energy, and cause minimal adverse environmental effects. The Conditional Land Use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or the general welfare, by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Area Plan Commission.

H. **Compatibility with the Master Plan and Intent of Zoning Ordinance**
The proposed conditional land use shall be consistent with the general principles and objectives of the Boone County Comprehensive Plan and shall promote the intent and purpose of this Ordinance and of the use district.

Conditional Use Requirements Per Individual Land Use

Animal Day Care/Kennel Operation

1. Kennel, Small/Animal Day Care. Where the subject property is located in the 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/Animal Day Care. 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.

4. Principal Use. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

5. Dumpsters. Any dumpsters used by a kennel/animal day care shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with State and local requirements.

6. Noise. Any activities shall not generate a noise level of greater than 60 decibels for more than 4 hours in any 24 hour period at any property line.

Automotive Car Wash; either self-serve or automatic.

1. All washing activities must be carried on within a building.

2. Vacuuming activities may not be conducted in any required yard.

3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.

Commercial Anhydrous Ammonia or Similar Liquefied Fertilizer Storage Distribution

1. Minimum Separation Standards from existing residential use:

Nominal Capacity of Tank Litres (Gallons)	Min. Distance From Tank to Residential Buildings (Feet)
500 to 2,000 Gallons	250 Feet
2,000 to 20,000 Gallons	500 Feet
20,000 to 30,000 Gallons	750 Feet
30,000 to 100,000 Gallons	1,000 Feet
over 100,000 Gallons	1,250 Feet

Bed and Breakfast establishments

1. The establishment shall be inspected and comply with all the applicable regulations of the Boone County Health Department.

2. The establishment shall be located on property with direct access to a paved public road.

3. Such uses shall only be established in a detached single family dwelling.

4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.

5. The total number of guest rooms in the establishment shall not exceed seven (7),plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.

6. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.

7. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.

8. Meals may be served only to the operator's family, employees, and overnight guests.

Day Care Centers

Each child day-care center shall comply with the following requirements.

1. Outdoor play space. A child day-care center shall provide an outdoor play space as follows.
   a. Minimum size. The total area of the outdoor play space shall be a minimum of 75 square feet per child.
   b. Location on site. No outdoor play space shall be within 25 feet of a residential structure on an abutting lot.
   c. Screening fence. A wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than 50 percent of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties.
2. Parking. Parking shall not be located in an existing front or corner side setback unless located on a driveway leading to a covered parking space.
3. Loading area. The location and design of passenger loading and unloading areas shall be reviewed and approved by Area Plan Commission staff.

4. Refuse storage. A refuse storage area shall be provided in compliance with Section O. of the General Provision section of the Ordinance.
5. Outdoor lighting. Outdoor lighting shall comply with Section N of the General Provision section of the Ordinance.
6. Hours of operation.
    a. The allowable hours of operation in residential zoning districts shall be established by the Conditional Use Permit required for the use.
    b. Outdoor activities may only be conducted between the hours of 7:00 a.m. and 7:00 p.m. in residential zoning districts and 6:00 a.m. and 7:00 p.m. in non-residential zoning districts.

Convenience Stores

1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.

2. Any principal building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.

Drive-In Restaurant/Fast Food Restaurant

1. Location requirements for restaurants with drive-through service. A fast food restaurant with drive-through service shall not be closer than 500 feet from the following uses: a park and recreation facility; a public or private school; any residential use or any another fast food restaurant with drive-through service. The distance requirement shall be measured from site-to-site.
2. Additional application materials. In addition to the standard application requirements for a Conditional Use Permit, an applicant for a restaurant with a drive-through business shall submit a litter clean-up plan, a parking and circulation plan, and a site plan that includes: driveway locations, placement of audible equipment (if this type of equipment will be used), landscaping, light standards, sign locations, and trash enclosures. A litter clean-up plan shall address litter clean-up on-site and off-site and shall include, but not be limited to, a litter pick-up schedule and a map of the clean-up area.
3. Findings required for approval. The approval of a drive-through business shall require that the BZA first make all of the following findings, in addition to those required for a Conditional Use Permit:
4. Driveway cuts. The design and construction of the drive-through facilities shall minimize the number of driveway cuts.
5. Stacking. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way with a minimum of ten (10) stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through facility.
6. Parking. In addition to parking space requirements, at least three (3) parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
7. Paved Areas. Any paved area shall have minimum side and rear yard setback of twenty (20) feet.
8. Viewshed. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
9. Noise. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

Liquor Store

Standards for all sales operations. Proposed on- and off-site alcoholic beverage sales operations shall be designed, constructed, and operated to:

1. Avoid contributing to an undue proliferation of alcoholic beverage sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;

2. Avoid any adverse impact on adjacent or nearby parks (e.g., public parks or recreation centers), playgrounds (e.g., public or parochial), religious facilities, or schools (e.g., public, parochial, or private elementary, junior high, or high schools) and residential uses or districts by adhering to the minimum of 1,000 foot setback which is measured site to site.

Y. **Building**

1. PURPOSE AND INTENT

The purpose and intent of the following building standards are to improve and protect the public health, safety, comfort, convenience, general welfare, and aesthetic quality of the built environment by providing consistent, coordinated, and high-quality constructed buildings that will serve existing and future developments.

2. APPLICABILITY

The Section shall apply to all new development as described below after the effective date of this Section February 4, 2024.

A. This Section shall apply to all new buildings constructed in the multi-family, commercial, and industrial zoning districts.
i. Multi-family district includes MF.
ii. Commercial districts include LB, GB, UB, PB, and AB.
ii. Industrial districts include I1 and I2.

B. This Section shall apply to the Major Thoroughfares Overlay District, except for single-family residential, certain residential, and agricultural zoning districts.
i. Residential districts, including RE, R1, R2, R3, and R4.
ii. Agricultural districts, including AP and AG.

C. This Section shall not apply to single-unit dwellings on their own lots outside of major subdivision and agricultural buildings in the AP, AG, RE, R1, R2, R3, and R4 zoning districts.

D. This Section shall not apply to accessory structures.

3. GENERAL DESIGN STANDARDS

A. All primary buildings shall be designed as permanently erected buildings on a permanent foundation and connected to all required utilities.

B. Primary building façades shall be oriented to a front lot line. Building designs that orient main entrances so that they are not visible from the primary street are prohibited. Any entrance on a side façade shall be visible from the street or clearly identified using architectural features, awnings/canopies, or lighting. The APC Executive Director Area Plan Commission may waive this requirement for buildings oriented to a common open space.

C. Buildings shall provide windows and doors on façades facing primary and secondary streets. Building designs that create blank wall conditions facing primary or secondary streets are prohibited.

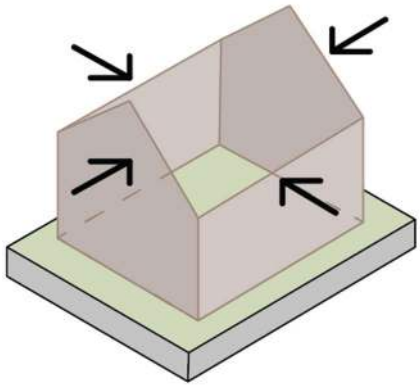
D. Building designs shall consider the surrounding landscape and landscaping requirements.

E. All buildings shall comply with the rest of the building standards provided in this Section.

4. MULTI-FAMILY RESIDENTIAL

All multi-family buildings shall comply with the following:

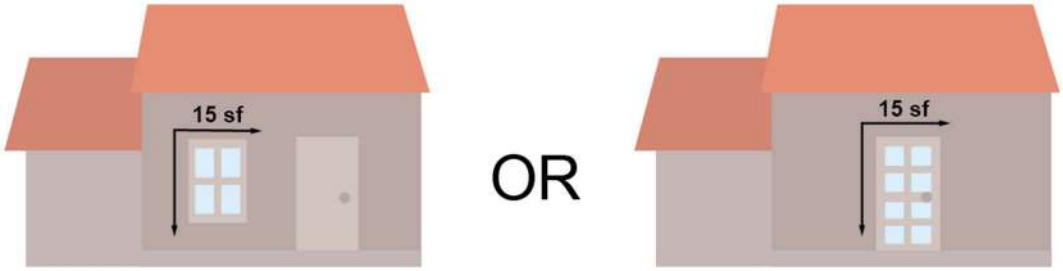
A. Building Design
i. Building Façade: A building façade shall be designed with a projection or recession in the entire vertical façade plane of the exterior walls of no less than six feet (6') in depth for every two (2) dwelling units.
ii. Four-Sided Architecture: Design detailing shall be continued completely around the building and consistent with the building's intended architectural style. Detailing elements shall include, but are not limited to, the number and style of windows, window placement, trim detailing, roof design, and exterior materials.



B. Building Materials
i. Permitted Materials: Permitted exterior materials shall include Exterior Insulation and Finish Systems (EIFS), synthetic stucco, masonry materials, glass, wood, fiber cement siding, and polymeric cladding. Other high-quality synthetic materials, such as synthetic equivalents of brick or stone, architectural precast concrete that looks like brick or stone, or traditional lime-based stucco, may be approved by the APC Executive Director or Area Plan Commission.
ii. Prohibited Materials: The following exterior materials shall be prohibited: Aluminum and vinyl siding, standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material, unfinished metal, plywood, and unfinished precast or poured-in-place concrete are prohibited.
iii. Masonry Materials: A minimum of fifty percent (50%) of each building façade shall be masonry materials, excluding windows and doors.
iv. Diversity of Materials: Each building façade shall utilize a minimum of two (2) different exterior building materials (excluding windows, doors, and roofing). A different style of the same building material (e.g. horizontal and shake fiber cement siding) does not constitute two (2) different building materials.

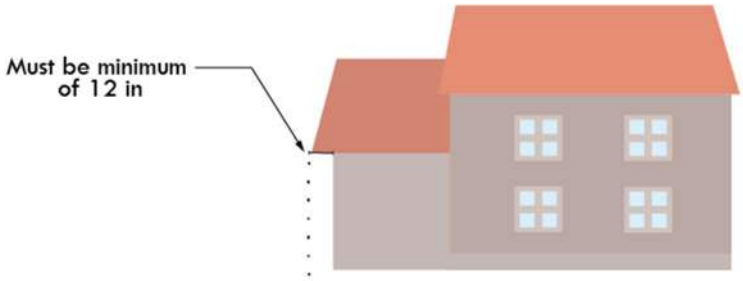
C. Windows and Doors
A building façade shall incorporate a minimum of one (1) window, with a minimum size of fifteen square feet (15 sq. ft.), or a door, with a minimum of fifteen square feet (15 sq. ft.) of glass per dwelling unit, located along the

primary building façade, as architecturally appropriate. All windows shall have treatment consisting of either shutters (that match the size of the window) or casing (a minimum of three and one-half inches (3.5”) in dimension).

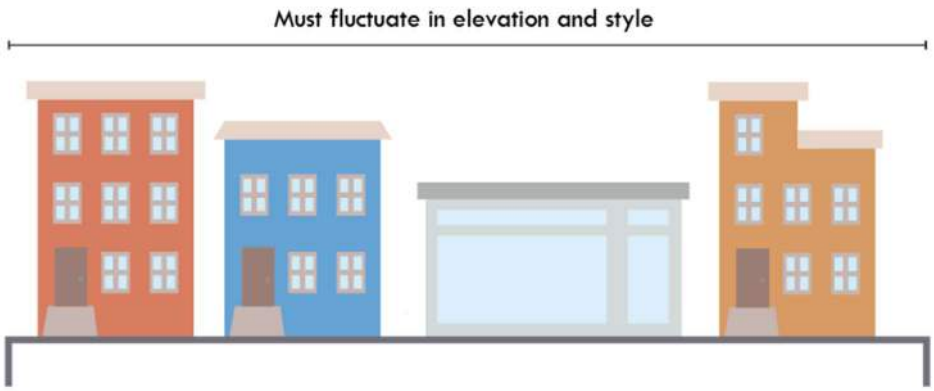


i. For windows in a building façade consisting of masonry materials, the treatment shall be natural or masonry material and applied to at least the window sill.
ii. For windows in a building façade consisting of non-masonry material, then the windows shall be trimmed to match the architectural style of the building.

D. Roof Design
i. Minimum Pitch: The minimum roof pitch of the building’s primary or main roof shall be 6:12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.
ii. Minimum Overhang: The roof overhang or eaves shall be a minimum of twelve inches (12”), as measured prior to the installation of masonry materials.



iii. Roof Form: The roof form and pitch design of a building shall include, where appropriate, varied pitches and ridge levels in accordance with the intended architectural style of the building and the building façade projections.
iv. Roof Materials: Roofs on residential buildings shall be clad in cedar wood shake, fiberglass shingles, asphalt shingles, slate shingles, clay tile, prefinished pre-stamped metal shingles, prefinished metal standing seam, or other recognized roofing materials. Sheet or roll-type roofing is prohibited on sloped roofing.
E. Streetscape Variety
i. Building elevations of similar floor plans shall have a variety in style, massing, use of materials, and detailing of elements. The same elevation may occur as buildings are grouped together if each building has a minimum of two (2) different elevation styles.
ii. If more than one (1) building is proposed, then the building(s) shall be located so that no more than two (2) buildings are in a straight, unbroken line. An unbroken line shall include an offset in the building setback a minimum of one-third the height of the adjacent building.



F. Other Features

i. Deck. A roofless, ground-supported, and unenclosed platform, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised above grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the primary structure or use.

a. Any deck over thirty inches (30") above grade shall comply with all minimum required setbacks for the applicable district.

b. A deck less than thirty inches (30") above grade, inclusive of any railing, may be located within any minimum required setback but shall not encroach more than eight feet (8') into the minimum front setback.

ii. Fire Escapes, Exterior. An emergency exit mounted outside of a building that provides a method of escape in the event of a fire or other emergency when interior stairwells are inaccessible.

a. Fire escapes may be added to existing buildings when no other means of providing egress is possible or practical.

b. To the extent possible, fire escapes shall not be located on a front or corner façade. Rear or side façades are preferred.

c. Exterior fire escapes may encroach into any minimum required setback and may encroach into a right-of-way with permission of the APC Executive Director of the Area Plan Commission.

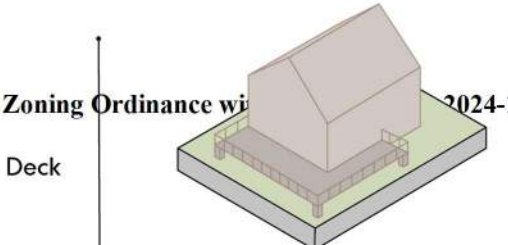
d. Sizing and location of fire escapes shall be approved by the Fire Marshal.

iii. Garage. A fully-enclosed structure, whether attached to or detached from a primary building, used for the storage of vehicles.

a. Garages shall comply with all minimum required building setbacks but may encroach into a required rear setback up to five feet (5') of the rear lot line.

b. If oriented with garage doors facing a street, a garage shall not be located less than eighteen feet (18') from the right-of-way, sufficient to accommodate the parking of an automobile without blocking the sidewalk or any public way.

c. If oriented with garage doors facing a street, a garage shall not be located less than eighteen feet (18') from the right-of-way, sufficient to accommodate the parking of an automobile without blocking the sidewalk or any public way.

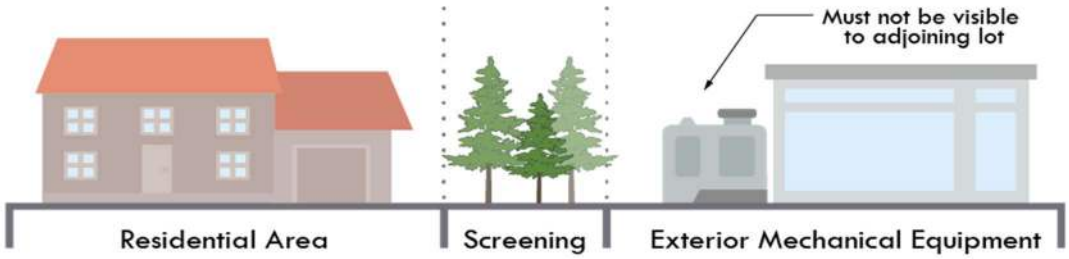


5. COMMERCIAL DISTRICTS

All new nonresidential buildings or additions located within a commercial district shall comply with the following:

A. Mechanical Screening

All roof and wall-mounted mechanical equipment shall be visually integrated into the overall design of the building and shall not be visible from adjoining lots or rights-of-way (including elevated trails and roadways). Clustering of mechanical equipment is encouraged. Wall and ground-mounted equipment shall be screened in accordance with Section XX Landscape Standards.



B. Building Materials

i. External Façades: Each building façade visible from a street, oriented to an adjoining residential district, or oriented to an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "External Façade"), shall comply with the following:

a. Shall be one hundred percent (100%) masonry materials, excluding window, door, roofing, fascia, and soffit materials; or

b. Shall incorporate two (2) or more building materials, excluding window, display window, and door and roofing materials; provided, however, that a minimum of sixty percent (60%) of the building façade shall be masonry materials.

ii. All Other Façades: No more than twenty-five percent (25%) of all other building façades, exclusive of windows (including faux windows and glazing), doors, and loading berths, may be covered with metal, Fiber Cement Siding, Polymeric Cladding, EIFS, stucco, or vinyl exterior building materials.

iii. General Standards

a. The exterior building material selection for all building façades shall be supplemented with:
i. The use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.), or
ii. The addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, architraves, etc.)

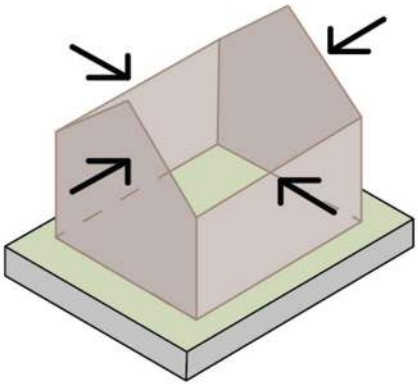
b. No loading spaces, loading docks, or oversized service doors shall be permitted on an external façade, as defined herein; however, if all building façades are determined to be external façades, then loading spaces, loading docks, or oversized service doors may be permitted on the least visible external façade if screened in accordance with Section X, Landscaping Standards, Subsection D.i, General Screening Standards.

C. Architectural Theme

Buildings and structures within a single development shall have complementary architectural themes.

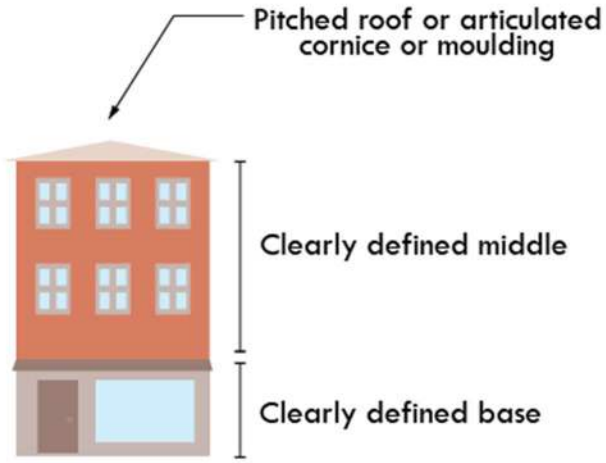
D. Four-Sided Architecture

All building façades visible from an adjacent lot or street shall be constructed with the same building material quality and level of architectural detail on all building façades (e.g., 360-degree architecture).



E. Building Evaluations

i. Horizontal Design: All building façades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof, articulated cornice, or molding.



ii. Wall Planes: Building façades, which are ninety feet (90') or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty feet (60'). Buildings less than ten thousand square feet (10,000 sq. ft.) in Gross Floor Area shall be designed with offsets at intervals of not greater than forty feet (40'). Offsets shall extend the entire vertical plane of the building façade and shall be a minimum depth of four feet (4') and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall building façade. The offset may be met with setbacks of the building façade and/or with architectural elements (i.e., arcades, columns, ribs, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.

F. Building Entrances

i. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole. The location, orientation, proportion, and style of doors must faithfully reflect the chosen style of the building.

ii. Main entrances shall be connected by a sidewalk to pedestrian or biking facilities, such as a sidewalk or trail, along the front lot line or along the primary street. If this connection crosses a parking lot, the sidewalk to the main entrance shall be clearly marked and maintained. Raised crossings, so that pedestrians or bicyclists are at eye-level with a driver, are encouraged.

iii. Industrial and warehouse uses shall be designed with a prominent main entrance and at least two (2) window openings associated with this doorway.

G. External Wall Protrusions

Gutters, downspouts, vents, and other external wall protrusions shall be visually integrated with the structure's architectural style. The color shall be selected to complement or to be consistent with the building materials.

H. Roof Design

i. Pitched Roofs: Pitched roofs shall comply with the following:

a. Minimum Pitch: Five vertical units to twelve horizontal units (5:12).

b. Shall be comprised of three (3) or more sloped roof planes.

c. Shall be covered with high-quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high-quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt or fiberglass shingles. Metal roofs shall have a low-gloss finish to reduce glare.

ii. Flat Roofs: Flat roofs shall comply with the following:

a. Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice or molding.

b. Parapet walls shall be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements (which may include screening elements for roof-mounted equipment).

c. Modulation or variation of the roofs and/or roof lines shall be required to eliminate the appearance of box-shaped buildings.

d. Flat roofs shall be prohibited for one-story buildings in the LB, GB, or UB, unless otherwise approved by the APC Executive Director after consideration of the building architecture, building context, and sensitivity to the area's residential character.

iii. General Standards

i. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations shall be:

a. Painted to match the color of the roof or flat black and

b. Oriented to minimize their visibility from adjacent Lots and Streets.

I. Main Entrances

a. Building entrances shall be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building as a whole.

b. The location, orientation, proportion, and style of doors shall complement the style of the building.

J. Windows

a. All window designs shall be compatible with the building's style, materials, color, details, and proportion. The number of windowpanes, window openings, window trims, and other architectural design elements designed to accent the windows shall be consistent with and complementary to the architectural style of the building.

b. Window trim and other architectural design elements designed to accent the windows shall be required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements approved by the APC Executive Director.

c. Storefronts shall be integrally designed with an overall façade character. Ground floor retail, service, and restaurant uses should generally have large pane display windows; however, they shall not exceed seventy-five (75%) of the total ground level (first floor) façade area. Buildings with multiple storefronts shall be of unified design through the use of common materials, architectural details, signage, and lighting consistent with the overall building style.

K. Awnings

a. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details.

b. Awnings shall be made of a non-reflective material.

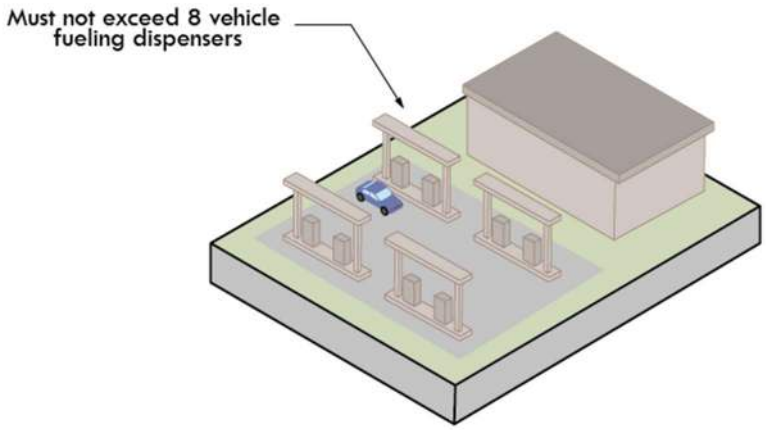
c. All awnings shall be kept in good repair.

d. Metal or aluminum awnings are prohibited.

e. Awnings used to comply with the architectural design requirements of this Ordinance shall not be removed unless the building façade would otherwise comply with such architectural design requirements without such awnings.

L. Gasoline Service Station and Gasoline Service Station with a Drive-Thru

a. Number of Dispensers: Service stations shall have no more than eight (8) vehicle fueling dispensers.



b. Materials: The support structures for canopies shall be wrapped in masonry materials to complement the principal building. Canopy fascia and roof materials shall match the color and texture of the principal building.

c. Height: To reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen feet (16'), and the maximum top of the canopy shall be twenty-two feet (22'). The maximum width of the canopy fascia shall be thirty inches (30").

d. Roof Design: A canopy shall include a pitched or sloped roof between 5:12 and 10:12, with a minimum roof height above the canopy fascia of two and one-half (2.5) times the width of the canopy fascia.

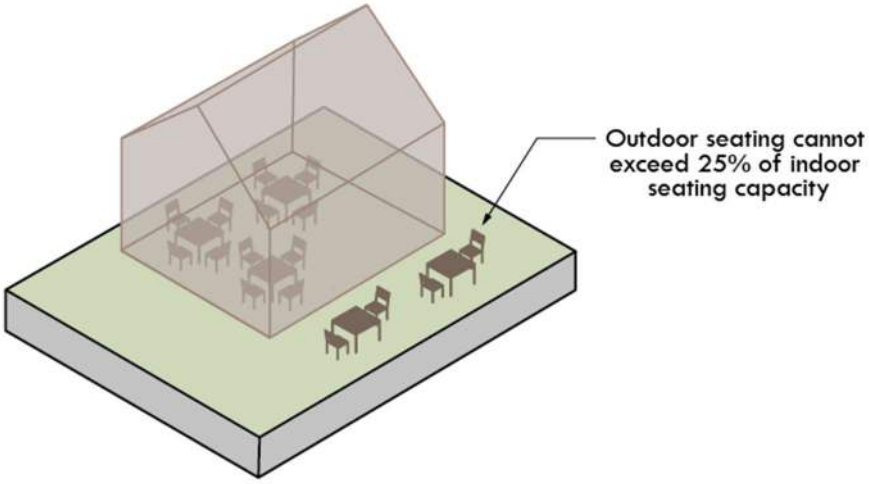
e. Land Use Limitation: No more than two (2) of the following types of land uses: fuel sales, fast-food or drive-in restaurants shall be located on a site, lot, or parcel within two thousand feet (2,000') of any other site, lot, or parcel occupied by another use of fuel sales, fast-food, or drive-in restaurant, with such distance measured along and/or across one (1) or more public highway rights-of-way. The APC Executive Director can waive this requirement.

M. Drive-Thru Windows

Drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building. Stacking for drive-thru lanes shall be confined to the side or rear of the tract or parcel, with outlet from such lines also being to the rear of the building. Lines for drive-thru facilities shall not be permitted to spill onto adjoining properties or the right-of-way.

N. Outdoor Dining Associated with a Restaurant

a. The limits of the dining area shall be clearly defined.
b. The outdoor dining area shall not exceed twenty-five percent (25%) of the maximum seating capacity of the indoor dining area.



c. The outdoor dining area shall be within the required yard areas.
d. The outdoor dining area shall not be operated any later than 11:00 PM on Sunday through Thursday or later than 12:00 AM (midnight) on Friday and Saturday.

O. Accessory Buildings

a. All accessory buildings shall be architecturally compatible with the principal building(s) with which they are associated.

6. INDUSTRIAL DISTRICTS

All new nonresidential buildings or additions located within an Industrial district shall comply with the following:

A. Mechanical Screening

All roof and wall-mounted mechanical equipment shall be visually integrated into the overall design of the building and shall not be visible from adjoining lots or rights-of-way (including elevated trails and roadways). Clustering of mechanical equipment is encouraged. Wall and ground-mounted equipment shall be screened in accordance with Section IV.Q Landscape Standards.

B. Building Materials

i. External Façades: Each building façade visible from a street, oriented to an adjoining residential district, or oriented to an alternative transportation corridor bearing a designation on the Thoroughfare Plan (collectively, "External Façade"), shall comply with the following:

a. A minimum of sixty percent (60%) of the building façade (excluding windows and doors) shall be masonry materials.

b. Building façades, which are ninety feet (90') or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty feet (60'). Offsets shall extend the entire vertical plane of the Building Façade and shall be a minimum depth of four feet (4') and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall building façade. The offset may be met with setbacks of the building façade and/or with architectural elements (i.e., arcades, columns, ribs, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.

c. No loading spaces, loading docks, or oversized service doors shall be permitted on an external façade, as defined herein, and shall be landscaped from view.

ii. All Building Façades: If materials other than masonry materials are utilized on any Building Façade, then the building façade shall be supplemented with:
a. The use of multiple colors and textures (e.g., rough, smooth, striated, etc.) or
b. The addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).

C. Building Standards

i. General Standard: Every building erected shall be located on a lot and in accordance with the Boone County Zoning and Subdivision Control Ordinances
ii. Principal Buildings: More than one (1) principal building shall be permitted on a lot in an industrial district when such businesses are devoted to industrial or business uses

D. Open Material Storage

In the event that any parcel of land seeks the use of open material storage on the property, the use of open material storage will have the following limitations and restrictions:

a. The outside storage shall be in the rear of the primary building on the property, specifically located in the rear yard of the lot, clearly outside of the viewshed of any major thoroughfare as indicated in the Major Thoroughfares Overlay District as applicable.

b. No more than twenty-five (25%) of the gross floor area of the primary building can be utilized as open material storage on the property (e.g., A hardware store consisting of thirty thousand square feet (30,000 sq. ft.) shall not exceed an open material storage of more than seven thousand five hundred square feet (7,500 sq. ft.)).

The outdoor storage will be completely enclosed by appropriate screening by a ten-foot (10’) opaque wall or vegetation hedges or shrubs, which is a minimum of ten feet (10’) in height to provide an appropriate shield from adjoining properties.

V. OVERLAY DISTRICTS

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.

Establishment of Overlay Districts

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.

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.

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.

A. U.S. Highway 421 – Michigan Road Corridor Overlay District

Purpose, Intent, and Authority

It is the purpose of the U.S. Highway 421 – Michigan Road Corridor Overlay District (the "Overlay District") to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering U.S. Highway 421 (also known as Michigan Road) in the unincorporated areas of, Boone County, Indiana. The Boone County Area Plan Commission ("APC") and Boone County Board of Commissioners, in establishing this District, do so in compliance with IC 36-7-4-600 *et. seq*. and IC 36-7-4-1400 *et. seq.*

It is recognized that U.S. Highway 421 is an important corridor to Boone County. Therefore, it is the further purpose of the Overlay District to promote coordinated, quality development per the Land Use recommendations set forth in the Comprehensive Plan; to establish basic standards for Structures, landscaping, and other improvements on the properties within the Overlay District which promote high quality, innovative site design and at the same time encourage efficient land usage; to establish Development Standards which will encourage capital investments for the development of those properties along and abutting U.S. Highway 421; to promote the steady flow of traffic; and, to promote the quality, scale and character of development consistent with the land uses envisioned in the Comprehensive Plan.

This Overlay District further seeks to foster development that will provide this District with a special sense

of place that will increase property values, protect existing residential uses, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for Buildings, site planning, landscaping and Signs. These principles are intended to guide individual development activities so that they will work together visually in support of the common architectural theme described below.

1. District Boundaries

   The boundaries of the Overlay District are hereby established as shown on the Official Zoning Maps for Boone County, Indiana. The boundaries extend four hundred (400) feet on either side of the U.S. Highway 421 Right-of-Way, as shown on INDOT's plans numbered STP-135-2(008), as they existed on January 17, 2000, for that portion of U.S. HIGHWAY 421 south of 121st Street (also known as Greenfield Road or County Road 550 South) and as it existed on January 1, 2003 for that portion of U.S. Highway 421 north of 121st Street within Boone County, Indiana. The Official Zoning Maps for Boone County, Indiana are officially amended by the adoption of this Ordinance to include the Overlay District per the boundaries set forth.

2. APC Approval

   The APC must approve, approve with conditions, or disapprove the Development Plan for any tract of land in the Overlay District per the provisions of Section VI of this Ordinance, including, without limitation, any proposed development in connection with a residential subdivision. However, Development Plan approval by the APC is not required for Single-family Dwellings to be constructed on individual single-family Lots within any residential subdivision.

3. Permitted Uses

   All uses which are permitted in a given site's underlying primary zoning Districts, except those uses expressly excluded in Section IV.V.2, E., of this Ordinance, are permitted in the Overlay District.

4. Permitted Special Exceptions

   All special exceptions, which are permitted (upon obtaining the grant of a special exception from the Board of Zoning Appeals) in the underlying primary zoning District(s), except the uses expressly excluded in Section IV.V.2, E., of this Ordinance, are permitted in the Overlay District.

5. Excluded Uses

   The following uses are prohibited in the Overlay District.

   1. Adult Entertainment Businesses;
   2. Amusement park
   3. Bulk storage of petroleum products not used for on-site manufacturing;
   4. Car Washes;
   5. Carnivals, fairs, circuses;
   6. Confined feed operations;
   7. Disposal of radioactive materials;
   8. Drive-through facilities;
   9. Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning;
   10. Flea market;
   11. Garbage disposal plant/sanitary landfill;
   12. Go-cart track;
   13. Grain elevator;
   14. Junk or salvage yard;
   15. Manufactured Home Dwelling sales;
   16. Mini-warehouses or self-storage facilities;
   17. Mobile home court;
   18. Off-Premise (Outdoor Advertising) Signs (see also Section IV.V.2, O.);
   19. Outdoor Storage, with the exception of propane tanks that are for lease or purchase;
   20. Outdoor theatre;
   21. Penal or correctional institution;

22. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Boone County Health Department;
23. Refining or manufacturing of petroleum products;
24. Refining of manufacturing of asphalt, cement, gypsum, lime, wood preservatives;
25. Roadside sales stand;
26. Sand and gravel extraction or sales;
27. Truck stop;
28. Warehouses;
29. Water slide.

6. Accessory Buildings and Uses

All Accessory Buildings and Uses which are permitted in the underlying primary zoning District(s) shall be permitted, except that any detached Accessory Building in any Development Plan shall be on all sides the same building proportions, architectural features, construction, materials, and in general to be architecturally compatible with the Primary Building(s) with which it is associated.

7. Minimum Lot Area

The minimum Lot Area required within the Overlay District shall be those dictated by the requirements of the underlying zoning District. All Lots within the Overlay District shall be subject to Development Plan Approval, with the exception of individual Lots for Single-family Dwellings, as set forth in Section IV.V.2, B., of this Ordinance. For Lots located only partially within the Overlay District, a Development Plan shall be submitted to the APC for the entire tract to be developed and the entire tract shall be subject to the requirements of this Section IV.V.2..

8. Height and Area Requirements

1. Building Height:
   a. Minimum: See Section IV.V.2, I., 3., of this Ordinance.
   b. Maximum: As specified in the primary underlying zoning District.
2 Front Yard for Parcels with Frontage on U.S. Highway 421 Right-of-Way:
   a. Minimum: Thirty (30) feet, measured from the U.S. Highway 421 Right-of-Way. This measurement shall include the mandatory thirty (30) foot Landscape Buffer .
   b. Maximum: One hundred twenty (120) feet, measured from the U.S. Highway 421 Right-of-Way. This measurement shall include the mandatory thirty (30) foot Landscape Buffer .
3. Minimum Side and Rear Yards: As specified in the primary underlying zoning District.
4. Gross Floor Area:

   All principal business and industrial Buildings shall have a minimum of two thousand five hundred (2,500) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings. Accessory Buildings need not meet the minimum Floor Area requirement.

   New Primary Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, shall have a minimum of one thousand two hundred (1,200) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings, and a maximum of fifteen thousand (15,000) square feet of Gross Floor Area, excluding the Floor Area of any Accessory Buildings.

   Primary residential Structures, however, shall meet the minimum Floor Area specified in the underlying zoning District.
5. Landscape Buffer :

   There shall be a thirty (30) ft. wide Landscape Buffer within the Front Yard of all Lots with frontage on U.S. Highway 421.

9. Architectural Design Requirements

In reviewing the architectural design of Building(s) proposed to be built in the Overlay District,

factors to be considered by the APC shall include but are not limited to the following:

1. Design Theme:
   Buildings shall be designed with an overall Theme consistent with or complementary to the Colonial, Federal, Georgian, Victorian, or Greek Revival Periods. New Buildings are not required to be imitative, but must incorporate the salient features of these architectural styles. Pre-existing Buildings on adjoining Lots shall not be a factor in the design of new Buildings.
2. Building Proportion:
   Buildings should avoid long, monotonous, uninterrupted walls or roof planes.
3. Building Height:
   The height of new Primary Buildings shall be at least one and one-half (1 ½) stories, or be designed to appear so from the front and sides. Retail and office Buildings are encouraged to be two (2) stories or more in height. The minimum height for all Buildings shall be twenty (20) feet, either at the roof line or at the top of the parapet wall. Single-family Dwellings shall have at least 50% of the Structure reaching 1 ½ stories or 20 feet at the roof line. New Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, may have a height of one (1) story or twelve (12) feet, but shall not exceed a maximum height of three (3) stories.
4. Building Facades:
   Facades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated cornice, in each instance appropriate to the Building style. Buildings with continuous facades that are ninety (90) feet or greater in width, shall be designed with offsets (projecting or recessed) not less than eight (8) feet deep, and at intervals of not greater than sixty (60) feet. New Buildings within the area known as Eagle Village, which is located between 116th and 121st Streets, shall not have a continuous facade exceeding fifty (50) feet.
   Facades constructed of more than one material shall only change material along horizontal or vertical lines (not diagonal lines). For material changes at the horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side facades of Buildings located on Corner Lots shall be of the same materials and similarly detailed.
5. Roofs:
   a. Pitched Roofs
      Roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12.
      Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Shingle or panel color shall be appropriate to the design of the Building.
   b. Shed Roofs
      Shed roofs are permitted only when the ridge is attached to an exterior wall of a Building, with pitches ranging from 4:12 to 14:12.
   c. Flat roofs
      Flat roofs are permitted when consistent with the selected style of architecture, if edged by a railing or parapet, and if rooftop mechanical equipment is either camouflaged on all sides or visually integrated into the overall design of the Building.
      In no case shall rooftop mechanical equipment be visible from adjoining Residential Districts or from U.S. Highway 421.
      All vents, attic ventilators, turbines, flues and other roof penetrations shall be painted to match the color of the roof, or painted flat black. Gutters and downspouts shall be appropriate to or visually integrated with the selected architectural style of the Structure.
      Dormers, belvederes, cupolas and pergolas may be utilized as a design element, so long as they are designed with the details, proportions, style, and materials consistent with the Buildings selected architectural design.
6. Entrances:

The main Building or tenant space pedestrian entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the selected architectural style and details of the Building as a whole. The location, orientation, proportion and style of doors shall reflect the chosen style of the Building.

Building facades for industrial and Warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

7. Windows:

All window design shall be compatible with the style, materials, color, details and proportion of the Building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the Structure.

8. Awnings:

Fixed or retractable Awnings are permitted if they complement a Building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair facade composition; and are designed as an integral part of the facade. Metal, plastic or aluminum Awnings are prohibited.

9. Storefronts:

Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows; however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, Signs and lighting consistent with the overall Building style.

10. Drive-Through Service Units:

Drive-Through Service Units are prohibited in the Overlay District.

11. Suitability of Building materials:

In order to create variation and interest in the built environment, all new Buildings or Building additions shall use the exterior Building materials specified below. Building materials shall be consistent with or complementary to those which replicate Colonial, Federal, Georgian, Victorian and Greek Revival Periods of American architecture, as follows:

a. Exposed foundations shall be constructed of one or more of the following:
   (1) Brick in a color historically consistent with the architectural style;
   (2) Stone (limestone, granite, fieldstone, etc.); or,
   (3) Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

b. Facade walls shall be constructed of any combination of:
   (1) Stone;
   (2) Smooth cut cedar shingles;
   (3) Wood clapboard siding;
   (4) Brick in a color historically consistent with the architectural style;
   (5) Wood beaded siding; or,
   (6) Stucco with smooth finish, or External Insulation and Finish System (E.I.F.S.); not to exceed twenty percent (20%) of the overall non-window facade area.

c. The exterior Building material selection shall be supplemented by the use of multiple colors, textures (e.g. rough, smooth, striated, etc.) or architectural elements, (quions, pilasters, soldier courses, friezes, cornices, dentils, etc.) on facades visible from the Street.
   (See also Section IV.V.2, R. "Waiver of Development Requirements")

12. Topography:

Design in relation to topography of the site, which minimizes cut and fill and limits maximum on-site slope to ten percent (10%).

13. Landscape Design:

Design of proposed landscaping in relation to Structures.

14. Consistency with Style and Period:
Overall aesthetics of the proposed Building, including color, are consistent with the architectural style and period.

15. Building Orientation:
The Primary Building(s) shall be oriented to U.S. Highway 421, so that the front of the Building faces the highway. Where the Primary Building is designed to have three (3) or more users (such as the case of multiple lease spaces), a maximum of two (2) uses shall be oriented to U.S. Highway 421. Accessory Buildings (including residential garages, storage Buildings, etc.) shall be located behind the Primary Building. No Primary or Accessory Building shall have service doors, garage doors, loading doors, or similar service entrances opening toward or oriented to U.S. Highway 421.

J. Landscaping Requirements

1. Landscape Plan.
The applicant shall submit a Landscape Plan to the APC as part of the Development Plan application, per Section VI of this Ordinance.

2. Areas to be Landscaped:
   a. Landscape Buffer . The thirty (30) foot Landscape Buffer shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no Parking Areas, through roads, Buildings, Accessory Structures, etc. shall be established within this area.
   b. Foundation Plantings. Foundation plantings shall be included along all sides of any Building. The minimum width of the planting area shall be five (5) feet, except that when adjoining a Parking Area located in the Front Yard adjoining U.S. Highway 421, the minimum width shall be ten (10) feet.
   c. Peripheral Plantings. Minimum Side and Rear Yard landscaping shall occur per the requirements of the underlying primary zoning District.
   d. Parking Lots. Per standards specified in Section IV.V.2, K., 5. of this Ordinance.
   e. Screening Areas. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming Outside Storage areas, and satellite dishes shall be integrated into the overall building design or screened from the U.S. Highway 421 Right-of-Way and adjoining residential Districts or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage, or other approved method.

3. Landscaping Standards
   a. The interior dimensions, specifications and design of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth. The following minimum interior widths for planting areas shall be used:
      (1) Canopy Trees: Nine (9) feet;
      (2) Ornamental Trees: Seven (7) feet;
      (3) Shrubs (only): Five (5) feet.
   b. All plant material proposed to be used in accordance with any Landscape Plan shall meet the following specifications.
      (1) Shade trees: a minimum trunk diameter of two and one-half (2 ½) inches at six (6) inches above grade, a minimum height of eight (8) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.
      (2) Ornamental trees: a minimum trunk diameter of one and one-half (1 ½) inches at six (6) inches above grade, a minimum height of six (6) feet, and a branching height of not less than one-third (1/3) or more than one-half (½) of tree height.
      (3) Evergreen trees: a minimum height of eight (8) feet, and a width of not less than three-fifths (3/5) of the height.
      (4) Deciduous shrubs: a minimum height of eighteen (18) inches, no less than

six (6) main branches upon planting, and a mature height no greater than thirty-six (36) inches.

(5) Evergreen shrubs: a minimum height and spread of eighteen (18) inches, maximum mature height of thirty-six (36) inches.

c. Landscape Buffer . The primary landscaping materials used in the Landscape Buffer shall be shade trees, ornamental trees, shrubs, ground covers and grass.

(1) A minimum of three (3) shade trees and one ornamental tree shall be provided per one hundred (100) linear feet of Landscape Buffer .

(2) Shade trees planted within the Landscape Buffer parallel to the US. Highway 421 right-of-way shall be spaced neither less than fifteen (15) feet apart nor more than forty (40) feet apart.

(3) Existing shade trees within the Landscape Buffer that have a minimum trunk diameter of four and one-half (4 ½) inches at six (6) inches above grade, are encouraged to be preserved. For each shade tree that is preserved within the Landscape Buffer area, two fewer trees are required to be planted within the applicable one hundred (100) linear feet.

d. Foundation Plantings. The primary landscaping materials used adjacent to Buildings shall be shrubs, ground covers, and ornamental grasses.

e. Parking Lots.

(1) Interior Landscaping. A minimum of one (1) shade tree and five (5) shrubs shall be planted within each parking lot for every seven (7) spaces provided, or not less than twenty (20) trees per acre of parking.
However, for Buildings with Parking Areas located in a Front Yard, with frontage directly on U.S. Highway 421, a minimum of one (1) shade tree and five (5) shrubs shall be planted within each Parking Lot for every five (5) spaces provided, or not less than twenty-four (24) trees per acre of parking.

(2) Parking Lot Perimeter Planting. Where Parking Areas are located in the Front Yard, with frontage directly on U.S. Highway 421, a six (6) foot wide perimeter planting area shall be provided along the front and sides of those areas.

i. The required planting unit for this area shall include two (2) shade trees, three (3) ornamental trees, and thirty (30) shrubs per one hundred (100) linear feet.

ii. The perimeter planting area shall be provided in addition to the Landscape Buffer area.

iii. Existing shade trees within the Landscape Buffer that have a minimum trunk diameter of four and one-half (4 1/2) inches at six (6) inches above grade, are encouraged to be preserved. For each shade tree that is preserved within the Landscape Buffer area, two (2) fewer trees are required to be planted within the applicable one hundred (100) feet.

(3) Front and Side Parking. Parking Areas within front and Side Yards shall be completely screened from view. Such screening shall be subject to APC approval.

4. Landscaping Installation and Maintenance

a. Installation. All landscaping approved as part of the Landscape Plan portion of Development Plan approval shall be installed prior to the issuance of a Certificate of Occupancy. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Certificate of Occupancy for an amount equal to 125% of the total installed cost of the required landscaping.

b. Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the Landscape Plan portion of Development Plan approval in accordance with the

standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the APC, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.

c. Changes after Approval. See Section VI of this Ordinance.

d. Inspection. The APC or its designee may visit any tract within the Overlay District to inspect the landscaping and check it against the approved plan on file.

K. Parking Requirements

1. Parking Spaces required, and the dimensions of those Parking Spaces: see Section IV, P.
2. Landscaping standards: see Section IV.V.2, J. above.
3. Parking Lots shall be designed to provide coordinated access to Parking Areas on adjoining tracts or parcels within the Overlay District, preferably via a frontage road network. Sites utilizing front-loaded Parking Areas shall provide for continuous access across the rear of the site to adjoining tracts or parcels. As part of the Development Plan submission, the petitioner shall provide a Site Circulation Plan that illustrates to the APC how coordinated access will occur relative to the overall U.S. Highway 421 Corridor.
4. All Parking Areas and drives (including residential Driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in Parking Area design. Poured-in-place concrete curbs shall be used.
5. Parking within Font Yard Setbacks shall be discouraged and limited to a maximum of two (2) rows of the total required parking, except that within the area known as Eagle Village, which is located between 116th and 121st Streets, there shall be a maximum of one (1) row of parking. Parking within the Front Yard Setbacks shall be subject to minimum Landscape Buffer width, minimum Bufferyard requirements and maximum Building Setback standards.

L. Lighting Requirements

1. Lighting Plan.
   A Lighting Plan for the proposed development (excluding single-family development) shall be filed as part of the Development Plan application, per Section VI of this Ordinance.
2. Design.
   All lighting standards, including those on Buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot streetlights shall also be of uniform height not to exceed twenty-four (24) feet. Poles for such lights shall have a minimum diameter of six (6) inches for poles up to twelve (12) feet in height and a minimum of eight (8) inches diameter for poles between twelve (12) and twenty-four (24) feet in height. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a “down lighting” type with the light element completely shielded on all sides and top. The APC may approve decorative lighting should it be more appropriate to the overall site design.
3. Intensity.
   Lighting shall not cause illumination beyond any residential Lot line or Street Right-of-Way line in excess of 0.1-foot candles of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or Street Right-of-Way line in excess of 0.3-foot candles of light.

M. Access to Individual Tracts

The purpose of this Section is to make the closing of all curb cuts along U.S. Highway 421 possible by establishing a common access road to the rear parking lots of all tracts within the Overlay District. Frontage Streets and common entrances shared by several properties and developments shall be strongly encouraged, especially in those cases where tracts can be accessed via connection to a Primary or Secondary Arterial Street, Local Street, or adjoining parking lot. The APC shall encourage maximum distances between curb cuts to U.S. Highway 421 in

cooperation with the Indiana Department of Transportation. Bicycle and pedestrian circulation to and through the site shall be coordinated with vehicular access, Landscape Buffer design, and parking.

N. Other Requirements

1. Trash Collection.
   Trash collection and recycling areas shall be enclosed and screened on all sides, with a minimum six (6) foot tall opaque wall. Trash collection and recycling areas shall be in the rear of all Buildings.
2. Loading Areas.
   Loading Areas and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the Development Plan. Loading Spaces and overhead doors shall face to the rear of all Buildings. Should a Loading Space be located adjacent to or visible from a Public Right-of-Way, or established on the side of a Building through any circumstance, it shall be screened per APC approval.
3. Emergency Access.
   All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the Applicable Fire Department.
4. Signs.
   A Sign Plan for the proposed development shall be submitted to the APC for its approval as part of the Development Plan application. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the APC. Should a Development Plan-approved Sign Plan be replaced with a new design, the amended Sign Plan must go before the APC for review and approval. Individual Signs that conform to both Section IV, U of this Ordinance and to the approved Sign Plan shall not require further approval, however, such Signs shall require an Improvement Location Permit.
5. Conforming Uses.
   A Development Plan shall be submitted to the APC for its approval when a Legally Established Nonconforming Use is changed to a conforming use and when either:
   a. Any new Building is to be constructed; or,
   b. Any existing Building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).
6. Nonconforming Uses.
   A Development Plan shall be submitted to the APC for its approval when a Legally Established Nonconforming Use is altered as follows:
   a. A Building has been more than sixty percent (60%) destroyed.
   b. Any expansion of a Building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the Development Plan approval requirement.
   c. If property or Building is vacant for more than (1) year.

O. Off-Premise (Outdoor Advertising) Signs.
Off-Premise Signs will not be allowed in the US 421 Overlay District.

P. Application Procedure -- See Section VI of this Ordinance.

Q. Validity of Approval of the Application by the APC.
An approved Development Plan petition shall be valid for two (2) years from the date of approval. If construction of the Building(s) has (have) not started at the end of the two (2) year period, the Development Plan request shall be re-submitted to the APC for consideration and disposition.

R. Waiver of Development Requirements.

1. Building Materials Findings

The APC may grant a waiver of the Building materials Development Requirements of Section IV.V.2, I., 11 of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building upon finding that:

a. the Building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the Building and will not be detrimental to the use or value of area properties;
b. the Building materials utilized are appropriate when compared to the Building materials utilized on other Buildings on the site and surrounding sites;
c. the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and
d. the Building materials utilized are consistent with the intent and purpose of this Ordinance.

2. Architectural Design Findings

The APC may grant a waiver of the Architectural Design Requirements of Section IV.V.2.I.1. of this Ordinance and approve an Architectural design which does not incorporate the overall theme or incorporate the architecture, design and overall aesthetic exterior character of a Building consistent with the Georgian, Federal, Greek Revival, or Victorian Architectural styles upon finding that:

a. the Architectural design represents an innovative use of Building materials or design, or site design features which will not be detrimental to the use or value of area properties;
b. the proposed Building is appropriate when compared to the architecture, design and overall exterior character of other Buildings on the site and surrounding sites;
c. the Building design is consistent with and compatible with other development located along the Street; and
d. the proposed Building is consistent with the intent and purpose of this Ordinance.

B. I-65 Interstate 65 South Corridor Overlay District

Purpose, Intent and Authority.

The purpose of the Interstate 65 South Corridor Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Interstate 65, Boone County, Indiana, from the City of Lebanon south to the County border. The Area Plan Commission (APC), in establishing this District, are relying on IC 36-7-4-600 et seq. and IC 36-7-4-1400 et seq. This zoning district is, likewise, intended to serve as a tool for implementing the development policies and guidelines set for the Corridor in the Comprehensive Plan. Interstate 65 is a limited access interstate highway and an important business corridor to Boone County. The I-65 South Corridor is a premier office and industrial business location and employment center whose viability, quality, and character are important to the community as a whole, adjacent residents, employees, business owners, and taxing districts. Therefore, it is the further purpose of the I-65 South Overlay District to preserve the aesthetic qualities of those bordering properties through:

(1) the promotion of coordinated development in the I-65 South Overlay District;

(2) the establishment of high standards for buildings, landscaping, and other improvements constructed on the properties within the I-65 South Overlay District which permit innovative site designs and at the same time encourage efficient land usage; and

(3) the establishment of development requirements which will encourage substantial capital investments for the development of those properties and promote the quality, scale, and character of development

consistent with the Corridor's existing and planned uses. This Ordinance further seeks to foster development that will provide this district with a special sense of place that will increase property values, protect real estate investment, spur commercial activity, and attract new businesses. More specifically, the creation of this special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping and signage. These principles are intended to guide individual development activities so that they will work together visually in support of the common architectural theme described below.

District Boundaries.

The boundaries of the I-65 South Overlay District are hereby established as follows:

Beginning at the Boone County/Marion County border, six hundred (600) feet east of the Interstate 65 right-of-way, proceeding northwest, parallel with Interstate 65 at a distance of six hundred (600) feet from the Interstate 65 right-of-way, to a point measuring six hundred (600) feet from the right-of-way of State Road 334, proceeding east, parallel with State Road 334 at a distance of six hundred (600) feet to the State Road 334 right-of way, to a point measuring two thousand six hundred forty (2640) feet from the Interstate 65 right-of-way, extending north, across State Road 334 to a point measuring six hundred (600) feet north of the State Road 334 right of way, proceeding west, parallel to State Road 334 at a distance of six hundred (600) feet to the State Road 334 right-of way, to a point measuring six hundred (600) feet from the Interstate 65 right-of-way, proceeding northwest parallel to Interstate 65 at a distance of six hundred (600) feet from the Interstate 65 right-of-way, to a point measuring six hundred (600) feet from the right-of-way of CR 400 S., proceeding east, parallel with CR 400 S. at a distance of six hundred (600) feet from the CR 400 S. right-of-way, to a point measuring two thousand six hundred forty (2640) feet from the Interstate 65 right-of-way, extending north, across CR 400 S. to a point measuring six hundred (600) feet north of the CR 400 S. right of way, proceeding west, parallel to CR 400 S. at a distance of six hundred (600) feet to the CR 400 S. right-of way, to a point measuring six hundred (600) feet from the CR 400 E. right-of-way, proceeding north, parallel with CR 400 E. at a distance of six hundred (600) feet to the CR 400 E. right-of way, to a point measuring two thousand six hundred forty (2640) feet from the Interstate 65 right-of-way, extending west across CR 400 E. to a point measuring six hundred (600) feet west of the CR 400 E. right-of-way, proceeding south, parallel with CR 400 E. at a distance of six hundred (600) feet to the CR 400 E. right-of way, to a point measuring six hundred (600) feet from the Interstate 65 right-of-way, proceeding northwest, parallel to Interstate 65 at a distance of six hundred (600) feet from the Interstate 65 right-of-way to the corporate limits of the City of Lebanon.

Beginning at the Boone County/Marion County border, six hundred (600) feet west of the Interstate 65 right-of-way, proceeding northwest, parallel with Interstate 65 at either a) a distance of six hundred (600) feet from the Interstate 65 right-of-way or b) the center line of Indianapolis Road, whichever is the greater distance from the Interstate 65 right-of-way, to a point measuring six hundred (600) feet from the CR 650 S. right-of-way, proceeding west, parallel with CR 650 S. at a distance of six hundred (600) feet to a point measuring two thousand six hundred forty (2640) feet from the Interstate 65 right-of-way, extending north across CR 650 S. to a point measuring six hundred (600) feet north of the CR 650 S. right-of-way, proceeding east, parallel to CR 650 S. at a distance of six-hundred (600) feet, to the center line of Indianapolis Road, proceeding northwest, along the center line of Indianapolis Road, to a point measuring six hundred (600) feet from the State Road 267 right-of-way, proceeding south, parallel with State Road 267 at a distance of six hundred (600) feet from the State Road 267 right-of-way, extending west across State Road 267 to a point measuring six hundred (600) feet west of the State Road 267 right-of-way, proceeding north, parallel to State Road 267 at a distance of six hundred (600) feet, to the center line of Indianapolis Road, proceeding northwest, parallel with Interstate 65 at either a) a distance of six hundred (600) feet from the Interstate 65 right-of-way or b) the center line of Indianapolis Road, whichever is the greater distance from the Interstate 65 right-of-way, to the corporate limits of the City of Lebanon.

APC Approval.
Except as hereafter provided, the APC must approve, approve with conditions, or disapprove the Development Plan for any commercial (office or retail) or industrial use of any tract of land in the Overlay District, per the provisions of Section VI of this Ordinance. A public hearing shall be held by the APC before it decides whether to approve or disapprove a Development Plan. However, no Development Plan is required for, and the provisions of section IV.V.1 of the Ordinance (except Sections D, E and F) shall not be applicable to:

1. Additions to existing structures which:
    a. Are attached to the existing structure;
    b. Continue the architectural design of the existing structure, including exterior color and materials; doors and windows, other detailing;
    c. Meet with requirements of the underlying primary zoning district;
    d. Do not exceed thirty percent (30%) of the original gross floor area of the existing structure, applicable from the effective date of this ordinance, and,
    e. Have received a prior Development Plan approval from the APC.
2. Buildings or structures to be constructed on lots that are part of a commercial or industrial subdivision receiving primary plat approval by the APC prior to the effective date of this Section IV.V.1.

Permitted Uses.
All uses which are permitted in the underlying primary zoning district(s), except the uses expressly excluded by *Section F* of this ordinance, are permitted in the I-65 South Overlay District.

Permitted Special Uses.
All Special Uses which are permitted (upon obtaining a special use approval from the Board) in the underlying primary zoning district(s), except the uses expressly excluded in *Section F* of this ordinance, are permitted in the Overlay District.

Excluded Uses.
The following uses will not be permitted in the I-65 South Overlay District:

- Confined Feeding
- Junk Yard
- Manufacturing, Use, or Storage of Explosives
- Slaughter House
- Sanitary Landfill
- Restricted Waste Site
- Adult Entertainment Business
- Any other uses excluded by the underlying primary zoning district

Accessory Buildings and Uses.
All Accessory Buildings and uses which are permitted in the underlying primary zoning district(s) shall be permitted, except that any attached or detached Accessory Building in any Development Plan shall have on all sides the same building proportions, architectural features, construction materials, and in general be architecturally compatible with the Principal Building(s) with which it is associated.

Minimum Tract Size.
The minimum tract size allowed within the Overlay District is 130,680 square feet (3 acres). A parcel that is less than three acres will be allowed only if it is part of a Development Plan that includes land totaling more than three acres. For tracts located only partially within the Overlay District, a Development Plan shall be submitted to the APC for the entire tract to be developed. If a parcel of land or subdivision lot was recorded prior to the effective date of this overlay, and said parcel or lot does not contain the minimum area required by this Paragraph, said parcel or lot ("Undersized Lot") may be used for any use permitted in the Overlay District provided that all other development requirements applicable to the Overlay District can be met. This Paragraph does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a Development Plan for the entire tract. However, the development of the parcel must still conform to the Development Plan for the entire tract as approved or amended by the APC, and all other applicable requirements contained in the Zoning Ordinance.

Height and Yard Requirements.
The purpose of this Section is to provide site design requirements that align buildings along the edges of a parcel, towards the public right-of-way of the Interstate 65 South Corridor. It is the intent of these regulations to orient new office and retail buildings with their longest axis parallel to the adjoining highway or street to create a sense of enclosure along the streets, with parking located to the rear, and, if necessary, to the side of a building.

Building Height:

1. Minimum: The height of new principal buildings shall be at least one and one-half (1½) stories, or be designed to appear so from the front and sides. Retail and office buildings are encouraged to be two (2) stories or more in height, with office or residential uses on the second floor. The minimum height for all buildings shall be twenty (20) feet, either at the roofline or at the top of the parapet wall.
   b. Maximum: As specified in primary underlying zoning district.
2. Front Yard: As specified in the development standards of the underlying primary zoning district in which the site is located.
3. Minimum Side and Rear Yards: As specified in the development standards of the underlying primary zoning district in which the site is located.
4. Minimum Gross Floor Area:
   All principal commercial buildings shall have a minimum of two thousand five hundred (2,500) square feet of gross floor area, excluding the floor area of any basement or any accessory buildings. Accessory buildings need not meet the minimum floor area requirement.
5. Primary Structure Orientation:
   The façades of all primary structures located within the I-65 South Overlay District and facing and parallel to Interstate 65 or Indianapolis Road, or any other primary thoroughfare identified by the Boone County Comprehensive Plan, shall contain at least one (1) main building entrance of the type described in Section J.4 below. Unless otherwise approved by the APC, loading docks shall not be located on a façade facing and parallel to Interstate 65 or Indianapolis Road, or any other primary thoroughfare identified by the Boone County Comprehensive Plan.

Architectural Design Requirements.
A required Development Plan shall depict the architectural design of building(s) to be constructed in the development subject thereto. In reviewing such architectural design, the APC shall consider the following factors:

1. Building Design:
   Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings. New buildings are not required to be imitative, but must incorporate the desired salient features. Pre-existing buildings on adjoining tracts shall not be a factor in the design of new buildings unless they are consistent with the architectural objectives of the Overlay District.

2. Building Façades:
   To avoid long, monotonous, uninterrupted walls or roof planes, building façades ninety (90) feet or greater in width shall incorporate changes in pattern, texture or color. Façades constructed of more than one material shall only change material along a horizontal or vertical line (not a diagonal line). In the case of a change along a horizontal line, the heavier material shall always be placed beneath the lighter material. Front and side façades of buildings located on corner lots or parcels shall be of the same materials and similarly detailed.

3. Roofs:
   Flat roofs shall be edged by a railing or parapet and rooftop mechanical equipment shall either be camouflaged on all sides or visually integrated into the overall design of the building. In no case shall rooftop mechanical equipment be visible from adjoining residential zones or uses.

4. Entrances:
   Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, and other design elements appropriate to the architectural style and details of the building as a whole. The location, orientation, proportion and style of doors must faithfully reflect the chosen style of the building. Building façades for industrial and warehouse uses shall be designed with a main entrance and at least two (2) window openings associated with this doorway.

5. Windows:

All window design shall be compatible with the style, materials, color, details and proportion of the building. The number of panes, the way it opens, the trim around it and whether it is embellished with shutters must be consistent with the architectural style of the structure.

6. Awnings:
   Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade.

7. Additional Requirements for Retail and Commercial Buildings: The following additional requirements shall be applicable to any buildings in the I-65 South Overlay District having office and retail as the principal use:
   a. Storefronts: Storefronts shall be integrally designed with overall facade character. Ground floor retail, service and restaurant uses should generally have large pane display windows, however, they shall not exceed seventy-five percent (75%) of the total ground level (first floor) facade area. Buildings with multiple storefronts shall be of unified design, through the use of common materials, architectural details, signage and lighting consistent with the overall building style.
   b. Drive-thru windows: Drive-thru windows shall be designed as a related, integrated architectural element and part of the overall design composition of the building. Stacking for drive-thru lanes shall be confined to the side or rear of the tract or parcel with outlet from such lines also being to the rear of the building. Lines for drive-thru facilities shall not be permitted along the front and sides of structures within the Overlay District, nor permitted to spill onto adjoining properties.
   c. Roofs: Except as hereinafter provided, roofs shall be simply and symmetrically pitched and only in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. Shed roofs are permitted only when the ridge is attached to an exterior wall of a building, and shall conform to pitch between 14:12 and 4:12. Flat roofs are permitted when consistent with the style of architecture, and if they meet the requirements of Section J.3 above. Pitched roofs shall be clad in wood shingles, slate, composition asphalt shingle or standing-seam metal panels. Asphalt shingles shall be colored to resemble gray slate; standing-seam panels may be either gray, black, dark blue, dark green or barn red. Dormers if appropriate to the style shall be designed with the correct details, proportion and style consistent with the overall building composition, and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas are permitted if appropriate to the style, well proportioned, and fully detailed. All vents, attic ventilators, turbines, flues and others roof penetrations must be painted to match the color of the roof or flat black, except those made of metal which may be left natural. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

8. Suitability of exterior building materials:
   Unless otherwise approved by the APC, exterior building materials shall be as follows:
   a. Exposed foundation shall be constructed of one or more of the following:
      1. Red brick;
      2. Stone (limestone, granite, fieldstone, etc.);
      3. Split-face block or architectural pre-cast concrete, if surface looks like brick or stone.

      b. Façade walls of buildings (other than industrial buildings and warehouse facilities, including self-storage and mini-warehouse uses) shall be constructed of one or more of the following materials:
      1. Red brick or stone;
      2. Smooth cut cedar shingles;
      3. Wood clapboard siding;
      4. Wood beaded siding;
      5. Stucco with smooth finish, or dryvit (or equivalent), not to exceed twenty percent (20%) of the overall non-window façade area;
      6. Architectural metal panels;
      7. Glass (up to 75% of the façade area); and
      8. Ornamental metal.

c. Façade walls of industrial buildings and warehouse facilities, including self-storage and mini-warehouse uses, visible from Interstate 65 shall be constructed of one or more of:
    1. Red brick façades trimmed with split-faced aggregate block (of a color and texture resembling Indiana limestone), provided that it also includes red brick accents (such as windowsills, lintels above windows and doorways, building corners, parapet coping, etc.).
    2. Split-face aggregate block (of a color and texture resembling Indiana limestone) provided that it also incorporates red brick accents.
    3. Pre-cast concrete wall panels of a color and texture resembling either red brick or Indiana limestone, provided the building design also incorporates architecturally appropriate details of contrasting color and material.
    4. Architectural metal panels;
    5. Glass (up to 75% of the façade area); and
    6. Ornamental metal.

d. The use of accent and trim elements (accent panels, banding, cornices, canopies/awnings, etc.) is recommended to add visual interest and break down the scale of facades. Permitted building trim materials include: brick, clay, stone, simulated cut stone, tile (ceramic or porcelain), wood, glass, painted aluminum and formed polymers.

9. Color: Colors used on building facades must be complementary. Natural, muted colors (earth tones or neutral colors) should serve as the primary façade color, with brighter colors used only as accents.

Landscaping Plan; Required Screening.

1. Landscaping Plan. The applicant shall submit a Landscaping Plan as part of the Development Plan to the APC. This plan shall be drawn to scale, including dimensions and distances; shall delineate all existing and proposed structures, private parking areas, walks, ramps for the handicapped, terraces, driveways, signs, lighting standards, steps, storm water facilities and other similar structures; and shall delineate the location, size and description of all landscape material and the method to be used for the watering or irrigation of all planting areas. Landscape treatment for plazas, roads, paths, service and private parking areas and storm water areas shall be designed as an integral and coordinated part of the Landscaping Plan for the entire site. The Landscaping Plan shall be consistent with the requirements of Section IV.Q of the Zoning Code.
2. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, outside storage areas (where permitted by the underlying zoning district), trash collection areas, and satellite dishes shall be integrated into the overall building design or screened from view from Interstate 65 or adjoining residential zones or uses using (i) walls, fencing, parapets or screens architecturally compatible with the principal building(s) with which they are associated, (ii) landscaping) or camouflage, or (iii) other approved method.
3. Landscaping Installation and Maintenance.
    a. Installation. All landscaping approved as part of the Landscaping and/or Development Plan shall be installed prior to the issuance of a Certificate of Occupancy by the Department.
    b. Maintenance. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the Landscaping and Development Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds.
    c. Changes after Approval. No landscaping which has been approved by the APC may later be substantially altered, eliminated or sacrificed without first obtaining further APC approval. However, minor material alterations in landscaping may be approved by the Executive Director in order to conform to specific site conditions.
    d. Inspection. The Executive Director, or authorized agent thereof, may visit any tract within the Overlay District to inspect the landscaping and check it against the approved plan on file.

Parking Requirements: see *Section IV.P* of the Zoning Ordinance.

Lighting Requirements.

1. Lighting Plan. A Lighting Plan, meeting the following standards, for the proposed development shall be filed as part of the Development Plan.
2. Design. All lighting standards, including those on buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot and streetlights shall also be of uniform height not to exceed thirty (30) feet. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a "down lighting" type with the light element completely shielded on all sides and top. The APC may approve decorative lighting should it be more appropriate to the overall site design.
3. Intensity. Lighting shall not cause illumination beyond any residential lot line or road right-of-way line in excess of 0.1 footcandle of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of 0.3 footcandle of light.

Loading Berths.
Loading berths and trash collection areas shall be permitted per the needs of the business establishments and shall be identified on the Development Plan. Loading berths and overhead doors shall be encouraged to face to the rear of all buildings. Should a loading berth be located adjacent to or visible from a public right-of-way, it shall be screened per APC approval.

Emergency Access.
All emergency access areas and facilities shall be shown on the Site Plan and reviewed by the location appropriate Fire Chief (Center Township, Worth Township, Perry Township, Zionsville).

Access to Individual Lots.
The streets that are considered by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the Overlay Zone. Interstate 65 represents a total barrier to east-west streets. Therefore, in order to provide safe and efficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases the building of frontage roads, access roads, or distributor roads will be required. Such roads shall be coordinated with those of contiguous lots and designed to preserve the aesthetic benefits provided by greenbelt and other landscaped areas. Access at the side or rear of buildings is to be encouraged. New access points onto the primary thoroughfare in the corridor shall be coordinated with existing access points whenever possible.

Signs.
1. On-Premise Signs.
   A Sign Plan for the proposed development shall be submitted to the APC as part of the Development Plan. Signs for each proposed use shall be uniform in character as to color and architectural design as approved by the APC. Should an approved Sign Plan be replaced with a new design, the amended Sign Plan must go before the APC for review and approval. Individual signs which conform to both the Sign Ordinance and to the approved Sign Plan shall not require further approval, however, such signs shall require a sign permit.

2. Off-Premise (Outdoor Advertising) Signs.
   a. Off-Premise Signs will not be allowed in the I-65 Overlay District. This shall not prohibit incidental signs located at the entrances to commercial or industrial subdivisions.

Conforming Uses.
A Development Plan shall be submitted to the APC for its approval when a legal non-conforming use is changed to a conforming use and when either:
1. Any new building is to be constructed; or
2. Any existing building or site development (including addition of parking lot) is expanded by more than thirty percent (30%).

Non-Conforming Uses.
A Development Plan shall be submitted to the APC for its approval when a legal non-conforming use is altered as follows:

1. A building has been more than sixty percent (60%) destroyed.
2. Any expansion of a building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the Development Plan approval requirement.
3. If property or building is vacated for more than one (1) year.

Waiver of Development Requirements.

1. Building Materials Findings

The APC may grant a waiver of the Building materials Development Requirements of Section IV.V.1.J.8 of this Ordinance and approve the use of alternate exterior Building materials on any facade of a Building upon finding that:

a. the Building materials utilized represent an innovative use of said materials which enhance the overall aesthetic exterior character of the Building and will not be detrimental to the use or value of area properties;

b. the Building materials utilized are appropriate when compared to the Building materials utilized on other Buildings on the site and surrounding sites;

c. the Building materials utilized are consistent with and compatible with other Building materials utilized on, and with the overall exterior character of, other Buildings and development located along the Street; and the Building materials utilized are consistent with the intent and purpose of this Ordinance.

Architectural Design Findings

The APC may grant a waiver of the Architectural Design Requirements of Section IV.V.1.J of this Ordinance and approve an Architectural design which does not meet the requirements of said section upon finding that:

a. the Architectural design represents an innovative use of Building materials or design, or site design features which will not be detrimental to the use or value of area properties;

b. the proposed Building is appropriate when compared to the architecture, design and overall exterior character of other Buildings on the site and surrounding sites;

c. the Building design is consistent with and compatible with other development located along the Street; and

d. the proposed Building is consistent with the intent and purpose of this Ordinance.

The APC may also grant a waiver of the dimensional standards of this Section IV.V.1, beginning with section H.

C. Major Thoroughfares Overlay District

I. Purpose, Intent and Authority.

A. The purpose of the Major Thoroughfare Overlay District is to protect the public health, safety, comfort, convenience, and general welfare by providing for the consistent and coordinated character of development for properties bordering SR (State Road) 47, SR 32, SR 39, US HWY 52, SR 75, and I-65 (Interstate) and I-74.

B. It is recognized that interstate highways and state roads are important transportation corridors in the County and land uses need to be managed for orderly growth and agricultural land needs to be protected from growth and development. SR 39, US (Highway) HWY 52, and SR 47 and others will be important corridors for future growth and development with the expected growth in Boone County. SR 47 will experience heavier traffic and with a relatively undeveloped interchange at I-65 will also face growth pressures. SR 32 is already a heavily travelled corridor. Traffic, especially truck traffic, is expected to increase significantly in Boone County.

C. The Major Thoroughfare Overlay District promotes coordinated, quality development per the land use recommendations set forth in the Comprehensive Plan; to establish basic land use standards for

improvements on the properties within the Major Thoroughfare Overlay District which promote high quality, innovative site design and at the same time encourage efficient land usage.

D. The Major Thoroughfare Overlay District further seeks to foster development that will create a managed development pattern of employment, retail, and housing uses that will support property values, protect real estate investment, spur commercial and other employment activity, and attract new businesses. More specifically, the development of these corridors shall be managed by a coordinated set of design principles for land use and site design. These principles are intended to guide individual development activities so that they will work together in support of an integrated and managed land use pattern described below.

E. The Boone County Area Plan Commission (APC) has the authority to establish an overlay zone district per Indiana Code (IC) 36-7-4-600 et. Seq. and IC 36-7-4-1400 et seq.

II. Applicability

A. This District shall apply to all properties that fall within 750 feet of the edge of right-of-way for the Major Thoroughfares adjacent to where the parcel is located, in accordance with Figure 1.

B. This District shall apply to all properties that fall within 6,000 feet square from the center of the intersections (I-65 and SR 47 and SR 39 and SR 47) where the parcel is located, in accordance with Figures 1 and 2.

C. The District shall apply to all properties that fall within 9,000 feet square from the center of the intersections (SR 47 and HWY 52 and SR 75 and SR 32) where the parcel is located, in accordance with Figures 1 and Figure 2.

D. This District shall apply to all new development and the expansion of any existing lots, structures, or buildings by 50 percent or more.

E. This District shall not apply to property with a zoning classification of agriculture or residential, agricultural uses and their associated buildings, single family residential uses on individual lots, or their accessory buildings.

F. While additional residential, commercial, service, and industrial uses are permitted in the overlay district, the applicant shall be required to complete a map amendment (rezone) the property from the agricultural zoning classification to the appropriate residential, commercial, or industrial zoning classification to access the additional uses allowed in the Overlay District's use matrix.

Figure 1, Overlay District Boundaries

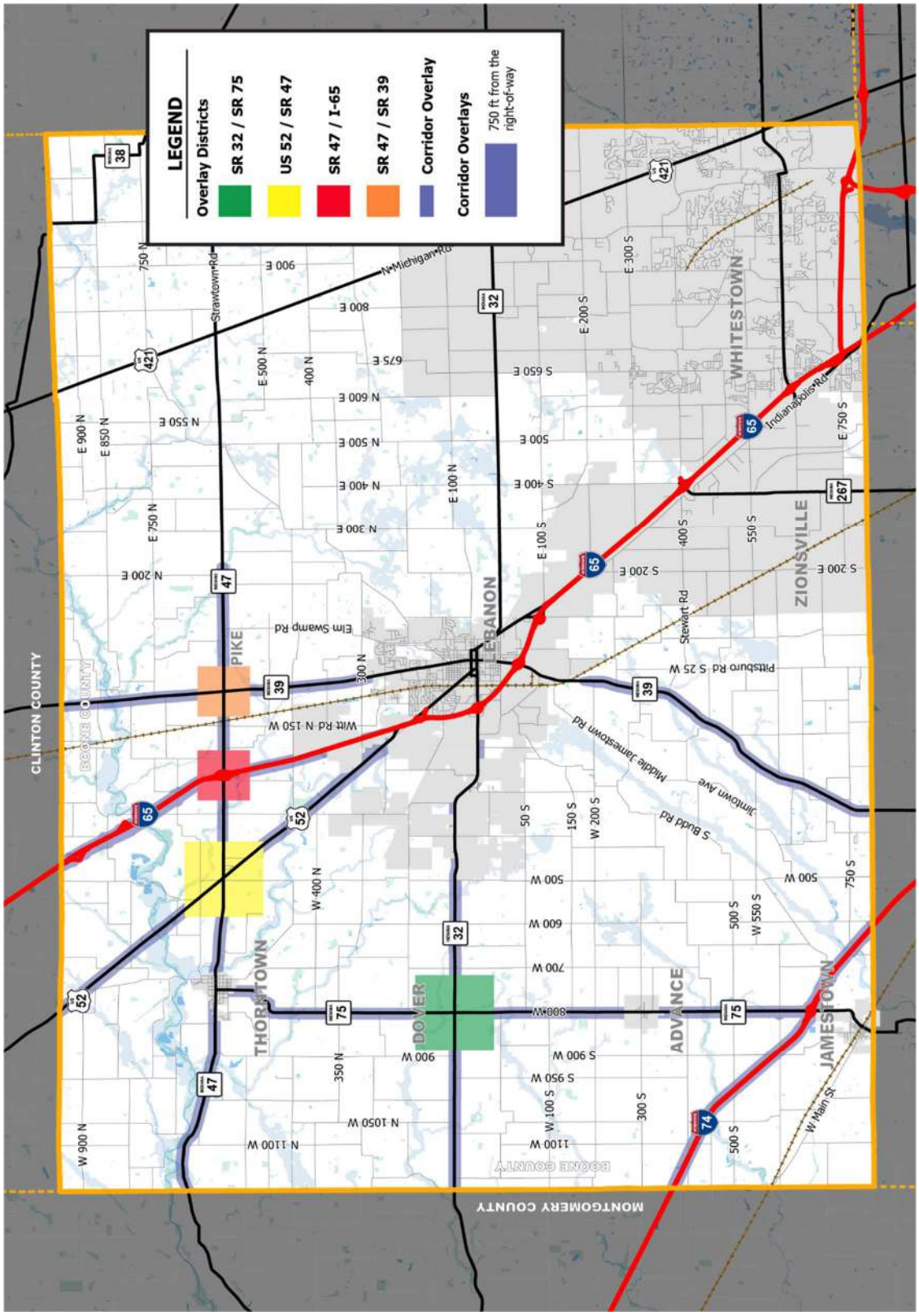


Figure 2, Individual Intersections

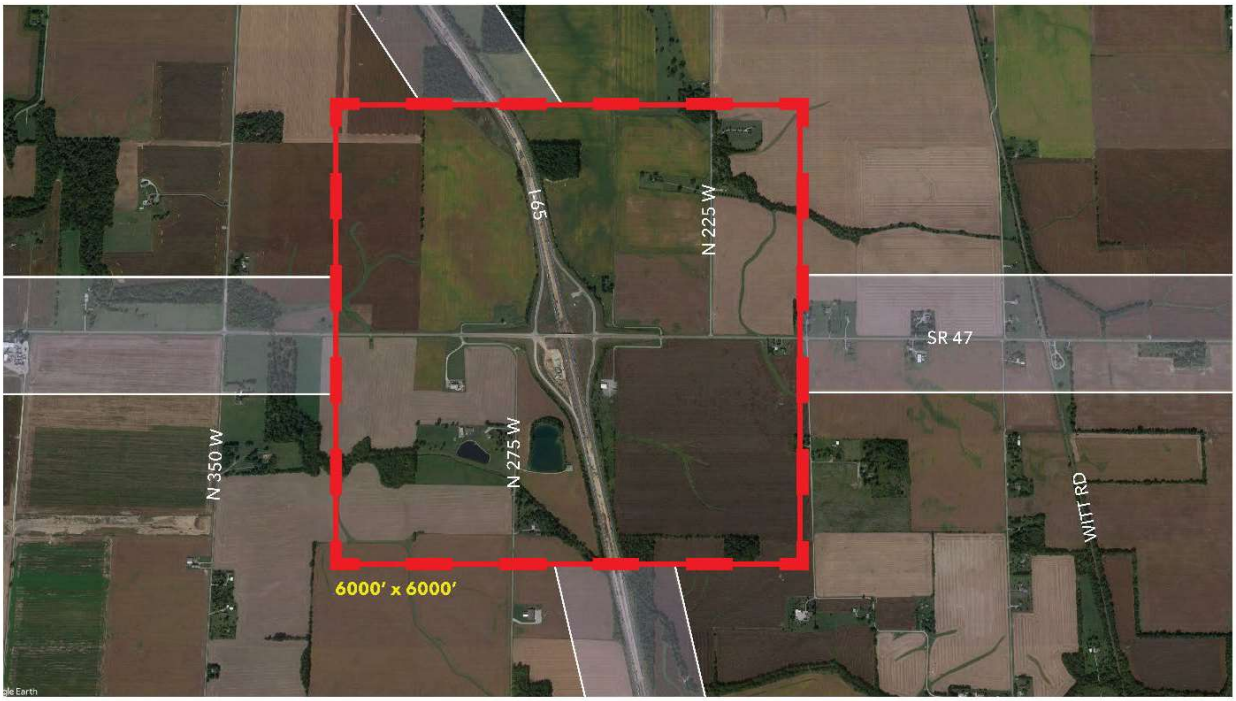


Figure 2, 3: SR 47 and I-65

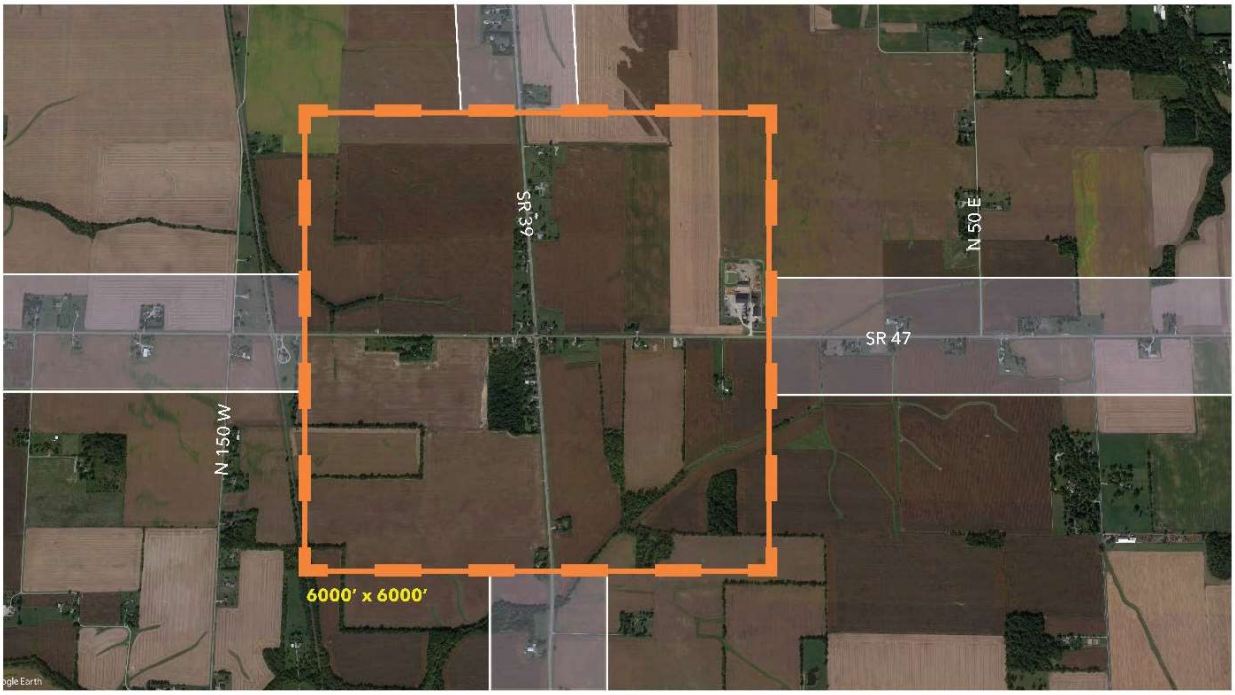


Figure 2, 4: SR 47 and SR 39

Figure 2, Individual Intersections

III. Description of Boundaries

A. The boundaries of the Major Thoroughfare Overlay District are hereby established as shown in Figures 1 and Figure 2. The boundaries of the Major Thoroughfare Overlay District include any lands within the County that fall within 750 feet as measured parallel to a state road right-of-way, specifically SR 75, SR 47, HWY 52, SR 39, and SR 32.

B. Any lands within the County that fall within 750 feet as measured parallel to an interstate road right-of-way, specifically I-65 and I-74.

C. A square node of 6,000 feet square, centered on the following intersections and interchanges, shall be included within this Overlay District.

1. SR 47 / SR 39
2. SR 47 / I-65

D. Due to the unique characteristics of certain intersections, a square node of 9,000 feet square, centered on the following intersections and interchanges, shall be included within this Overlay District.

1. SR 75/ SR32
2. SR 47/ SR 52

IV. Interpretation

The overlay zoning regulations apply in addition to the underlying zoning district regulations and impose additional standards for properties within the corridors and nodes. In the case of a conflict between the Major Thoroughfare Overlay District regulations of this Overlay District and other regulations in the Boone County Zoning Ordinance, the regulations of this Overlay District shall control. Where no special overlay district regulation is stated, the regulations of the underlying zoning classification shall control.

V. Primary and Accessory Uses

A. Establishment of Table of Uses

The uses permitted in the Overlay Districts are hereby established in Table 5.2.1, Table of Uses.

B. Determination of Use Category

The Executive Director shall make determinations whether any proposed use is permitted within a Boone County zoning district based on the uses listed in Table 5.2.1, Table of Uses. When it is unclear whether a proposed use is or is not permitted, the Executive Director shall consult the purpose statement for each district and the latest version of the North American Industrial Classification System (NAICS), as well as other relevant information to render a decision. Any use not specifically listed in Table 5.2.1, Table of Uses and any proposed use not substantially similar to a use listed as determined by the Executive Director. Any proposed land use not substantially defined by a listed use as determined by the review by the Executive Director shall be deemed to be prohibited.

C. Use Classification

An Applicant may file a Use Classification request for a decision by the Board of Zoning Appeals (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:

In classifying a use, the BZA shall first make a finding that all of the following conditions exist:

1. That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the District where it is proposed to be located.

2. That the subject use is similar to one or more uses permitted in the District where it is proposed to be located.

3. That the subject use will not cause substantial injury to property values in the neighborhood or District where the use is proposed to be located; and

4. That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.

D. Findings: 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 present in writing its findings and the reasons for designating a specific classification for such use.

E. Limitations in Power to Classify: In no instance shall the BZA grant a use variance. However, the BZA can make a determine that a use is similar to other uses already permitted in a District and therefore allow the use.

F. Effect of Determination: Uses classified pursuant to this section shall be regarded as listed uses. The Executive Director shall maintain, in the office of the APC, an up-to-date list of all such classifications that have been made.

G. Decision: Should the BZA determine that a use cannot be classified, then the use shall be prohibited.

H. Determination of Principal Use

1. Except within the Base Zoning Districts, an individual parcel or development may include multiple principal uses, including a combination of residential and non-residential uses, provided that each use is:

A. A Permitted Use or a Special Exception in that District,

B. A Special Exception Permit has been obtained by the Board of Zoning Appeals if applicable,

C. Use-specific standards applicable to each use are met, and

D. The development complies with all applicable density, dimensional, development, and performance standards.

I. Table of Uses

1. The table identified letters as symbols to represent the following categories of uses. Each letter means the following:

A. Where the symbol "P" is shown, the use to which it refers is permitted as a "use by right" in the indicated district, provided it complies fully with all applicable Use-Specific Standards included in SubSection 5.

B. Where the symbol "A" is shown, the use to which it refers is an accessory use, and subject to Subsubsection 5.

C. Where the symbol "S" is shown, the use to which it refers is a "special exception" and must be approved by the Board of Zoning Appeals and shall also meet the Use-Specific Standards included in SubSection 5.

D. Where the symbol "D" is shown, the use to which it refers requires development plan approval by the Area Plan Commission, and shall also meet the Use-Specific Standards included in SubSection 5.

E. Where the square is blank, the use to which it refers is excluded or prohibited.

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Agriculture								
Agriculture	P	P	P	P	P	P	P	Use Standard 5.A.i
Agricultural products, sales, distribution, and storage	P	P	P	P	P	P	P	Use Standard 5.A.ii
Community Farms/Gardens	P	P	P	P	P	P	P	Use Standard 5.A.iii
Farm Equipment Sales and Services			P					Use Standard 5.A.iv
Forestry and Logging	S	S	S	S	S	S	S	Use Standard 5.A.v
Nurseries, Commercial Greenhouse	P	P	P	P	P	P	P	Use Standard 5.A.vi
Orchard	P	P	P	P	P	P	P	Use Standard 5.A.vii
Raising and Breeding of Farm Fowl or Animals (Commercial)	S	S						Use Standard 5.A.viii
Riding Stable	P	P	P	P	P	P	P	Use Standard 5.A.ix
Roadside Produce Stand (Seasonal)	P	P	P	P	P	P	P	Use Standard 5.A.x
Support Activities for Agriculture	S	S	S	S	S	S	S	
Vineyard Wineries	P	P	P			P		Use Standard 5.A.xii
Residential								
Convalescent Homes, Nursing Homes, Assisted Living Facilities	P	P	P	P	P	P	P	Use Standard 5.B.i
Dwelling, Single Family	P	P	P	P	P	P	P	Use Standard 5.B.ii
Dwelling, Multi-Family	S	S	S	S		S		Use Standard 5.B.iii

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Dwelling, Two Family	P	P	P	P	P	P	P	Use Standard 5.B.iv
Farm Seasonal Worker Housing	P	P	P	P	P	P	P	Use Standard 5.B.v
Fraternity, Sorority, or Student Housing								Use Standard 5.B.vi
Group Residential Facility	S	S	S					Use Standard 5.B.vii
Minor Residential Subdivision	S	S	S	S	S	S	S	Use Standard 5.B.viii
Education & Institutional								
Assembly	S	S	S	S	S	S	S	Use Standard 5.C.i
Funeral Homes, Cemeteries, and Crematories	S	S	S					Use Standard 5.C.ii
Child Care Services	P	P	P	P	P	P	P	Use Standard 5.C.iii
Correctional Institutions								Use Standard 5.C.iv
Colleges, Universities, Professional and Technical Schools	S	S	S	S	S	S	S	Use Standard 5.C.v
Elementary and Secondary Schools	S	S	S	S	S	S	S	Use Standard 5.C.vi
Government Administration and Offices	P	P	P	P	P	P	P	Use Standard 5.C.vii
Hospital	S	S	S	S	S	S	S	Use Standard 5.C.viii
Museums, Historical Sites, and Similar Institutions	P	P	P	P	P	P	P	Use Standard 5.C.ix
Postal Service	P	P	P	P	P	P	P	Use Standard 5.C.x
Services								
Administrative and Support Services	P	P	P	P	P	P	P	Use Standard 5.D.i

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Broadcasting and Content Providers	S	S	S			S		Use Standard 5.D.ii
Civic, Professional, Social, Political, and Similar Organizations	P	P	P	P	P	P	P	Use Standard 5.D.iii
Computing Infrastructure Providers, Data Processing, and Web Hosting, and Related Services	S	S	S			S		Use Standard 5.D.iv
Couriers and Express Delivery Services	S	S	S		S	S	S	Use Standard 5.D.v
Education Services	P	P	P		P	P	P	Use Standard 5.D.vi
Finance and Insurance Services	P	P	P	P	P	P	P	Use Standard 5.D.vii
Health Care Facilities and Social Assistance Services (excludes Hospitals)	S	S	S	S	S	S	S	Use Standard 5.D.viii
Management of Companies and Enterprises	P	P	P	P	P	P	P	Use Standard 5.D.ix
Personal Care Services	P	P	P	P	P	P	P	Use Standard 5.D.x
Professional, Scientific, and Technical Services	P	P	P	P	P	P	P	Use Standard 5.D.xi
Publishing Industries	P	P	P		P	P	P	Use Standard 5.D.xii
Repair and Maintenance Services	P	P	P		P	P	P	Use Standard 5.D.xiii
Web Search Portals, Libraries, Archives, and Other Information Services	P	P	P	P	P	P	P	Use Standard 5.D.xiv

Retail, Trade, General Merchandise								
Bakery Products	S	S	S			S		Use Standard 5.E.i
Banks & Other Financial Institutions	P	P	P	P	P	P	P	Use Standard 5.E.ii

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Clothing, Clothing Accessories, Shoe, and Jewelry Retailers	P	P	P	P	P	P	P	Use Standard 5.E.iii
Construction Services								Use Standard 5.E.iv
Food and Beverage Stores	S	S	S	S	S	S	S	Use Standard 5.E.v
Food Services and Eating and Drinking Places	P	P	P	P	P	P	P	Use Standard 5.E.vi
Furniture, Home Furnishings, Electronics, and Appliance Retailers	P	P	S			S		Use Standard 5.E.vii
Gasoline Stations and Fuel Dealers	E	E	S		S	S	S	Use Standard 5.E.viii
General Merchandise Retailers, Large	S	S	S			S		Use Standard 5.E.ix
General Merchandise Retailers, Small	P	P	P	P	P	P	P	Use Standard 5.E.x
Health and Personal Care Retailers	P	P	P	P	P	P	P	Use Standard 5.E.xi
Mixed Use	P	P	P	P	P	P	P	Use Standard 5.E.xii
Mobile Home, Motor and Recreational Vehicle Sales and Services	S	S	S			S		Use Standard 5.E.xiii
Personal Care and Laundry Services	S	S	S			S		Use Standard 5.E.xiv
Real Estate, Rental and Leasing Services	P	P	P	P	P	P	P	Use Standard 5.E.xv
Retail Trade	S	S	S	S	S	S	S	Use Standard 5.E.xvi
Self-Storage Facilities or Mini-Warehouses								Use Standard 5.E.xvii
Semi-tractor/trailer storage not affiliated with an on-site user's operations								Use Standard 5.E.xviii
Sporting Goods, Hobby, Musical Instrument, Book, and Misc. Retailers	P	P	P	P	P	P	P	Use Standard 5.E.xix

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Support Activities for Transportation	S	S	S			S		Use Standard 5.E.xx
Truck Driving School						S		Use Standard 5.E.xxi
Veterinary, Animal Hospital	S	S	S			S		Use Standard 5.E.xxii
Recreation, Amusement, Tourism								
Accommodation	S	S	S	S	S	S	S	Use Standard 5.F.i
Arts, Entertainment, and Recreation	P	P	P	P	P	P	P	Use Standard 5.F.ii
Bed and Breakfast	P	P	P	P	P	P	P	Use Standard 5.F.iii
Shooting Range Shooting Range or Gallery, including Skeet Shooting and Archery Ranges								Use Standard 5.F.iv
Technology & Industrial								
Apparel Manufacturing	S	S	S		S	S	S	Use Standard 5.G.i
Artisan Manufacturing	P	P	P	P	P	P	P	Use Standard 5.G.ii
Beverage Manufacturing	S	S	S		S	S	S	Use Standard 5.G.iii
Building Material and Garden Equipment and Supplies Dealers	S	S	S	S	S	S	S	Use Standard 5.G.iv
Chemical Manufacturing								Use Standard 5.G.v
Cleaners, Dry Cleaning, and Laundry Service, Commercial	S	S	S		S	S	S	Use Standard 5.G.vi
Computer and Electronic Product Manufacturing	S	S	S					Use Standard 5.G.vii
Distribution								Use Standard 5.G.viii

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Electric Equipment, Appliance, and Component Manufacturing	S	S	S					Use Standard 5.G.ix
Fabricated Metal Product Manufacturing			S					Use Standard 5.G.x
Food Manufacturing	S	S	S		S	S	S	Use Standard 5.G.xi
Freight Trucking								Use Standard 5.G.xii
Furniture and Related Product Manufacturing	S	S	S		S	S	S	Use Standard 5.G.xiii
Junk Yards and Salvage Yards								Use Standard 5.G.xiv
Leather and Allied Product Manufacturing	S	S	S		S	S	S	Use Standard 5.G.xv
Machinery Manufacturing	S	S	S		S	S	S	Use Standard 5.G.xvi
Mining, Quarrying, and Oil and Gas Extraction								Use Standard 5.G.xvii
Miscellaneous Manufacturing	S	S	S		S	S	S	Use Standard 5.G.xviii
Non Metallic Mineral Product Manufacturing								Use Standard 5.G.xix
Paper Manufacturing								Use Standard 5.G.xx
Petroleum and Coal Products Manufacturing								Use Standard 5.G.xxi
Plastics and Rubber Product Manufacturing	S	S						Use Standard 5.G.xxii
Primary Metal Manufacturing	S	S						Use Standard 5.G.xxiii
Scientific Research and Development Services	S	S	S		S	S	S	Use Standard 5.G.xxiv
Solar Power Structure Construction								Use Standard 5.G.xxv
Specialty Trade Contractors	S	S	S		S	S	S	Use Standard 5.G.xxvi
Textile Mills	S	S						Use Standard 5.G.xxvii

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Transportation and Equipment Manufacturing	S	S						Use Standard 5.G.xxviii
Warehousing and Storage								Use Standard 5.G.xxix
Waste Management and Remediation Services (Sludge Disposal)								Use Standard 5.G.xxx
Wholesale Trade	S	S	S					Use Standard 5.G.xxxi
Wood Product Manufacturing	S	S	S					Use Standard 5.G.xxxii
Transportation & Utility								
Air Transportation								Use Standard 5.H.i
Electrical Vehicle Charging Station Facility	P	P	P	P	P	P	P	Use Standard 5.H.ii
Parking, Commercial Primary Use								Use Standard 5.H.iii
Pipelines	S	S	S	S	S	S	S	Use Standard 5.H.iv
Rail Transportation, Freight	S	S				S		Use Standard 5.H.v
Telecommunications	S	S	S	S	S	S	S	Use Standard 5.H.vi
Transit and Ground Passenger Transportation	S	S	S		S	S	S	Use Standard 5.H.vii
Utilities Transmission, Control and Distribution (Public and Quasi Public Facilities)	S	S	S	S	S	S	S	Use Standard 5.H.viii
Accessory Uses & Structures								
Accessory Structure	A	A	A	A	A	A	A	Use Standard 5.I.i
Agriculture Related Accessory Uses	A	A	A	A	A	A	A	Use Standard 5.I.ii

Table 5.2.1 – Use Matrix								
Use	I-74 Overlay District	I-65 Overlay District	State Road Overlay District	SR32 / SR47 Node	US52/SR47 Node	SR47/I-65 Node	SR 39/SR47 Node	Use Specific Conditions
Accessory Dwelling Unit to Single Family Unit	A	A	A	A	A	A	A	Use Standard 5.I.iii
Garage, or Similar Structure	A	A	A	A	A	A	A	Use Standard 5.I.iv
Home Occupation	A	A	A	A	A	A	A	Use Standard 5.I.v
Recreation Facilities, Indoor or Outdoor	A	A	A	A	A	A	A	Use Standard 5.I.vi
Retail, Less than 12,000 sq ft	A	A	A	A	A	A	A	Use Standard 5.I.vii
Temporary Uses								
Construction Trailer or Sales Office	P	P	P	P	P	P	P	Use Standard 5.J.i
Outdoor Display and Sales, Temporary	P	P	P	P	P	P	P	Use Standard 5.J.ii
Special or Seasonal Event	P	P	P	P	P	P	P	Use Standard 5.J.iii

V. Use Standards

A. Agriculture

i) Agriculture

(1) No use standards.

ii) Agricultural products, sales, distribution, and storage

(1) The minimum lot area is 2.0 acres.

(2) Facility shall be located across from or adjacent to the production property.

(3) The impervious area of the site does not exceed the requirement in the zoning ordinance.

iii) Community Farms/Gardens

(1) The gross floor area of all structures, except greenhouses, is limited to 10 percent of the parcel used for the Community Garden.

(2) The maximum height for any accessory structure, including any pitched roof, is 12 feet.

(3) Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

iv) Farm Equipment Sales and Services

(1) This use is limited to the sale, service, and repair of farm machinery and farm equipment including welding.

v) Forestry and Logging

(1) The minimum lot area is 10 acres.

(2) The minimum setback for an Agricultural Processing structure from any parcel line is 75 feet.

vi) Nurseries, Commercial Greenhouse

(1) The minimum lot area is 2 acres.

(2) The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.

vii) Orchard

(1) Commercial orchards and/or tree farms shall be limited to 25 percent of the lot area when allowed as an accessory use.

viii) Raising and Breeding of Farm Fowl or Animals (commercial), except for Kennel

(1) Adhere to the requirements of Indiana Department of Environmental Management (IDEM), 327 IAC 16, 327 IAC 5-4-3, and 327 IAC-15-15.

(2) Commercial raising and breeding of farm fowl or animals are determined based on the limits list below. These standards are the standards required by IDEM and Indiana State Code.

(a) 300 cattle

(b) 600 swine or sheep

(c) 30,000 poultry

(d) 500 horses in confinement

ix) Riding Stable

(1) The minimum gross acreage per horse is as follows:

(a) for 1-2 horses, 2 acres;

(b) for 3-10 horses, one acre per horse; and

(c) for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.

x) Roadside Produce Stand (Seasonal)

(1) No use standards.

xi) Support Activities for Agriculture

(1) No use standards.

xii) Vinyard Wineries

(1) No use standards.

B. Residential

i) Convalescent Homes, Nursing Homes, Assisted Living Facilities

(1) No use standards.

ii) Dwelling, Single Family

(1) No use standards.

iii) Dwelling, Multi-Family

(1) The minimum living area shall be 500 square feet.

(2) This use shall not be located within 0.5 mile of another multi-family use or multi-family zoning district.

iv) Dwelling, Two Family

(1) No use standards.

v) Farm Seasonal Worker Housing

(1) No use standards.

vi) Fraternity, Sorority, or Student Housing

(1) No use standards.

vii) Group Residential Facility

(1) The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.

(2) Resident staff necessary for the operation of the facility are allowed to live on-site.

viii) Minor Residential Subdivision

(1) No use standards.

C. Education & Institutional

i) Assembly

(1) No use standards.

ii) Funeral Homes, Cemeteries, and Crematories

(1) The proposed location must be compatible with adjacent land uses, and will not adversely affect the public health, safety, and welfare of the inhabitants of the area.

(2) All grave sites must be set back 20 feet from surrounding properties to establish a buffer.

(3) Where the subject property is located in an area not served by public water and sewer, water table tests shall be conducted to assure that there is adequate filtration of drainage between burial depth and the level of the high-water table.

iii) Child Care Services

(1) The facility must not be located in a townhouse, or duplex building type.

(2) An adequate area for the discharge and pick up of children is provided.

iv) Correctional Institutions

(1) No use standards.

v) Colleges, Universities, Professional and Technical Schools

(1) No use standards.

vi) Elementary and Secondary Schools

(1) The location of the school shall not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element that is incompatible with the environment and character of the surrounding area.

(2) Outdoor recreation facilities shall be screened from abutting residential properties.

vii) Government Administration and Offices

(1) No use standards.

viii) Hospital

(1) The location of the Hospital shall not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the existing character, or future development of the surrounding development.

(2) The minimum lot area is 5 acres.

(3) The minimum lot width at the front lot line is 200 feet.

(4) Where the subject lot abuts land that is zoned residential, no portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, and a minimum of 50 feet from a lot line when the subject lot abuts all other zones and nonresidential uses.

(5) Parking must be limited to a minimum between the front lot line and the front building line.

(6) The maximum height of a Hospital building is 145 feet.

ix) Museums, Historical Sites, and Similar Institutions

(1) Art galleries, museums, and libraries shall be limited to 7,000 square feet gross floor area.

x) Postal Service

(1) No use standards.

D. Services

i) Administrative and Support Services

(1) No use standards.

ii) Broadcasting and Content Providers

(1) The location of the proposed community access centers or studios are consistent with the cable communications plan.

iii) Civic, Professional, Social, Political, and Similar Organizations

(1) No use standards.

iv) Computing Infrastructure Providers, Data Processing, and Web Hosting, and Related Services

(1) No use standards.

v) Couriers and Express Delivery Services

(1) No use standards.

vi) Education Services

(1) No use standards.

vii) Finance and Insurance Services

(1) No use standards.

viii) Health Care Facilities and Social Assistance Services (excludes Hospitals)

(1) Facilities are not to exceed 5,000 gross floor area.

ix) Management of Companies and Enterprises

(1) No use standards.

x) Personal Care Services

(1) The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

xi) Professional, Scientific, and Technical Services

(1) No use standards.

xii) Publishing Industries

(1) No use standards.

xiii) Repair and Maintenance Services

(1) Major Repair:

(a) All buildings must be set back a minimum of 100 feet from the abutting residential lot line.

(b) All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential lot line.

(c) The maximum building size is 25,000 square feet, and all repair services must be contained inside.

(d) Access to the site from a street with a local street designation is prohibited.

(2) Minor Repair:

(a) All buildings must be set back a minimum of 50 feet from the abutting residential parcel line.

(b) All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential lot line.

(c) The maximum building size is 5,000 square feet, and all repair services must be contained inside.

(d) Access to the site from a street with a local street designation is prohibited.

xiv) Web Search Portals, Libraries, Archives, and Other Information Services

(1) No use standards.

E. Retail, Trade, General Merchandise

i) Bakery Products

(1) No use standards.

ii) Banks & Other Financial Institutions

(1) For establishments with drive-thru window's:

(a) Shall be designed as a related, integrated architectural element and part of the overall design composition of the building;

(b) Stacking for drive-thru lanes shall be confined to the parcel and should be confined to the side or rear of the parcel with outlet from such lines also being to the rear or side of the building; and

(c) Lines for drive-thru facilities shall not be permitted to spill onto adjoining properties, internal/interior drives, and public right-of-way.

iii) Clothing, Clothing Accessories, Shoe, and Jewelry Retailers

(1) The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.

(2) Drive-thru or drive-in facilities are not permitted.

iv) Construction Services

(1) No use standards.

v) Food and Beverage Stores

(1) No use standards.

vi) Food Services and Eating and Drinking Places

(1) No use standards.

vii) Furniture, Home Furnishings, Electronics, and Appliance Retailers

(1) No use standards.

viii) Gasoline Stations and Fuel Dealers

(1) Access to the site from a street with a local street classification is prohibited if:

(a) it is the only access to the Filling Station, or

(b) it is the primary entrance to a Filling Station with more than 1 entrance.

(2) Pumps and Pump Islands: Minimum setback of 500 feet from residentially zoned or used property. May not be located within yard setbacks.

(3) Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.

(4) When such use occupies a corner lot, the driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.

(5) Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the setback line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building, except for car-share space.

(6) There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line.

(7) Vehicle parking that overhangs the public right-of-way is prohibited.

(8) If the Filling Station facility includes a car wash, it must:

(a) provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays; and

(b) demonstrate that the vehicles using the car wash will not queue off-site.

(9) Within the SR47/I-65 Node, only two gas stations are permitted on two of the four corners within this Node.

(10) Within the SR39/SR 47, SR52/SR47, and SR47/SR32 Nodes, only one gas station is permitted on one of the four corners within these Nodes.

ix) General Merchandise Retailers, Large

(1) The unit cannot be smaller than 6,001 square feet in gross floor area individually or cumulatively in combination with any other allowed limited commercial, office, or retail use per lot.

(2) Retailers must be located off arterial roads or higher classifications and have at least two entrances.

(3) Frontage roads and shared driveways are encouraged.

(4) Cross access drives shall align with one another and not be offset.

x) General Merchandise Retailers, Small

(1) The unit cannot exceed 6,000 square feet in gross floor area individually or cumulatively in combination with any other allowed limited commercial, office, or retail use per lot.

(2) Drive-thru or drive-in facilities are not permitted.

(3) Shared driveways are encouraged.

xi) Health and Personal Care Retailers

(1) The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed limited commercial use per lot.

(2) Drive-thru or drive-in facilities are not permitted.

xii) Mixed Use

(1) The building must be designed in a way that reduces its scale and contributes to its visual interest. Long building walls should have projections, recessions, or other effective treatments that improve building design.

xiii) Mobile Home, Motor and Recreational Vehicle Sales and Services

(1) No use standards.

xiv) Personal Care and Laundry Services

(1) The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed limited commercial use per lot.

(2) Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

xv) Real Estate, Rental and Leasing Services

(1) No use standards.

xvi) Self-Storage Facilities or Mini-Warehouses

(1) No use conditions required.

xvii) Semi-tractor/trailer storage not affiliated with an on-site user's operations

(1) No use standards.

xviii) Sporting Goods, Hobby, Musical Instrument, Book, and Misc. Retailers

(1) No use standards.

xix) Support Activities for Transportation

(1) No use standards.

xx) Truck Driving School

(1) No use standards.

xxi) Veterinary, Animal Hospital

(1) In the commercial and employment zones, an outdoor exercise yard is allowed if:

(a) It is fenced and set back a minimum of 50 feet from any residential zone; and

(b) Any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

(2) Any part of a building used for animal boarding must be soundproofed.

F. Recreation, Amusement, Tourism

i) Accommodation

(1) No use standards.

ii) Arts, Entertainment, and Recreation

(1) No use standards.

iii) Bed and Breakfast

(1) The business owner or manager of the bed and breakfast establishment shall be required to reside on the property or on an adjacent property.

(2) Each guest stay shall be limited to a maximum of 30 consecutive days.

(3) The exterior design of any exterior modification of the structure or premises shall include façade articulation, and numbers and locations of windows and building entrances on the primary building façade, that are similar to those in the surrounding area and neighborhood.

iv) Shooting Range or Gallery, including Skeet Shooting and Archery Ranges

(1) No use standards.

G. Industrial

i) Apparel Manufacturing

(1) No use standards.

ii) Artisan Manufacturing

(1) No use standards.

iii) Beverage Manufacturing

(1) No use standards.

iv) Building Material and Garden Equipment and Supplies Dealers

(1) No use standards.

v) Chemical Manufacturing

(1) No use standards.

vi) Cleaners, Dry Cleaning, and Laundry Service, Commercial

(1) No use standards.

vii) Computer and Electronic Product Manufacturing

(1) No use standards.

viii) Distribution

(1) No use standards.

ix) Electric Equipment, Appliance, and Component Manufacturing

(1) No use standards.

x) Fabricated Metal Product Manufacturing

(1) No use standards.

xi) Food Manufacturing

(1) No use standards.

xii) Freight Trucking

(1) Must be located off an arterial road classification.

xiii) Furniture and Related Product Manufacturing

(1) No use standards.

xiv) Junk Yards and Salvage Yards

(1) No use standards.

xv) Leather and Allied Product Manufacturing

(1) No use standards.

xvi) Machinery Manufacturing

(1) No use standards.

xvii) Mining, Quarrying, and Oil and Gas Extraction

(1) No use standards.

xviii) Miscellaneous Manufacturing

(1) No use standards.

xix) Non-Metallic Mineral Product Manufacturing

(1) No use standards.

xx) Paper Manufacturing

(1) No use standards.

xxi) Petroleum and Coal Products Manufacturing

(1) No use standards.

xxii) Plastics and Rubber Product Manufacturing

(1) No use standards.

xxiii) Primary Metal Manufacturing

(1) No use standards.

xxiv) Scientific Research and Development Services

(1) Manufacturing, mixing, fermentation, or treatment of resultant products for marketing purposes is prohibited.

(2) A maximum of 30 percent of the gross floor area may be used for assembly, packaging, and servicing of resultant products.

xxv) Solar Power Structure Construction

(1) No use standards.

xxvi) Specialty Trade Contractors

(1) No use standards.

xxvii) Textile Mills

(1) No use standards.

xxviii) Transportation and Equipment Manufacturing

(1) No use standards.

xxix) Warehousing and Storage

(1) A Type B or C buffer yards must be established along all shared property lines, except for an adjacent warehouse and distribution use, heavy industrial use or waste-related service.

xxx) Waste Management and Remediation Services (Sludge Disposal)

(1) The site must conform to the National Fire Protection Association (NFPA) Standard 46, "Recommended Safe Practice for Storage of Forest Products." The standards are mandatory and not recommendations.

(2) Any transfer of solid waste or sorting of recyclable materials must occur only in a wholly enclosed building.

(3) The outdoor storage of solid waste or recyclable materials must be in leakproof, fly-and- rodent proof containers.

(4) Impervious surfaces must be provided for all areas where the handling, sorting, storage, or transporting of solid waste or recyclable materials occurs.

(5) Any water that comes into contact with solid waste must be discharged to the sanitary sewer system that satisfies an industrial discharge permit.

(6) Water runoff must be discharged only into the sanitary sewer system.

(7) A solid waste transfer station operation must not be located on any part of a floodplain or wetland, or within 300 feet of a stream.

(8) Each site must be accessible directly from a roadway consisting of sufficient lanes to provide separate turning lanes and through lanes for large trucks to assure safe ingress and egress and not impede through traffic.

(9) There must be at least a 200 foot buffer between the proposed sorting and storage operations and any lot line.

xxxi) Wholesale Trade

(1) No use standards.

xxxii) Wood Product Manufacturing

(1) No use standards.

H. Transportation & Utility

i) Air Transportation

(1) No use standards.

ii) Electrical Vehicle Charging Station Facility

(1) Location Criteria for Principal Use

(a) Use shall be limited to within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use.

(b) A use shall meet the above separation criteria and the following separation criteria. Any similar, same, existing, or approved use is not permitted within 1,500 feet. This distance is measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use.

(2) Design and Construction Standards

(a) The location of the EVCS (charger and/or charging space(s) shall not be located in the following areas:

(i) required loading areas;

(ii) required landscape buffers, islands, or medians; and

(iii) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility.

(b) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to 2 feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle;

(c) EV spaces shall be painted green, or shall be marked by green painted lines or curbs;

(d) A canopy, if provided, shall not exceed 15 feet in height over the charging unit;

(e) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information

(i) Voltage and amperage levels;

(ii) Any applicable usage fees;

(iii) Safety information; and,

(iv) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station.

iii) Parking, Commercial Primary Use

(1) Applies to trailer or truck that has a manufacturers rated loaded capacity in excess of on and one-half tons at any time

(2) An extended period of time means not more than two days.

iv) Pipelines

(1) No use standards.

v) Rail Transportation, Freight

(1) No use standards.

vi) Telecommunications

(1) Any proposed tower must be set back one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.

(2) Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

vii) Transit and Ground Passenger Transportation

(1) No use standards.

viii) Utilities Transmission, Control and Distribution (Public and Quasi Public Facilities)

(1) Utility substations and transmission facilities (not including sewer or water boost or lifting stations) shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the

visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

I. Accessory Uses & Structures

i) Accessory Structure

(1) In residential zones, where the principal building on a lot is a single family house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater.

(2) Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

(a) The pool enclosure, not including the rafters, is translucent or transparent;

(b) the pool enclosure has a height of 8 feet or less;

(c) the pool enclosure surrounds and covers an inground swimming pool;

(d) the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and

(e) the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

ii) Agriculture Related Accessory Uses

(1) Accessory structures are exempt from building height regulations for the following uses: structures used for agricultural uses, agritourism uses, equestrian facilities, private stables, and nurseries.

(2) For agricultural structures above 200 feet in height, they must meet I.C. 8-21-10 Indiana Tall Structures Act.

iii) Accessory Dwelling Unit to Single Family Unit

(1) A separate entrance is located:

(a) on the side or rear of the dwelling.

(b) at the front of the primary dwelling, if it is a single entrance door for use of the primary dwelling and the Attached Accessory Dwelling Unit.

(2) The maximum gross floor area for an Attached Accessory Dwelling Unit, including any floor area used for an Accessory Dwelling Unit in a basement, must be:

(a) 1,200 square feet of gross floor area; or

(b) if the basement is used for the Attached Accessory Dwelling Unit, the gross floor area for the Attached Accessory Dwelling Unit may equal the square footage area of the basement.

(3) The maximum gross floor area for a Detached Accessory Dwelling Unit must be the least of:

(a) 50 percent of the footprint of the primary dwelling;

(b) 10 percent of the lot area; or

(c) 1,200 square feet of gross floor area

iv) Garage, or Similar Structure

(1) No use standards.

v) Home Occupation

(1) The use must be conducted by an individual or individuals residing in the dwelling unit.

(2) The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes

and require no external modifications that detract from the residential appearance of the dwelling unit.

(3) Exterior storage of goods or equipment is prohibited.

(4) The maximum amount of floor area used for the Home Occupation must not exceed 35 percent of the total eligible area of the dwelling unit and any existing accessory building on the same lot, or 1,500 square feet, whichever is less.

(5) An existing accessory building may be used for the Home Occupation, but external evidence of such use is prohibited. Only one accessory building may be used and it must be an eligible area.

(6) Equipment or facilities are limited to:

(a) domestic or household equipment;

(b) office equipment; or

(c) any equipment reasonably necessary for art production, handcrafts, or making beer or wine.

(7) Any equipment or process that creates a nuisance or violates any law is prohibited in the operation of a Home Occupation.

(8) A Home Occupation is prohibited to use, store, or dispose of:

(a) a quantity of a petroleum product sufficient to require a special license or permit from the Fire Marshal; or

(b) any material defined as hazardous or required to have a special handling license under State and County law.

(9) Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

(10) Display or storage of merchandise to be delivered must not be visible outside of the residence and must be contained within the maximum floor area available for the Home Occupation.

(11) The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.

(12) A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.

(13) The maintenance or repair of motor vehicles for compensation is prohibited.

vi) Recreation Facilities, Indoor or Outdoor

(1) The indoor commercial recreational structure must be at least 100 feet from residential districts and 100 feet from existing residences in nonresidential districts.

(2) Sound associated with any indoor recreation facility shall not be audible outside of the building in which the activity is occurring.

(3) Outdoor commercial recreation facilities must be at least 300 feet from residential districts and 300 feet from existing residences in nonresidential districts.

vii) Retail, Less than 12,000 sq ft

(1) No use standards.

J. Temporary Uses

i) Construction Trailer or Sales Office

(1) A temporary use permit and an use-and-occupancy permit are required.

(2) The use is limited to the construction, development, or sale of buildings or structures within the same site or subdivision.

(3) The use is allowed only for the duration of construction and sale of a project.

(4) A temporary outdoor storage yard for construction equipment or building materials and supplies that is located within 300 feet of any occupied residentially developed property and is to be

maintained in the same general location for a minimum of one year must be effectively screened from the residential development by natural features or a solid fence with a maximum height of 6.5 feet.

(5) A Construction Administration or Sales Office, including any associated trailer, building, or portable toilet, that is located within 100 feet of an occupied residentially developed property:

(a) must be landscaped and maintained; and

(b) may be approved for a maximum of 12 months and can be renewed once at the discretion of the Executive Director.

ii) Outdoor Display and Sales, Temporary

(1) A temporary use permit from the Executive Director is required. Temporary use permit duration is a maximum of 60 days. A maximum of 2 temporary permits can be issued per site annually.

(2) A plan must be submitted by the applicant demonstrating adequate vehicular circulation, parking, and queuing.

(3) Any obstruction that adversely affects visibility at an intersection or to any Seasonal Outdoor Sales driveway is prohibited.

iii) Special or Seasonal Event

(1) No use standards.

D. 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.

E. PLANNED UNIT DEVELOPMENT DISTRICTS

1. Purpose and General Regulations
   a. Purpose.
      This section is adopted pursuant to Indiana Code 36-7-4-1500 et. seq., as amended, and is intended to permit the creation of mixed-use planned unit development districts in accordance with the area planning law of the Indiana Code. Such districts are for the purpose of providing the opportunity to design and master plan a development comprising a mixture of land uses, densities and standards. Developers of a planned unit development (PUD) will be offered flexibility in design and development; however, a PUD shall not compromise the purposes of this ordinance and shall give due consideration to the Comprehensive Plan.
   b. Platting.
      The platting requirements which are applicable to any particular parcel zoned as a PUD District shall be specified in the PUD District Ordinance applicable to such parcel.
   c. Improvement Location Permits.
      No improvement location permit shall be issued for any structure in any portion of a PUD District unless and until (i) any required administrative approvals for that portion and (ii) approval by the Area Plan Commission (the "APC") of any required secondary subdivision plat for that portion.

2. Requirements/Standards
   a. Minimal Acreage.
      The parcel of real estate made the subject of and covered by a PUD District Ordinance must be at least one thousand (1000) acres in size.
   b. Ownership.
      At the time of filing and until the enactment of a PUD District Ordinance, the real estate made the subject of and covered by the PUD District Ordinance must be under single ownership or control.
   c. Type of Uses.
      All land uses within the PUD District shall be limited to the uses specified in the approved PUD District Ordinance rezoning the particular land to the PUD District.

d. Standards.

The standards applicable to each PUD District shall be governed entirely by the provisions in the approved PUD District Ordinance rezoning the particular land to the PUD District; provided, however, that the APC, in making its recommendation to the legislative body with respect to a PUD District Ordinance, in its discretion may require compliance with the following:

Zoning Districts, existing in the Boone County Zoning Ordinance (the "Zoning Ordinance"), shall be assigned to different areas within the subject real estate. These assigned Zoning Districts may differ from the Zoning Districts which applied to the subject real estate at the time of the filing of the application to change the zoning to the Planned Unit District. The standards of the assigned underlying Zoning Districts shall be applicable in the designated area, except to the extent changes to such standards are approved during the approval procedure specified below in paragraph 3.

Also, unless clearly stated otherwise or varied or modified in the PUD District Ordinance, any existing or future overlay district regulations shall apply to that part of the PUD District within such overlay district.

e. Utilities

All uses within a PUD shall be connected to water and sewer services and shall not be on well and septic.

Unless clearly stated otherwise in the PUD District Ordinance, all new utility facilities, including telephone, cable and electrical systems, but excluding high voltage electrical transmission lines which are impracticable to be underground (as determined by the applicable service provider and approved by the Technical Advisory Committee), constructed within the PUD after the effective date of the PUD District Ordinance are required to be underground. This includes distribution as well as transmission systems. Appurtenances to these systems that can be screened may be excepted from this requirement if the APC finds that such exemption will not violate the intent or character of the proposed PUD.

3. Application and Procedures

a. Application.

The application for a PUD shall be submitted to the APC Office on a form approved by the APC. The application shall contain both a written statement specifying the intentions of the applicant respecting the proposed land use of the PUD and a plan or other drawing. Also, the application shall contain a scale drawing, not less than 17" x 21" nor more than 30'' x 36" showing the location of the proposed PUD in respect to surrounding properties. This drawing shall include details, as required by the APC, of the land uses within 300 feet of the PUD boundaries.

b. Procedures.

A PUD District Ordinance shall be adopted and amended by the following procedures:

(1) The legislative body shall adopt and amend PUD District Ordinances in the same manner as a zone map change. The adoption and amendment of a PUD District ordinance is a legislative act.

(2) A PUD District Ordinance may employ written text, a plan or other drawing, or any combination in specifying the permitted uses and development requirements that apply to the PUD District.

(3) A PUD District Ordinance shall express development requirements in either general terms or detailed terms. At the initial public hearing, the APC shall make a finding as to whether the PUD District Ordinance expresses development requirements in either general or detailed terms and also as to which process (d or e) shall be followed.

(4) If the PUD District Ordinance expresses development requirements in detailed terms, a secondary review of the PUD District Ordinance is not required. However, the PUD District Ordinance shall specify any plan documentation or supporting information (if any) that must be supplied before an improvement location permit may be issued for development of real estate within the PUD District.

(5) If the PUD District Ordinance expresses development requirements in general terms, a secondary review of the PUD District Ordinance, which shall specify any plan documentation or supporting information (if any) which must be supplied in connection with the secondary review, is required according to the following procedures:
    (a) The APC shall hear and consider all secondary reviews during a noticed public hearing.
    (b) The approval of the secondary review shall be by an affirmative vote of the APC.
    (c) The secondary review may be on a section or phase of the real estate made the subject of and covered by the PUD District Ordinance.
    (d) If the APC denies the secondary review, the legislative body may review and affirm, revise, or modify that decision.

    The secondary review referred to herein shall not occur until after the APC certifies the proposed PUD District Ordinance (which expresses development requirements in general terms or detailed terms) to the legislative body pursuant to Indiana Code 36-7-4-605, and after the PUD District Ordinance is adopted by the legislative body pursuant to Indiana Code 36-7-4-608.
(6) Upon adoption of a PUD District Ordinance expressing development requirements in either general terms or detailed terms, the real estate covered by and made the subject to the PUD District Ordinance shall be rezoned to the PUD District per the terms of the PUD District Ordinance and shall be identified on the zoning maps of the county by a "PUD" designation.

c. PUD District Ordinance Amendments.
The legislative body hereby retains jurisdiction over and does not delegate the authority to approve amendments to the PUD District Ordinance adopted by the legislative body.

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 Resource Recovery Facility Sanitary Landfill, Privately or Publicly Owned	100	100	100

Use	Front	Side	Rear
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. This distance shall be measured from the property line of the following uses. 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.
   Towers less than 150 feet shall have minimum front, side, and rear setbacks of 50 feet.
   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).

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

J. AIRPORT USES. The following uses and facilities are considered to be appropriate and common for the safe and efficient take-off and landing of aircraft and are hereby permitted with any airport or heliport. However, if a runway is extended, or direction of a runway is changed, the owners shall petition the Area Plan Commission for approval.

1. Runways with a maximum 60,000 lb weight limit
2. Storage hangars
3. Service hangars
4. Landing Lights
5. Taxi-ways
6. On-premise illuminated signs (see table 11)
7. Terminals/offices
8. One (1) on-site employee residence
9. Terminal navigational aids
10. Tie-downs
11. Weather gauge instruments
12. Beacons
13. Fuel storage tanks and pumping systems
14. Flight school
15. Meeting facilities
16. Employee break room/kitchenette

K. MINOR AND MAJOR SUBDIVISION IN THE RE DISTRICT

Minor and Major Subdivisions are permitted by way of special exception in the RE Rural Equestrian District. A major subdivision shall contain a minimum parcel size of fifty (50) acres. In order to protect residential uses from horses, which may be boarded or stabled in the Rural Equestrian District, and vice versa, commitments shall be required for minor and major Subdivisions by the Board of Zoning Appeals 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:

a. the applicant for this special exception acknowledges and./or agrees that agricultural uses, including animal husbandry and the boarding, stabling and recreational uses of horses, are permitted in the surrounding area. Accordingly, no agricultural or agri-business operation, animal husbandry operation, or the boarding, stabling or recreational uses of horses in the RE district shall become a nuisance. Further, that the applicant waives any objection or remonstrance to the continuation of such agricultural or agri-business, animal husbandry or horse use in the surrounding area so long as such operation does not cause a nuisance as defined under Indiana law.
b. That the Declaration of Covenants, Conditions and Restrictions approved and recorded for the residential subdivision shall not restrict and in fact shall permit the boarding, stabling and recreational use of horses to be maintained as a private stable on lots of three (3) acres or more.

L. CONFINED FEEDING OPERATIONS.

Any proposed Confined Feeding Operation (CFO) must be located 1,320 feet away from the property line of any adjacent existing or approved residential use. Conversely, any future residential use must be located 1,320 feet away from the property of any existing or approved Confined Feeding Operation (CFO).

M. MACHINE SHOPS:

New Machine Shops:
The minimal distance required from newly constructed buildings from any established residential land uses is 2,640 feet (1/2 mile) measured from nearest property line of subject machine shop to the nearest property line of adjoining residential property.

New Residential Uses:
All future single family dwellings shall be located a minimum of 2,640 (1/2 mile) measured from the nearest property line of the residential property to the nearest property line of an existing machine shops and/or approved properties with the future intent of building a Small or Large Machine shop.

Minimum Property Development Setbacks from Property Lines:
Where the subject property is located in Agricultural District, the outer most edge of any newly constructed machine shop facilities, including the all buildings and parking lots, must be 250' feet from the property lines. Existing Structures which existed prior to the amendment of Ordinance for Machine Shops are exempt from the setback requirements of 250' feet, any future additions to pre-existing structures would be required to adhere to minimum of the enacted Ordinance requirements adjacent to Agricultural Buffer which is 40' feet.

Minimum Acreage in the Industrial Zoning Districts: 5 Acres

Public Safety Considerations
The manufacturing, fabricating, processing, or assembling processes shall not create any danger to the health or safety in surrounding areas, and shall not create any objectionable noise, vibration, smoke, dust, odor, heat and/or glare. All waste generated from the performance of work shall be properly disposed of according to the Indiana Department of Environmental Management (IDEM).

Outside Storage of Materials and Performance of Work
All storage of materials and work shall be conducted within an enclosed building.

Noise Levels
The performance of work shall not create an "A" weighted sound pressure level in excess of 45 decibels measured from the property line (LQA10) [excluding loading/unloading, transportation or ancillary activities]. In the event, a noise concern is submitted by a surrounding property owner, an acoustical engineer/audiologist shall measure the noise generated by the facility with the use of an audiometer or similar equipment and present the findings to the Boone County Area Plan Commission.

VII. REVIEW AND APPROVAL OF DEVELOPMENT PLANS.

A. 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.

B. 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 sod 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.

C. 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.

D. 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.

E. Area Plan Commission Actions

The APC, upon completing its review of a Primary of 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.

F. 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.

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)										

Table 14, Single-Family Requirements for Non-Conforming Lots of Record										
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.

F. SEVERABILITY

1. Each section, subsection, sentence, clause and phrase of this Amendment is declared to be an independent section, subsection, clause and phrase, and the finding or holding of any such portion of this Amendment to be unconstitutional, void, or ineffective for any cause or reason, shall not affect any other portion of this Amendment.

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 BOARDS OF ZONING APPEALS

1. ESTABLISHMENT. The Area BZA is established, with membership as provided by IC 36-7-4-902(d). In addition, it is hereby recognized that the Whitestown BZA, which was duly established under the Advisory Planning Law and continued in existence under the Area Planning Law, continues as the BZA with exclusive jurisdiction within Whitestown pursuant to IC 36-7-4-901(i).

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.

H. INCORPORTATION

1. Each section and provision of the Ordinance is incorporated herein by reference. Should any provision of this Amendment conflict with the Ordinance, then the provisions of this Amendment shall prevail.

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.
5. The science or art of horticultural processes, by which land is used for cultivating fruits, vegetables, ornamental plants, and other activities.

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 FERTILIZER OPERATION. A large scale commercial operation where the primary business is the sale, transfer, or storage of mass quantities of anhydrous ammonia, fertilizer or similar chemical occurs on the property.

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.

COMMON SPACE. An area that is held in common by a homeowners' association, a recognized land trust or conservancy, or a public entity and is not located in rights-of-way.

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.

CONVENIENCE STORE. A small store that is open for long hours and sells a variety of goods, especially gasoline, food and drink, cleaning materials, and newspapers or magazines.

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 play 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

DRIVEWAY, PRIVATE. “A privately controlled and maintained accessible ingress and egress extending from a public right-of-way or private road easement to one or two lots to access buildings or structures.”

DRIVEWAY, PRIVATE ACCESS. “A privately controlled and maintained easement, designed and maintained in compliance with the provisions of this Ordinance, that provides the means of access and frontage pursuant to the underlying zoning district for more than two (2) and less than four (4) abutting residential lots. The term “access drive” shall be synonymous to the terms streets, avenue, place, way, lane or boulevard.”

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.

FARM. An area comprising 20 acres or more which is primarily adapted, by reason or nature, for the use for agricultural purposes.

FARM BUILDINGS. A structure on a farm which hosts agricultural storage of livestock, poultry, grain, feed, hay, farm machinery, or other similar nonresidential uses.

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.

HEALTH CLUB. A place of business with equipment and facilities for exercising and improving physical fitness.

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.

HOME CATERING. The business of providing perishable items in a residence for future transport to an off-site location for purchase.

HOME OCCUPATION. An accessory use that by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and that shall not occupy more that 30 percent of the gross floor area

or 700 square feet, whichever is less, of the dwelling units used. In connection with such use, there is to be no stock or trade of commodities sold on the premises. Such use shall be carried on by the occupants of the dwelling unit with not more that one nonresident employee, and shall not in any manner change the residential character of the building.

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.

INTERNET SALES (ELECTRONIC COMMERCE)
The use of computer technologies to conduct general business communication and sales transactions over the internet. As most restrictively defined, electronic commerce is the buying and selling of goods and services, and the transfer of funds, through digital communications.

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.

LANDSCAPE EASEMENT. An area located in a subdivision that may be privately owned, but is reserved to provide greenspace and bufferyards. Restrictions for Landscape Easements will reflect those of Regulated Drain Easements.

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 COVERAGE. The total ground area within the Lot or project covered by the primary structure, plus any accessory structures (including decks, patios, swimming pools, garages, carports, and storage sheds), excluding driveways, sidewalks, fences and walls not attached in any way to a roof.

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.

MACHINE SHOP: A commercial business for the primary purpose of manufacturing, compounding, assembly, or treatment of articles or merchandise from previously prepared metals. Types of permitted Machines Shops include Blacksmith Shops, Cabinet or Carpenter Shops, Electric Motor Rebuilding, Machine Shops, Sheet Metal Shops, Welding Shops, Plumbing Shops and the like.

MACHINE SHOP, SMALL.
A small machine shop is determined by the scale and extent of the number of employees and/or total square footage of the building not exceed 30,000 square feet. The number of employees permissible at one shift is ten (10) performing work on-site.

MACHINE SHOP, LARGE.
A large machine shop is determined by the scale and extent of the number of employees and/or total square footage of the building not to exceed 55,000 square feet. The number of employees may range between ten (10) and twenty-five (25) permissible at one shift performing work on-site.

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. Common space that provides 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, wooded areas, and wetlands. Recreational facilities located on the grounds of public schools may qualify as open space, provided that there are no barriers (i.e. fences, walls, etc.) between said grounds and residential properties. Open space shall comprise Primary Conservation Areas, Secondary Conservation Areas, and Bufferyards. 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 CONSERVATION AREAS. This category includes wetlands, lands that are generally inundated (under ponds, lakes, or creeks), land within the 100 year floodplain, and slopes exceeding 25%.

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.

ROAD FRONTAGE. “The distance measured along the property line that divides a lot from a right-of-way, and between the points of intersection of the side lot lines and right-of-way.”

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.

SECONDARY CONSERVATION AREAS. This category shall typically include all or part of the following kinds of resources: woodlands; aquifer recharge areas; poorly drained soils; significant wildlife habitat areas; prime farmland; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories; scenic views into the property from existing public roads; or other features unique to the site. Secondary Conservation Areas therefore typically include forest, meadows, pastures, farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection or other reasons.

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 front 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. A commercial trucking operation which provides areas for fueling, parking, and usually food and other necessary services to long-haul trucks. Truck stops are usually located on or near a busy road and consist (at the very least) of a diesel grade fueling station with bays wide and tall enough for modern tractor/trailer rigs and have a large enough parking area to accommodate from five to over a hundred trucks or other heavy vehicles.

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 diocius	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.	Privit		□	□	□	
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
	Rhodotypes 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 Plan Commission Fee Schedule	
Agricultural	
AG Accessory Structure	$.05 per sq ft-maximum $50 (20 acre minimum)
Re-Inspection	$50
Residential	
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
Decks, Porches, Gazebos, Pergolas, etc	$50
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 two years, $300 per year after the first two years
Re-Inspection	$50
Fence/Upgrade Roof	$50
Commercial and Industrial	
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
Re-inspection	$120
Temporary Construction Trailer	$100
Cell Tower	$250
Demolition permit for Commercial and Industrial Structures	$100
Other Structures Fees and Fines	
Church, School, Library, Museum, Private Recreation	$200 base fee $.10 per sq ft of floor area.
Change in Electric 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 Fee (start of construction prior to issuance)	the amount of the permit in addition to the cost of the permit issued
Co-Locate for Cell Towers	$50
Home Occupation	$100
Appeals, Special Exceptions, Variances, Exclusions and Zoning Amendments	
Zoning Amendment (change of zoning classification or text)	$500 base fee plus $50 per acre, including undeveloped areas
Zoning Amendment for Commercial/Industrial (map amend)	$500 base fee plus $50 per acre, including undeveloped areas
Zoning Amendment for Residential Subdivision (map amend)	$500 base fee plus $25 per acre
Special Exception & Special Exception with Minor Subdivision	$275 ($650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard)
Special Exception for Cell Towers	$500 base fee plus $10 dollars per foot in height
Special Exception for Commercial and Industrial Use	$500
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
Variance for Commercial and Industrial Uses and Associated Waivers	$500 base fee plus $50 per waiver
Use Classification	$200
Appeal Director's Decision	$50
Planned Unit Development	$1000 base fee plus $20 per acre minimum of 1000acres
Plats, Change of Development Plans	
Minor Subdivision(Primary and Secondary	$350
Concept Plan	$200
Residential Primary or Secondary Plat for Major Subdivisions	$650 base fee plus $120 per foot
Commercial Primary or Secondary Subdivision	$700 base fee plus $20 per foot
Preliminary or Final Development Plan	$425 base fee plus $12 per lot
Plat Amendment	$300 base fee plus $100 per lot

Change of previously approved development plan	$500 plus $50 per acre

Research Fees	
File Retrieval Fee	$25 per hour
Director's Report on Prior Ordinance Determinations	$40 per hour
Copies	
Black & White	
8 ½" x 11"	$0.10 per page
8 ½" x 14"	$0.10 per page
11" x 17"	$0.25 per page
18" x 24"	$1.00 per page
24" x 36"	$1.50 per page
36" x 48"	$3.00 per page
Color	
8 ½" x 11"	$0.50 per page
8 ½" x 14"	$0.50 per page
11" x 17"	$1.00 per page
Copies on CD	$5.00 per CD