

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 47 COMMONS PLANNED UNIT DEVELOPMENT AND PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

Adoption of a Planned Unit Development and a Planned Unit Development District Ordinance

WHEREAS, the Petitioner, MCI Development LLC, seeks approval of the proposed Planned Unit Development and a Planned Unit Development District known as the “47 Commons PUD District”; and

WHEREAS, pursuant to Indiana Code § 36-7-4-600, et seq., the Boone County Area Plan Commission conducted the required public hearing concerning a change of zoning of certain property defined as the “Real Estate” in the 47 Commons PUD District Ordinance attached hereto as Exhibit A and determined, following the public hearing, its unfavorable recommendation, by a 6 to 1 vote, on January 8, 2025; and

WHEREAS, the Boone County Area Plan Commission certified its _____ recommendation to the Boone County Board of Commissioners on _____, 2025; and

WHEREAS, on _____, 2025 the Boone County Board of Commissioners adopted the 47 Commons PUD District Ordinance, with amendments proposed by the Petitioner; and

WHEREAS, pursuant to Indiana Code § 36-7-4-600, et seq., the Boone County Board of Commissioners, having considered the application and the recommendation of the Boone County Area Plan Commission, now adopts the proposal, as amended by the Petitioner, and approves the 47 Commons PUD District and the 47 Commons PUD Development District Ordinance, as amended by the Petitioner, all as hereinafter set out, to govern the zoning of, and development for, the Real Estate as set forth therein.

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. The Boone County Board of Commissioners hereby adopts the proposal, as amended by the Petitioner, of the Boone County Area Plan Commission as certified for the 47 Commons PUD District and the 47 Commons PUD District Ordinance, as amended by the Petitioner, as attached hereto as Exhibit A.

Section 2. This Ordinance shall be effective upon adoption.

ALL OF WHICH IS ADOPTED this ____ day of _____, 2025, by the Boone County Board of Commissioners, Indiana.

BOARD OF COMMISSIONERS OF BOONE COUNTY, INDIANA.

Scott Pell

Don Lawson

Tim Beyer

ATTEST:

47 COMMONS
PLANNED UNIT DEVELOPMENT

ORDINANCE

BOONE COUNTY, INDIANA

MARCH 2025

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SCHEDULE OF EXHIBITS

<u>Exhibit A.</u>	<u>Legal Description</u>
<u>Exhibit 1.</u>	<u>Concept Plan / Use Block Plan</u>
<u>Exhibit 2.</u>	<u>Use Block Plan</u>
<u>Exhibit 3.</u>	<u>Marquee Sign Character Imagery</u>
<u>Appendix 1</u>	<u>Use Specific Conditions</u>

Note: All of the above Exhibits, as attached to this the 47 Commons PUD District Ordinance, are incorporated by reference and made a part hereof.

Exhibit A

47 COMMONS PUD ORDINANCE

Section 1. Adoption of Ordinance. Pursuant to Paragraph E of the Miscellaneous Development Standards contained in the Boone County Zoning Ordinance (1998 Boone County Zoning Ordinance with Amendments, February 5, 2024), as amended (the “Boone County Zoning Ordinance”), and the IC 36-7-4-1500 series, a PUD district ordinance to be known as the 47 Commons Planned Unit Development District Ordinance (referred to herein as the “47 Commons PUD District Ordinance” or “this Ordinance”) is hereby adopted. Pursuant to IC 36-7-4-1509(a)(1), the purpose of this Ordinance is to set forth the detailed development requirements, pursuant to Section V.E.3.b. of the Boone County Zoning Ordinance, that will apply to the development of all of the real property included in the PUD District area.

Section 2. Zoning Map Change. The Official Zoning Map of Boone County and its Jurisdictional Area is hereby changed to designate the real property described in Exhibit A (“Real Estate”), attached hereto, as the 47 Commons PUD District. Development in this District shall be governed by the provisions of this 47 Commons PUD District Ordinance. Amendments to the provisions of this Ordinance must comply with the IC 36-7-4-1500 series. All provisions in the Boone County Zoning Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to real property in the 47 Commons PUD District and shall be superseded by the terms of this Ordinance. Development in the 47 Commons PUD District shall be governed entirely by (i) the provisions of the 47 Commons PUD District Ordinance and its exhibits, and (ii) those provisions of the Zoning Ordinance specifically referenced in the 47 Commons PUD District Ordinance. The Major Thoroughfare Overlay District (I-65 and SR 47 Node) as identified in the Boone County Zoning Ordinance and standards for which are included in the Zoning Ordinance shall be applicable to the use and development of the Real Estate, except that additional Permitted Uses are set forth in Section 3.1 and Section 3.2 hereof. In the event of a conflict or inconsistency between the 47 Commons PUD District Ordinance and the Zoning Ordinance, the provisions of the 47 Commons PUD District Ordinance shall apply. In the event a standard, required for the approval by Boone County of a Development Plan, is not defined with the 47 Commons PUD District Ordinance, the provisions of the required standard within the Zoning Ordinance shall apply, provided, however, any amendments to the Zoning Ordinance made after the effective date of this 47 Common PUD District Ordinance, are expressly subject to the vested rights of the owner of any portion of the Real Estate under law, including, without limitation, Indiana Code § 36-7-4-1109.

Section 3. Use Blocks Within the 47 Commons PUD District. The Use Blocks within The 47 Commons PUD District are as shown on Exhibit 2 (Use Block Plan).

Section 3.1. Commercial & Retail Use Block (CRU). This Block is located as shown on Exhibit 2 (Use Block Plan) and consists of commercial and/or retail uses abutting State Road 47. This Block focuses on services for travelers, businesses and residents, while providing a transition between State Road 47 and the uses within the Applied Technical Services & Specialty Contractors and Suppliers Use Block.

Underlying Zoning District. The Underlying Zoning District for the Commercial & Retail Use Block shall be the GB: General Business District.

A. **Authorized Uses:** The uses permitted in Table 5.2.1. Use Matrix pertaining to the Major Thoroughfare Overlay District (I-65 and SR 47 Node), as amended hereby, shall be permitted within the Commercial & Retail Use Block, as follows:

1. **Table of Uses:** 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 Appendix 1.
 - (b) Where the symbol “A” is shown, the use to which it refers is an accessory use, and subject to Appendix 1.
 - (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 Appendix 1.
 - (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 Appendix 1.

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Agriculture		
Agriculture	P	Use Standard A.i
Agricultural products, sales, distribution, and storage	P	Use Standard A.ii
Community Farms/Gardens	P	Use Standard A.iii
Farm Equipment Sales and Services	P	Use Standard A.iv
Forestry and Logging	S	Use Standard A.v
Nurseries, Commercial Greenhouse	P	Use Standard A.vi

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Orchard	p	Use Standard A.vii
Riding Stable	p	Use Standard A.viii
Roadside Produce Stand (Seasonal)	p	Use Standard A.ix
Support Activities for Agriculture	S	Use Standard A.x
Vineyard Wineries	p	Use Standard A.xi
Residential		
Convalescent Homes, Nursing Homes, Assisted Living Facilities	p	Use Standard B.i
Dwelling, Single Family	p	Use Standard B.ii
Dwelling, Multi-Family	p	Use Standard B.iii
Dwelling, Two Family	p	Use Standard B.iv
Farm Seasonal Worker Housing	p	Use Standard B.v
Education & Institutional		
Assembly	S	Use Standard C.i
Child Care Services	p	Use Standard C.ii
Colleges, Universities, Professional and Technical Schools	p	Use Standard C.iii
Government Administration and Offices	p	Use Standard C.iv
Hospital	S	Use Standard C.v
Museums, Historical Sites, and Similar Institutions	p	Use Standard C.vi
Postal Service	p	Use Standard C.vii
Services		

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Administrative and Support Services	P	Use Standard D.i
Automobile, Services Light	P	Use Standards D.iii
Broadcasting and Content Providers	S	Use Standard D.v
Civic, Professional, Social, Political, and Similar Organizations	P	Use Standard D.vi
Computing Infrastructure Providers, Data Processing, and Web Hosting, and Related Services	P	Use Standard D.vii
Couriers and Express Delivery Services	S	Use Standard D.viii
Education Services	P	Use Standard D.ix
Equipment Sales & Repair	P	Use Standard D.x
Finance and Insurance Services	P	Use Standard D.xi
General Offices	P	Use Standard D.xii
Health Care Facilities and Social Assistance Services (excludes Hospitals)	S	Use Standard D.xiii
Management of Companies and Enterprises	P	Use Standard D.xiv
Personal Care Services	P	Use Standard D.xv
Professional Offices	P	Use Standards D.xvi
Professional, Scientific, and Technical Services	P	Use Standard D.xvii
Publishing Industries	P	Use Standard D.xviii
Repair and Maintenance Services	P	Use Standard D.xix
Scientific Laboratory or Facility	P	Use Standards D.xx
Web Search Portals, Libraries, Archives, and Other Information Services	P	Use Standard D.xxi

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Retail, Trade, General Merchandise		
Bakery Products	P	Use Standard E.i
Banks & Other Financial Institutions	P	Use Standard E.ii
Catering Establishment	P	Use Standard E.iii
Clothing, Clothing Accessories, Shoe, and Jewelry Retailers	P	Use Standard E.iv
Drive-In Restaurant/Fast Food Restaurant	P	Use Standard E.v
Drug Store	P	Use Standard E.vi
Food and Beverage Stores & Uses	P	Use Standard E.vii
Food Services and Eating and Drinking Places	P	Use Standard E.viii
Furniture, Home Furnishings, Electronics, and Appliance Retailers	S	Use Standard E.ix
Gasoline Stations and Fuel Dealers	P	Use Standard E.x
General Retail Sales	P	Use Standard E.xi
Health and Personal Care Retailers	P	Use Standard E.xii
Mixed Use	P	Use Standard E.xiv
Mobile Home, Motor and Recreational Vehicle Sales and Services	S	Use Standard E.xv
Personal Care and Laundry Services	S	Use Standard E.xvi
Real Estate, Rental and Leasing Services	P	Use Standard E.xvii
Veterinary, Animal Hospital	P	Use Standard E.xxiii
Recreation, Amusement, Tourism		
Accommodation	P	Use Standard F.i
Arts, Entertainment, and Recreation	P	Use Standard F.ii

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Bed and Breakfast	P	Use Standard F.iii
Indoor Theatre	P	Use Standard F.iv
Meeting or Party Hall	P	Use Standard F.v
Technology & Industrial		
Apparel Manufacturing	S	Use Standard G.i
Artisan Manufacturing	P	Use Standard G.ii
Beverage Manufacturing	S	Use Standard G.iii
Building Material and Garden Equipment and Supplies Dealers	S	Use Standard G.iv
Cleaners, Dry Cleaning, and Laundry Service, Commercial	S	Use Standard G.v
Food Manufacturing	S	Use Standard G.xi
Furniture and Related Product Manufacturing	S	Use Standard G.xiii
Leather and Allied Product Manufacturing	S	Use Standard G.xvii
Machinery Manufacturing	S	Use Standard G.xviii
Miscellaneous Manufacturing	S	Use Standard G.xix
Scientific Research and Development Services	S	Use Standard G.xxi
Specialty Trade Contractors		Use Standard G.xxii
Transportation & Utility		
Automatic Carwash	P	Use Standard H.i.
Electrical Vehicle Charging Station Facility	P	Use Standard H.ii
Pipelines	S	Use Standard H.iii
Public Utility	P	Use Standard H.iv

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Accessory Uses & Structures		
Accessory Structure	A	Use Standard I.i
Agriculture Related Accessory Uses	A	Use Standard I.ii
Accessory Dwelling Unit to Single Family Unit	A	Use Standard I.iii
Garage, or Similar Structure	A	Use Standard I.iv
Home Occupation	A	Use Standard I.v
Private Parking Lot	A	Use Standard I.vi
Recreation Facilities, Indoor or Outdoor	A	Use Standard I.vii
Retail, Less than 12,000 sq ft	A	Use Standard I.viii
Temporary Uses		
Construction Trailer or Sales Office	P	Use Standard J.i
Outdoor Display and Sales, Temporary	P	Use Standard J.ii
Special or Seasonal Event	P	Use Standard J.iii

*One Gas Station and Fuel Dealer may be located within the 47 Commons PUD District.

(e) Additional Requirements and Standards are contained in Section 9 of the 47 Commons PUD District Ordinance.

2. Use Specific Conditions. The Use Specific Conditions applicable to certain of the authorized uses are set forth in Appendix 1 attached hereto.

B. Property Development Standards:

1. Applicable bulk standards are as follows:

Commercial & Retail Use Block (CRU)
--

Maximum Height of Buildings	50 feet
Maximum Lot Coverage	None
Minimum Road Frontage	None
Minimum Front Yard**	20 feet
Minimum Side Yard**	10 feet
Minimum Rear Yard**	10 feet
Minimum Lot Size***	None

** If a lot is adjacent to an Agricultural zoned or used parcel, then a 40' building setback shall be shown on the lot.

*** There shall be no minimum lot size, except to the extent required for installation of a septic system.

- (i) Applicable landscaping requirements are contained in Section 4 of the 47 Commons PUD District Ordinance.
- (ii) Applicable lighting requirements are contained in Section 5 of the 47 Commons PUD District Ordinance.
- (iii) Applicable signage requirements are contained in Section 6 of the 47 Commons PUD District Ordinance.
- (iv) Applicable parking requirements are contained in Section 7 of the 47 Commons PUD District Ordinance.
- (v) Applicable environmental systems, drainage and street standards are contained in Section 8 of the 47 Commons PUD District Ordinance.

Section 3.2. Applied Technical Services & Specialty Contractors and Suppliers Use Block (TSCS). This Block is located as shown on Exhibit 2 (Use Block Plan) and includes the Limited TSCS SubArea. The TSCS provides a centralized location for contractors, industrial applications and transportation uses. These uses may not be adjacent to State Road 47 and will be buffered from adjoining properties as set forth herein, including enhanced buffers where such use adjoins a property used for a dwelling. Certain of these uses are further limited to the Limited TSCS SubArea, thereby specifying designated locations for certain uses required to be less visible from surrounding roadways and adjoining properties.

Underlying Zoning District. The Underlying Zoning Ordinance for the Applied Technical Services & Special Contractors Use Block shall be the I-2: Industrial District.

- A. Permitted Uses: The uses permitted in Table 5.2.1. – Use Matrix pertaining to the Major Thoroughfare Overlay District (I-65 and SR 47 Node), as amended hereby, shall be permitted within the Applied Technical Services and Specialty Contractors and Suppliers Use Block, as follows:

3. Table of Uses: 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 Appendix 1.
 - (b) Where the symbol “A” is shown, the use to which it refers is an accessory use, and subject to Appendix 1.
 - (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 Appendix 1.
 - (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 Appendix 1.

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Agriculture		
Agriculture	P	Use Standard A.i
Agricultural products, sales, distribution, and storage	P	Use Standard A.ii
Community Farms/Gardens	P	Use Standard A.iii
Farm Equipment Sales and Services	P	Use Standard A.iv
Forestry and Logging	S	Use Standard A.v
Nurseries, Commercial Greenhouse	P	Use Standard A.vi
Orchard	P	Use Standard A.vii
Riding Stable	P	Use Standard A.viii
Roadside Produce Stand (Seasonal)	P	Use Standard A.ix
Support Activities for Agriculture	S	Use Standards A.x
Vineyard Wineries	P	Use Standard A.xi

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Residential		
Convalescent Homes, Nursing Homes, Assisted Living Facilities	P	Use Standard B.i
Dwelling, Single Family	P	Use Standard B.ii
Dwelling, Multi-Family	P	Use Standard B.iii
Dwelling, Two Family	P	Use Standard B.iv
Farm Seasonal Worker Housing	P	Use Standard B.v
Education & Institutional		
Assembly	S	Use Standard C.i
Child Care Services	P	Use Standard C.ii
Colleges, Universities, Professional and Technical Schools	P	Use Standard C.iii
Government Administration and Offices	P	Use Standard C.iv
Hospital	S	Use Standard C.v
Museums, Historical Sites, and Similar Institutions	P	Use Standard C.vi
Postal Service	P	Use Standard C.vii
Services		
Administrative and Support Services	P	Use Standard D.i
Applied Technical Services	P	Use Standard D.ii
Automobile Services, Light	P	Use Standard D.iii
Automobile Services, Heavy	P	Use Standard D.iv
Broadcasting and Content Providers	S	Use Standard D.v

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Civic, Professional, Social, Political, and Similar Organizations	P	Use Standard D.vi
Computing Infrastructure Providers, Data Processing, and Web Hosting, and Related Services	P	Use Standard D.vii
Couriers and Express Delivery Services	S	Use Standard D.viii
Education Services	P	Use Standard D.ix
Equipment Sales & Repair	P	Use Standard D.x
Finance and Insurance Services	P	Use Standard D.xi
General Offices	P	Use Standard D.xii
Health Care Facilities and Social Assistance Services (excludes Hospitals)	S	Use Standard D.xiii
Management of Companies and Enterprises	P	Use Standard D.xiv
Personal Care Services	P	Use Standard D.xv
Professional Offices	P	Use Standard D.xvi
Professional, Scientific, and Technical Services	P	Use Standard D.xii
Publishing Industries	P	Use Standard D.xiii
Repair and Maintenance Services	P	Use Standard D.xix
Scientific Laboratory or Facility	P	Use Standard D.xx
Web Search Portals, Libraries, Archives, and Other Information Services	P	Use Standard D.xxi
Retail, Trade, General Merchandise		
Bakery Products	P	Use Standard E.i
Banks & Other Financial Institutions	P	Use Standard E.ii

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Catering Establishment	P	Use Standard E.iii
Clothing, Clothing Accessories, Shoe, and Jewelry Retailers	P	Use Standard E.iv
Drive-In Restaurant/Fast Food Restaurant	P	Use Standard E.v
Drug Store	P	Use Standard E.vi
Food and Beverage Uses	P	Use Standard E.vii
Food Services and Eating and Drinking Places	P	Use Standard E.viii
Furniture, Home Furnishings, Electronics, and Appliance Retailers	S	Use Standard E.ix
Gasoline Stations and Fuel Dealers	P	Use Standard E.x
General Retail Sales	P	Use Standard E.xi
Health and Personal Care Retailers	P	Use Standard E.xii
Hotel	P	Use Standard E.xiii
Mixed Use	P	Use Standard E.xiv
Mobile Home, Motor and Recreational Vehicle Sales and Services	S	Use Standard E.xv
Personal Care and Laundry Services	S	Use Standard E.xvi
Real Estate, Rental and Leasing Services	P	Use Standard E.xvii
Self-Storage Facilities (Mini-Warehouses)	P	Use Standard E.xviii
Sporting Goods, Hobby, Musical Instrument, Book, and Misc. Retailers	P	Use Standard E.xix
Support Activities for Transportation	P	Use Standard E.xx
Training Facility	P	Use Standard E.xxi
Truck Driving School	P	Use Standard E.xxii

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Veterinary, Animal Hospital	P	Use Standard E.xxii
Recreation, Amusement, Tourism		
Accommodation	P	Use Standard F.i
Arts, Entertainment, and Recreation	P	Use Standard F.ii
Bed and Breakfast	P	Use Standard F.iii
Indoor Theatre	P	Use Standards F.iv
Meeting or Party Hall	P	Use Standards F.v
Recreational Uses	P	Use Standard F.vi
Technology & Industrial		
Apparel Manufacturing	S	Use Standard G.i
Artisan Manufacturing	P	Use Standard G.ii
Beverage Manufacturing	S	Use Standard G.iii
Building Material and Garden Equipment and Supplies Dealers	S	Use Standard G.iv
Cleaners, Dry Cleaning, and Laundry Service, Commercial	S	Use Standard G.v
Contractor Storage Facilities	P	Use Standard G.vi
Construction Services	P	Use Standard G.vii
Distribution Center	P	Use Standards G.viii
Electronic Equipment, Appliance, and Component Manufacturing	P	Use Standard G.ix
Fabricated Metal Product Manufacturing	P	Use Standard G.x
Food Manufacturing	S	Use Standard G.xi
Freight Trucking	P	Use Standard G.xii

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Furniture and Related Product Manufacturing	S	Use Standard G.xiii
General Contractor	P	Use Standard G.xiv
Industrial, Heavy	P	Use Standard G.xv
Leather and Allied Product Manufacturing	S	Use Standard G.xvi
Machinery Manufacturing	S	Use Standard G.xvii
Miscellaneous Manufacturing	S	Use Standard G.xviii
Ready Mix Facility	P	Use Standard G.xix
Scientific Research and Development Services	S	Use Standard G.xx
Specialty Contractor	P	Use Standard G.xxi
Transportation & Utility		
Automatic Carwash	P	Use Standard H.i.
Electrical Vehicle Charging Station Facility	P	Use Standard H.ii
Pipelines	S	Use Standard H.iii
Public Utility	P	Use Standard H.iv
Rail Transportation, Freight	S	Use Standard H.v
Telecommunications	S	Use Standard H.vi
Transit and Ground Passenger Transportation	S	Use Standard H.vii
Accessory Uses & Structures		
Accessory Structure	A	Use Standard I.i
Agriculture Related Accessory Uses	A	Use Standard I.ii
Accessory Dwelling Unit to Single Family Unit	A	Use Standard I.iii
Garage, or Similar Structure	A	Use Standard I.iv

Table 5.2.1 – Use Matrix		
Use	SR47/I-65 Node	Use Specific Standards
Home Occupation	A	Use Standard I.v
Private Parking Lot	A	Use Standard I.vi
Recreation Facilities, Indoor or Outdoor	A	Use Standard I.vii
Retail, Less than 12,000 sq ft	A	Use Standard I.viii
Temporary Uses		
Construction Trailer or Sales Office	P	Use Standard J.i
Outdoor Display and Sales, Temporary	P	Use Standard J.ii
Special or Seasonal Event	P	Use Standard J.iii

*Up to one Gas Station and Fuel Dealer may be located within the 47 Commons PUD District.

- (e) Additional Requirements and Standards are contained in Section 9 of the 47 Commons PUD District Ordinance.
 - 2. Use Specific Conditions. The Use Specific Conditions applicable to certain of the authorized uses are set forth in Appendix 1 attached hereto.
- B. Development Requirements:
- 1. Applicable bulk standards are as follows:

Applied Technical Services & Specialty Contractors and Suppliers Use Block (TSCS)	
Maximum Height of Buildings*	50 feet
Maximum Lot Coverage	None
Minimum Road Frontage	None
Minimum Front Yard**	20 feet
Minimum Side Yard**	10 feet
Minimum Rear Yard**	10 feet
Minimum Lot Size***	None

* An elevator or other structure not occupied by a person may be erected up to 115’.

** If a lot is adjacent to an Agricultural zoned or used parcel, then a 40' building setback line shall be shown on the lot.

*** There shall be no minimum lot size, except to the extent required for installation of a septic system.

2. Applicable landscaping requirements are contained in Section 4 of the 47 Commons PUD District Ordinance.
3. Applicable lighting requirements are contained in Section 5 of the 47 Commons PUD District Ordinance.
4. Applicable signage requirements are contained in Section 6 of the 47 Commons PUD District Ordinance.
5. Applicable parking requirements are contained in Section 7 of the 47 Commons PUD District Ordinance.
6. Applicable environmental systems, drainage and street standards are contained in Section 8 of the 47 Commons PUD District Ordinance.

Section 4. Landscaping and Buffering Requirements. The landscaping in the 47 Commons PUD District shall be a combination of native and ornamental plants, shrubs, and shall be designed to provide for:

- (i) effective buffering between uses within the 47 Commons District and adjoining properties; and
- (ii) appropriate plantings complimentary to the uses within the 47 Commons PUD District.

Section 4.1. Perimeter Buffering. Perimeter buffering is required per the Perimeter Buffer site plan.

- A. Perimeter buffering along the property lines shall be provided in the form of a minimum ten (10) foot greenbelt buffer for portions of the 47 Commons PUD District perimeter abutting all roadways (with the exception of portions of the 47 Commons PUD District abutting State Road 47 which must have a thirty (30) foot greenbelt), a minimum thirty (30) foot greenbelt buffer between proposed lots within the 47 Commons District and existing residential uses adjacent to the 47 Commons PUD District, the required perimeter buffering may overlap with the required setbacks (the perimeter buffering is not in addition the required setbacks).
- B. The greenbelt buffer between proposed lots within the 47 Commons PUD District and adjacent, existing residential uses shall include a 6' mound and five (5) shade trees, five (5) evergreen trees and 10 shrubs (may trade one (1) tree per five (5) shrubs) per one-hundred (100) linear feet. Further, bufferyards will be of varying height and width and will be composed of earthen mounds with trees and shrubs at a maximum 3:1 slope. Grading

provisions will be made at the toes of slope on each side of the mounts to capture and convey stormwater runoff.

- C. The minimum bufferyard requirements between uses within the Commercial & Retail Use Block or between uses within the Applied Technical Services & Specialty Contractors and Suppliers Use Block is a 30- foot width; which includes three (3) shade trees, three (3) evergreen trees, and 10 shrubs per 100 linear feet.

Section 4.2. Foundation Planting Standards. All plans for foundation plantings shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration. Building base landscaping shall be provided at the base of all building elevations that do not directly abut hardscapes, to soften and enhance the architectural lines of buildings, and frame the primary views to buildings and public spaces. Foundation plantings shall be designed to appropriately complement a building's use, setback, height, and architectural features.

- A. Within the Commercial & Retail Use Block a minimum planting area of three (3) feet in depth, extending from the building façade, shall be installed along the front, sides, and rear of building(s). Additional, planting beds, flower boxes, or other decorative plantings may be provided in lieu of foundation plantings with the Controlling Developer's consent.
- B. The primary landscape materials used shall be shrubs, ground cover, and ornamental grasses.
- C. Sidewalks, plazas, and/or terraces may be permitted within the foundation planting areas.
- D. Outdoor dining, ingress areas, egress areas and service areas shall not require foundation plantings and shall be deducted from the overall length and size of the building perimeter prior to calculating the required foundation planting area.
- E. Foundation plantings shall only be required for the front façade that contains the primary entrance for buildings within the Applied Technical Services & Specialty Contractors and Suppliers Use Block.

Section 4.3. Parking Lot Plantings. All plans for parking lot plantings shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration. Where parking lots adjoin and are visible from the public right-of-way, the following requirements will apply:

- A. Lot Interior. A minimum of one (1) shade tree and three (3) shrubs per fifteen (15) parking spaces shall be provided. Planting islands shall be distributed throughout the parking lot and be a minimum of nine (9) feet

wide by eighteen (18) feet wide. Planting islands shall be permitted to be utilized for stormwater management as part of a low impact development strategy. There shall be no more than twenty (20) parking spaces in a row between parking islands.

B. Lot Perimeter. A minimum six (6) foot wide perimeter planting strip shall be provided on all sides of a parking lot within the Commercial & Retail Use Block (except where parking areas abut curb-to-building sidewalk).

1. The planting strip shall contain three (3) shade trees and twenty (20) shrubs and/or ornamental grasses per one hundred (100) lineal feet of planting strip.
2. Walls with a minimum of one-third (1/3) of the aggregate wall length on a parcel to be eighteen (18) inches to twenty-four (24) inches in height (seating walls), and the remaining two-thirds (2/3) of the aggregate wall length with a minimum height of forty-two (42) inches, may be used in lieu of fifty percent (50%) of the required plantings.
3. These requirements exclude areas where parking lot drive aisles discharge directly into a perimeter road. In areas where parking lot drive aisles abut to the right-of-way edge no shrubs will be required.
4. Perimeter planting may occupy the same area as a required perimeter buffering but shall not be counted towards buffer planting requirements; provided, however that in areas where there exists a combination of buffer plantings and parking lot perimeter plantings, the required number of plantings shall not exceed five (5) trees and thirty (30) shrubs per one hundred (100) lineal feet.
5. Existing vegetation may be credited towards perimeter planting strips around parking lots on a one-to-one basis for trees provided the existing trees are healthy and have a minimum 3" diameter at breast height. In addition, existing trees may be substituted for three (3) shrubs. The planting strip where credited must be placed within a woodland preservation easement and there should be no limit to the width of this planting strip when crediting existing trees. To the extent existing trees and vegetation will be used to satisfy parking lot perimeter planting requirements, the Controlling Developer or its successor shall provide a tree survey and/or tree inventory with its petition for Development Plan approval.

C. Additional Requirements. Required parking lot plantings may be grouped to allow a more natural planting scheme and to provide view sheds, where

appropriate, and required plantings may be computed as an average across the total linear footage of frontage.

Section 4.4. Screening Areas. All plans for screen plantings shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration. Screening and landscaping shall prevent direct views of loading areas, ground mounted mechanical/telecommunication equipment and other service areas from adjacent residential properties or from the public right-of-way. Screening and buffering shall be achieved through walls, fences and landscaping that meets the requirements of Section 5.3B, shall be a minimum of five (5) feet tall, and shall be visually impervious. Recesses in the Building or depressed access ramps may also be used.

Section 4.5. Storm Water Retention Ponds. Storm water retention ponds will be designed in a non-geometric shape. The primary landscaping materials used when adjacent to ponds shall be shrubs, ground covers, ornamental grasses, and wetland specific plantings, appropriately cited for a natural appearance. All plans for plantings adjacent to ponds shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration.

Section 4.6. Maintenance. Once developed, it shall be the responsibility of the applicable owners' association with respect to any portion of the 47 Commons PUD District owned by such owner(s) and on which any landscaped area exists per the requirements of the 47 Commons PUD District Ordinance, to ensure proper maintenance of landscaping in accordance with the 47 Commons PUD District Ordinance. This maintenance is to include, but is not limited to mowing, tree trimming, planting, maintenance contracting, irrigation, and mulching of planting areas, replacing dead, diseased, obtrusive, or overgrown plantings with identical varieties or a suitable substitute, and keeping the area free of refuse, debris, rank vegetation and weeds.

Section 4.7. Plant List. Screening and landscaping plant materials shall be selected from the following list. The current IDNR Terrestrial Plant Rules (312 IAC 18-3-25) shall also be consulted for any prohibited plant materials.

Shrubs

Botanic Name	Common Name
Amorpha fruticosa	Indigo Bush
Aronia spp.	Chokeberry
Calycanthos floridus	Carolina Allspice
Caragana spp.	Peashrub
Ceanothus americanus	New Jersey Tea
Celastrus scandens	American Bittersweet
Cephalanthus occidentalis	Button Bush
Chaenomeles spp.	Quince
Cornus spp.	Dogwood
Corylus americana	American Hazelnut
Cotinus coggygria	Smokebush
Cotoneaster spp.	Cotoneaster

Deutzia gracilis	Slender Deutzia
Euonymus alatus	Burning Bush
Forsythia spp.	Forsythia
Hamamelis spp.	Witchhazel
Hydrangea spp.	Hydrangea
Hypericum spp.	St. Johns Wort
Ligustrum spp.	Privet
Myrica pennsylvanica	Northern Bayberry
Prunus spp.	Plum
Ptelea trifoliata	Hope Tree
Rhamnus frangula	Buckthorn
Rhodotyphes scandens	Black Jetbead
Rhus spp.	Sumac
Ribes spp. Gooseberry	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
<i>Evergreen Shrubs</i>	
Juniperus spp.	Juniper
Pinus mugo Mugo	Pine
Taxus spp.	Yew

Shade Trees

Botanic Name	Common Name	Mature Height
Acer Freemanii	Freeman Maple	50'-60'
Acer rubrum	Red Maple	40'-60'
Acer saccharum	Sugar Maple	50'-70'
Ginkgo biloba (male only)	Ginkgo	40'-60'
Gleditsia triacanthos inermis	Thornless Honeylocust	30'-60'
Gleditsia triacanthos	Imperial Honeylocust	30'-60'
Liquidambar styraciflua	American Sweet Gum	40'-60'
Liriodendron tulipifera	Tulip Tree	70'-80'
Platanus x acerifolia	'Bloodgood' Bloodgood London Planetree	70-85'
Quercus alba D Shade	White Oak	60'-80'
Quercus bicolor	Swamp White Oak	40'-50'
Quercus coccinea	Scarlet Oak	60'-80'
Quercus palustris	Pin Oak	50'-80'
Quercus phellos	Willow Oak	50'-70'
Quercus robur -	English Oak	50'-70'
Quercus rubra	Red Oak	40'-60'
Taxodium distichum	Bald Cypress	50'-100'
Tillia americana	Basswood Linden	40'-60'
Tillia cordata	'Green Spine' Little-Leaf Linden	40'-50'
Tillia tomentosa	Silver Linden	40'-50'

Zelkova serrata	'Village Green' Village Green Zelkova	40'-60'
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Evergreen Trees

Botanic Name	Common Name	Mature Height
Abies Concolor	White Fir	30'-50'
Cupressocyparis Leylandii	Leyland Cypress	60'-70'
Picea abies	Noway Spruce	50'-60'
Picea glauca densata	Black Hills Spruce	50'-60'
Picea omorika	Serbian Spruce	50'-60'
Picea pungens	Colorado Spruce	60'-75'
Picea pungens 'Glauca'	Colorado Blue Spruce	60'-75'
Pinus nigra	Austrian Pine	30'-60'
Pinus ponderosa	Ponderosa Pine	40'-50'
Pinus strobus	Eastern White Pine	50'-100'
Tsuga canadensis	Canada Hemock	60'-75'

Ornamental Grasses

Botanic Name	Common Name
Chasmanthium latifolium	River Oats (aka Indiana Woodoats)
Panicum virgatum	Switch Grass
Sisyrinchium angustifolium	Blue-Eyed Grass
Spartina pectinata	Prairie Cord Grass
Molina caerulea	Moor Grass
Carex buchananii	Leatherleaf Sedge
Carex morrowii	Japanese Sedge Grass
Clamagrostis x acutiflora	Feather Reed Grass
Festuca glauca	Blue Fescue
Sesleria autumnalis	Autumn Moor Grass

Groundcover

Botanic Name	Common Name
Asarum canadense	Wild Ginger
Asclepias incarnata	Swamp Milkweed
Celastrus scandens	American Bittersweet
Iris cristata	Crested Dwarf Iris
Liatris pycnostachya	Prairie Blazing Star
Liatris spicata	Dense Blazing Star
Lobelia cardina	Cardinal Flower
Lonicera sempervirens	Scarlet Honeysuckle/Trumpet Honeysuckle
Partenocissus quinquefolia	Virginia Creeper
Phlox paniculata	Summer Phlox
Vernonia fasciculata	Prairie Ironweed
Waldsteinia fragarioides	Barren Strawberry
Asarum europaeum	Wild Ginger
Cotoneaster dammeri	Cotoneaster Bearberry
Epimedium x rubrum	Barrenwort (aka Bishop's Hat)
Helleborus spp.	Hellebore

Note: Several varieties of each species may be available and may substituted upon approval by the Controlling Developer before being submitted to eh APC for Development Plan approval.

Section 5. Lighting Requirements.

Section 5.1. Site Lighting. All Lighting Plans for lighting shall first be reviewed and approved by the Controlling Developer before being submitted as part of the Development Plan. All site lighting accessory to uses within the 47 Commons PUD District shall comply with the following standards:

- A. **Consistency of Illumination.** All site lighting shall be coordinated throughout the Use Blocks and be of uniform or comparable design and materials.
- B. **Lighting Intensity.** The lighting Plan shall show that illumination beyond any lot line or road right-of-way line does not exceed 0.5 footcandle of light.
- C. **Consistency of Fixtures.** Exterior lighting shall be architecturally integrated with the building style, material, and color. Rooftop lighting is prohibited.
- D. All exterior ground-mounted architectural, display and decorative lighting shall be generated from concealed on low level light intensity fixtures.
- E. **Parking Lot Lighting.** Light fixtures in parking areas shall not exceed twenty-five (25) feet in height. The height of light fixtures within ninety (90) feet of a property line of a property used or platted for residential shall not exceed eighteen (18) feet. Lighting in all parking areas shall be designed and maintained so that it is reduced to the lowest level reasonably required for security purposes, during the hours that the associated uses are not open for business.
- F. No neon lighting shall be permitted (i) on the exterior of or (ii) on the outside of any building.

Section 6. Signage Requirements.

Section 6.1. Marquee Signs. Marquee signs shall be permitted at each entrance to 47 Commons PUD District. Refer to Exhibit 3, for character imagery of the sign.

- A. Area: Maximum sign area per sign shall be seventy-five (75) square feet.
- B. Height: Maximum sign height shall be ten (10) feet.
- C. Location: Located outside of street right-of-way.
- D. Illumination: Signs may be externally or internally illuminated.

Section 6.2. Freestanding & Wall Signs. All plans for signs shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration and/or sign permit. The following signs shall be permitted on each Lot within the 47 Commons PUD District:

- A. Freestanding Signs. One (1) freestanding ground sign shall be permitted on each lot.
- B. Wall Signs. One (1) building wall sign shall be allowed on each building façade on each Lot. If building is multi-tenant one (1) sign will be allowed per tenant on façade.
- C. Billboard. Permitted in TSCS only and a maximum of one (1).
- D. Size, Location & Area. The size, location and surface area of wall signs and ground signs shall be as follows:
 - 1. The sign area for wall signs shall not exceed fifteen percent (15%) of the façade.
 - 2. A ground sign shall not exceed six (6) feet in height and forty-eight (48) square feet in area.

Section 6.3. Temporary Signs. Temporary signs shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for a temporary sign permit.

- A. The placement of any temporary signs shall not exceed thirty (30) consecutive days subject to the approval of the Controlling Developer or its successor.
- B. A maximum of one (1) temporary sign permitted per business and not to exceed more than 120 days in a calendar year.
- C. Temporary Signs shall not exceed eight (8) square feet in area and shall not exceed four (4) feet in height when placed on the ground.

Section 6.4. Portable Temporary Signs. Portable temporary signs shall be permitted. Portable temporary signs shall include portable signs displayed to convey information for limited periods (regardless of content) displayed during operating hours. Such signs shall not be larger than eight (8) square feet in Sign Area and shall not exceed four (4) feet in height when placed on the ground.

Section 6.5. Incidental Signs. Signs less than three (3) square feet in sign area and less than three (3) feet in height where ground mounted shall be permitted and shall be approved by the Controlling Developer.

Section 6.6. No Neon. No sign within the 47 Commons PUD District shall include an exposed neon lighting source.

Section 6.7. 47 Commons PUD District Internal Signage (Non-Regulatory). All signs pertaining to directions, identification, pedestrian crossings, gate openings, trails and other amenities throughout the 47 Commons PUD District shall adhere to a consistent look and style but shall not be limited in quantity or size, but rather be used as needed throughout in addition to the street sign system. All such signage will be maintained by the Controlling Developer or its successor in interest.

Section 6.8. Regulatory Signs. Regulatory signage including but not limited to street signs, stop signs, and speed limits signs may have decorative posts and hardware provided they meet MUTCD requirements. Any decorative posts, signs or hardware will be maintained by the Controlling Developer or its successor in interest.

Section 7. Parking Requirements.

Section 7.1. Parking. All plans for parking shall first be reviewed and approved by the Controlling Developer before being submitted to the APC for Development Plan consideration.

- A. Shared Parking. Off-street parking areas for two (2) or more different uses may be provided collectively, as one parking area, so long as the total number of spaces provided is not less than the total of the minimum required spaces for each individual use; provided, however, that where it is established to the Controlling Developer's satisfaction that adjacent buildings have uses that require parking at complementary times of the day, or complimentary days of the week, then the total number of shared parking spaces provided shall be less than the total of the minimum number of spaces required for each individual use.
- B. Parking areas may be constructed with parking bumpers in lieu of the required curb in areas necessary to accommodate storm water management practices.
- C. The minimum dimensions of a ninety degree (90°) oriented parking space shall be ten (10) feet by twenty (20) feet.
- D. Internal parking lot drive aisles shall be a minimum of twenty-four (24) feet in width as measured from the outside edge of the parking space to the outside edge of the parking space perpendicular to and on the opposite side of the drive aisle.
- E. Parking Requirements. The required parking shall be considered on a use-by-use basis and justified in writing by the site developer. The proposed parking plan shall first be reviewed and approved by the Controlling

Developer before being submitted to the APC for Development Plan consideration.

Section 7.2. Off-Street Loading, Stacking and Service Area Requirements.

- A. Loading docks, solid waste facilities, recycling facilities, and other service areas shall be placed to the rear or side of a building.
- B. Off-street stacking spaces promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility which utilizes a drive-thru service unit (“service unit”). Any use having a service unit shall provide required stacking spaces as follows:
 - (i) Each stacking space shall be not less than eight and 8-1/2 feet in width and 17-1/2 feet in length, with additional stacking spaces for necessary turning and maneuvering.
 - (ii) The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
 - (iii) A parking space at any component of a service unit (window, menu board, order station or service bay) shall be considered to be a stacking space.
 - (iv) An area reserved for stacking spaces shall not double as a circulation driveway or maneuvering area.
 - (v) Sites with stacking spaces shall include an exclusive bypass aisle, driveway, or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.
 - (vi) A service unit may project up to one foot into the stacking area.
- C. Parking screening and additional requirements are addressed in Section 4 of the 47 Commons PUD District Ordinance.

Section 8. Environmental Systems, Drainage and Streets and Streetscapes.

Section 8.1. Low Impact Development. Low Impact Development (LID) techniques shall be encouraged as an environmental system to help attain water quality standards in conjunction with development of the storm water conveyance plan for the 47 Commons PUD District. Examples of such systems include the use of bioswales, bioretention, rain gardens, infiltration trenches and permeable pavers/pavement. Any such systems shall be privately owned and maintained.

Section 8.2. Drainage Plan. Development within the 47 Commons PUD District shall be prepared in accordance with the Boone County Stormwater Ordinance, and shall accommodate detention volume for the fully developed site and include standards and practices governing run-off, water quality, and regulating release rates. All stormwater infrastructure shall be designed by an engineering professional licensed in the State of Indiana. Stormwater infrastructure may be privately owned, with the Controlling Developer's consent, except as required by the Boone County Surveyor's Office.

Section 8.3. Street Standards. All streets will comply with the applicable provisions of the County's Street Design and Construction Standards, unless specified otherwise in Exhibit 1 (Concept Plan).

Section 8.4. No Minimum Frontage. Any parcel or User within the 47 Commons PUD District, served by a private drive or private street shall not be required to maintain a minimum frontage on a public right-of-way. Multiple users may be served by a single private drive. In such cases, appropriate ingress/egress easements along with a plan for future drive maintenance shall be established.

Section 8.5. Access Drives. The number and configuration of vehicular access drives into the 47 Commons PUD District is generally illustrated in Exhibit 1 (Concept Plan) but may change in connection with the platting of a lot or section within the 47 Commons PUD District. Regardless, lots with frontage on an internal private road shall gain their access from said road and shall not have access to an adjacent public right-of-way.

Section 9. Additional Requirements and Standards.

Section 9.1. Connection to Sewer & Water Utilities. The uses within the 47 Commons District shall be connected to water and sewer services, except to the extent individual user(s) may initially be operated on a well and septic system with approval of the Boone County Health Department. At such time as water and sanitary sewer services are available to serve the uses with the 47 Commons PUD District, then all such uses, including those initially operated on a well and septic system, shall connect to water and sanitary sewer services and existing septic and wells shall be abandoned.

Section 9.2. Minimum Acreage. There are no minimum acreage requirements for lots in the 47 Commons PUD District.

Section 9.3. Phasing. The 47 Commons PUD District may be developed in phases as determined by the Controlling Developer.

Section 9.4. Rear Yard Surface Materials. The rear yard surface of any use within Applied Technical Service & Specialty Contractors & Suppliers Use Block may use millings or stone in lieu of pavement, with the Controlling Developer's consent; provided, such areas shall be screened from the adjoining public right-of-way.

Section 9.5. Above-ground Utilities. Electric utility supports and lines, as well as telephone poles and other like utilities (other than water and sewer lines) may be above ground.

Section 10. Declaration(s) of Covenants and Owners Association(s). Declarations of Covenant(s) governing the 47 Commons development and assuring on-going maintenance of landscaping, common areas and internal, private roads and drives shall be prepared by the Controlling Developer and recorded with the Recorder of Boone County, Indiana. Boone County and Boone County APC are not responsible for the enforcement of the Declaration(s) of Covenants.

Section 11. Platting. The platting requirements applicable to any portion of the Real Estate within the 47 Commons PUD District shall be those requirements applicable to commercial and industrial subdivisions under the Boone County Subdivision Control Ordinance, except that the platting requirements applicable to a residential subdivision under the Boone County Subdivision Control Ordinance shall apply to the creation of lot(s) for Single Family Dwellings. There shall be no minimum open space requirements applicable to any such plat. Following approval of the secondary plat, and prior to issuance of an improvement location permit, a performance bond or irrevocable letter of credit shall be filed with the Plan Commission office.

Section 12. Procedural Provisions.

Section 12.1. Modification of Development Requirements. The Controlling Developer may submit an application to the Area Plan Commission to amend the PUD District Ordinance in order to modify any requirements specified. In accordance with its Rules and Procedures, the Area Plan Commission shall hold a public hearing and make a recommendation to the Boone County Board of Commissioners who will make the final decision.

- A. This Ordinance does not affect the right of an applicant to petition the BZA for a variance from development standards.
- B. This Ordinance does not affect the right of an applicant to petition the Boone County Area Plan Commission for a waiver from any standard contained in the Subdivision Control Ordinance.
- C. This Ordinance does not affect the right of an applicant to petition any governmental board or agency for a variance or relief from an applicable standard contained within another ordinance, regulation, code, law or statute.

Section 12.2. Variance of Development Requirements.

- A. Variances from the 47 Commons PUD District Ordinance. Variances from terms set forth herein provided the following Finding of Facts are satisfied:
 - (i) The proposal must be in harmony with the purposes and the land-use standards contained in the 47 Commons PUD District Ordinance.

- (ii) The proposal must enhance the overall development, the adjoining streetscapes, and the overall 47 Commons PUD District.
 - (iii) The proposal must not produce a site plan or street/circulation system that would be impractical or detract from the appearance of the development of the 47 Commons District, and must not adversely affect emergency access or deprive adjoining noncommercial properties of adequate light and air.
 - (iv) In granting a variance, the Board of Zoning Appeals may impose such conditions that will, in its judgement, secure the purposes of the 47 Commons PUD District Ordinance.
- B. Variances from the Boone County Zoning Ordinance. Variances from the development requirements of the Boone County Zoning Ordinance that apply within the 47 Commons PUD District, shall be in accordance with the adopted Rules and Procedures of the BZA and Indiana law.
 - C. A Letter of Support from the Controlling Developer shall be submitted as part of the required Board of Zoning Appeals application.

Section 13. Controlling Developer's Consent. Without the written consent of the Controlling Developer (or its successor), no other developer, user, owner, or tenant may obtain any permits or approvals, whatsoever, with respect to the 47 Commons PUD District or any portion thereof and, as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the Controlling Developer:

- A. Improvement location permits for any improvements within the 47 Commons PUD District;
- B. Sign permits for any signs within the 47 Commons PUD District;
- C. Building permits for any buildings within the 47 Commons PUD District;
- D. Development Plan approval for any part of the 47 Commons PUD District;
- E. Primary plat and/or secondary plat approval for any part of the 47 Commons PUD District; and
- F. Any text amendments, zone map amendments, variances, modifications of development requirements or other variations to the terms and conditions of this the 47 Commons PUD District Ordinance.

Section 14. Definitions. The definitions of the uses set forth in the Table of Uses as part of Section 3.1.A. and 3.2.A, unless otherwise defined below in this Section 14, shall be the same as set forth in the Boone County Zoning Ordinance.

Accessory (Structure, Building, or Use). A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area, and height to the primary structure, building or use, and is located on the same lot as the primary building, structure, or use.

Applied Technical Services. A business serving commercial and industrial clients by providing inspection, testing, construction, construction management, consulting engineering, and calibration services, as well as industrial trades.

Artisan Manufacturing. Manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products, or wastes, where operations, other than transportation, are performed entirely within enclosed buildings. Loading and unloading facilities are enclosed.

Assembly.

Automobile Services, Light. Establishments providing routine maintenance and minor repair servicing of automobiles, which may include washing, cleaning, waxing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

Automobile Services, Heavy. Establishments providing major repairs to the servicing of automobiles, including engine over-haul or replacement, body work, upholstery work, glass replacement, transmission over-haul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked auto-mobiles, excluding commercial wrecking, dismantling, junk yard, truck, and tractor re-pair.

Automatic Car Wash. A facility that uses machines to clean vehicles without human intervention (does not include a self-service car wash; provided, however, such use may include vacuums and other equipment and supplies for customers to detail their own vehicles).

Banks & Other Financial Institutions. A building wherein the primary occupation is concerned with banking, investment brokerages, savings and loans, loan companies and investment companies and credit unions.

Billboard. A sign which directs attention to any business, profession, product, activity, commodity or service that is offered, sold or manufactured. The sign is to be no greater than 1,200 square feet and no taller than fifty (50) feet from the ground area.

Boone County Zoning Ordinance. The Boone County Zoning Ordinance, as amended.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

Catering Establishment. A place that prepares food or drinks for consumption by others, on-site and off-site, and may be operated in connection with a restaurant or other similar business, including an event center or meeting or party hall.

Child Care Services. In accordance with IC 12-17.2, service from a nonresidential building where at least one child receives child care from a provider while unattended by a parent, legal guardian, or custodian for regular compensation and pursuant to a license granted by the State of Indiana.

Colleges, Universities, Professional Technical & Trade Schools. Institutions, schools and/or businesses which provide classes, instruction and training, including job training. The organizations providing the instruction may be nonprofit or for-profit.

Construction Services. Those services directly related to supporting a construction project, including the provision of labor and materials, inspection services, safety services, job skills training, quality control and project management.

Contractor Storage Facilities. An enclosed space or place where goods, materials, or property is placed and kept for more than twenty-four (24) consecutive hours.

Construction Trailer. A temporary facility associated with a construction site and from which office and administrative functions may be conducted.

Controlling Developer. MCI Development LLC or its designee.

Distribution Center. A facility where goods or products (including tools, equipment, supplies and inventory) are stored onsite temporarily, for the purpose of delivery to another property or to a wholesaler or end user. Such facilities may include automated systems, office space, and a pick and pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory. Distribution centers may include warehousing.

Drive-In Restaurant / Fast Food Restaurant. An establishment whose principal business is the sale of prepared food and/or beverages for consumption on or off the premises and offering food service over a counter or through a drive-through facility, having a limited menu of items already prepared and held for service or prepared quickly.

Drug Store. A structure where drugs and medicines are sold, as well as personal items, household goods, and food.

Dwelling, Multi-Family. A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and party walls.

Dwelling, Single-Family. A building consisting of a single dwelling unit only and separated from other dwelling units by open space.

Dwelling, Two-Family. A building consisting of two dwelling units which may be attached either side-by-side or one above the other, and each unit having a separate or combined entrance or entrances.

Equipment Sales and Repair. The use of land, buildings or structures for the sale, storage or repair of equipment and machinery which may include but is not limited to farm implement sales and repair and small engine sales and repair.

Fabricated Metal Manufacturing. A site where raw metal is transformed into finished products or components by using processes like cutting, bending, welding, and assembling.

Food and Beverage Uses. Permanent food and beverage establishments including dairy bars, food bars, diners, dining rooms, grills, lunch counters, pizza parlors, pizzerias, restaurants, soda fountains, submarine sandwich shops, delicatessen, ice cream parlors, frozen custard stands, bakeries, brewery or vineyard, coffee shops or coffee cafes and tea rooms.

Gas Station and Fuel Dealer. Any structure or land use primarily for the dispensing or sale of fuels, including electric charging stations, to the local public to propel motor vehicles. Service stations include convenience stores on site, but do not include truck stops.

General Contractor. A business that manages and coordinates a construction project or portion thereof for some period of time. Such use includes the outdoor and/or indoor storage of equipment and materials necessary to manage and coordinate a construction project.

General Offices. A place of business used exclusively for office purposes where no product or commodity for retail sale is located or sold, including but not limited to sales offices, real estate offices, financial offices, and professional offices. May also include data processing and analysis facilities, insurance offices, office buildings, office spaces, office uses, travel service bureaus, utility company business offices, and license bureaus.

General Retail Sales. Any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but need not be limited, to such activities as: supermarkets, stores that sell hardware, apparel, footwear, appliances, furniture, department stores, sporting goods stores, and discount stores.

Government Administration & Offices. A building housing government offices or functions, including equipment and materials used by the government (federal, state and/or local) in carrying out its public services.

Hotel. Any building or group of buildings containing five (5) or more rooms, designed or intended to be occupied for sleeping purposes by guests for a fee, often with a common kitchen and dining room facilities provided within the building and which caters to the traveling public.

Indoor Theater. A building or part of a building devoted to showing motion, pictures, or for dramatic, dance, musical, or other live performances. Uses include but are not limited to a movie theater and performing arts center.

Industrial, Heavy. An industrial use which requires both building and open area for manufacturing, fabricating, processing, repairing, dismantling, storage or disposal of raw materials, or manufactured products which is not injurious to health or safety of humans or animals, or injurious to vegetation and which is not noxious or offensive by reason of the emission of smoke, dust, gas, fumes, odors, or vibrations beyond the limits established herein.

Meeting or Party Hall. A building or structure used for gatherings, such as for religious, charitable, educational, cultural, recreational, or philanthropic purposes. A party hall, also known as a banquet hall, function hall, or reception hall, is a building or special-purpose room used to host large social and business events.

Outdoor Advertising (Billboard). Posters, signs, and other displays on buildings, vehicles, and public transportation, including billboards.

Outdoor Display & Sales. A use that places products or materials offered for sale or exchange outside of a permanent building. The use must be associated with a business in a building on the site. Examples include stacks of bagged materials, bundles of firewood, and racks of items for sale such as lumber or plants. This definition does not include farmers' market; sidewalk café; vending machines or self-service kiosks; or outdoor seating area or patio.

Outdoor Storage. The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, building materials or commodities, including raw, semi-finished and finished materials for a period of time in excess of one week, the storage of which is not accessory to a residential use, and which is visible from ground level.

Personal Care Services. An establishment or place of business primarily engage in the provision of frequent or recurrent needed services of personal nature. Typical uses include, but are not limited to, beauty and barbershops, shoe repair shops, and tailor shops.

Plan Commission. The Boone County Area Plan Commission (APC).

Private Parking Lot. An area accessory to an on-site primary structure/business that is designed or used for the parking of motor vehicles, whether free or for compensation, or as an accommodation for employees, clients, and/or customers.

Professional Offices. The office of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the State and maintenance of professional standards applicable to the field.

PUD District. All of the real property duly rezoned and governed by this 47 Commons PUD District Ordinance and subject to the jurisdiction of the Plan Commission under this PUD District Ordinance.

Public Utility. A business or service, having an appropriate franchise from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sanitary sewer service (and treatment), water, transportation, or communications, including those improvements and facilities necessary to provide such commodity or service.

Ready Mix Facility. A facility where raw materials are processed into concrete for sale and/or immediate use. Facilities typically include all necessary equipment for transport, production, processing of returned materials, and application of the finished product.

Recreational Uses. Sports, hobbies, and leisure-time activities either indoors or outdoors. Any facility housing such use may be either public or private.

Scientific Laboratory or Facility. A building for the accommodation of scientific research such as electronic, engineering, chemical, medical, and similar laboratories and planned and placed on the site.

Self-Storage Facilities (Mini-Warehouses). A business which rents storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units," to tenants, usually on a short-term basis.

Special Events, Outdoors. Short-term cultural, community and entertainment events that take place outdoors, including but not limited to fund-raising activities by not-for-profit organizations, car washes, walks, runs and bike events, concerts, or festivals.

Specialty Contractor. A business employing individuals skilled in the trades including carpentry, welding, electrical, HVAC, plumbing, as well as other construction, maintenance and repair activities requiring special training and skills. The use includes the outdoor and/or indoor storage of equipment and materials necessary to provide services to customers.

Support Activities for Transportation. A central facility for the distribution, storage, loading, and repair of fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as ambulance services; courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services.

Training Facility. A place where people learn skills for a specific job or activity. Training facilities can be buildings, pieces of equipment, or services. They can include a variety of learning spaces, such as classrooms, labs, and conference rooms.

Truck Driving School. A place where students obtain their Class 'A' Commercial Driver's License (CDL). This license allows drivers to operate different types of tractor trailers. Generally, students with little to no experience can join such a program, and graduates should be prepared to begin entry-level truck driving positions.

Exhibit A
Legal Description

The East Half of the Northeast Quarter of Section 4, Township 19 North, Range 1 West of the Second Principal Meridian, Washington Township, Boone County, Indiana, containing 80 acres, more or less.

Also, Three (3) acres of even width off of the entire North end of the East Half of the Southeast Quarter of Section 4, Township 19 North, Range 1 West of the Second Principal Meridian, Washington Township, Boone County, Indiana.

Also, the West Half of the Northwest Quarter of Section 3, Township 19 North of the Second Principal Meridian, Washington Township, Boone County, Indiana, containing 80 acres, more or less.

EXCEPT, a part of the Northwest Quarter of Section 3 and also a part of the Northeast Quarter of Section 4, both in Township 19 North, Range 1 West, situated in Washington Township, Boone County, Indiana; and being more particularly described, as follows, to-wit: Begin at the Northwest corner of the aforesaid Section 3, and proceed thence South 00°24'00" West, along the Section line, for a distance of 132.21, feet; thence South 89°36'00" East, along the right-of-way line of State Road #47, a distance of 404.50 feet; thence South 78°17'23" East, continuing along the right-of-way line for a distance of 152.97 feet; thence South 89°36'00" East, continuing with the right-of-way line for a distance of 100.00 feet; thence South 00°24'00" West for a distance of 593.45 feet; thence North 89°36'00" West for a distance of 700.00 feet; thence North 00°24'00" East for a distance of 755.72 feet to the Section line; thence South 89°31'00" East, with the Section line for a distance of 45.50 feet to the point of beginning, containing 10.0363 acres, more or less. All distances computed from electronic measurement. Also excepting therefrom approximately 3 acres taken by the State Highway Department under eminent domain proceedings. Containing in the aggregate hereby described 153 acres, more or less.

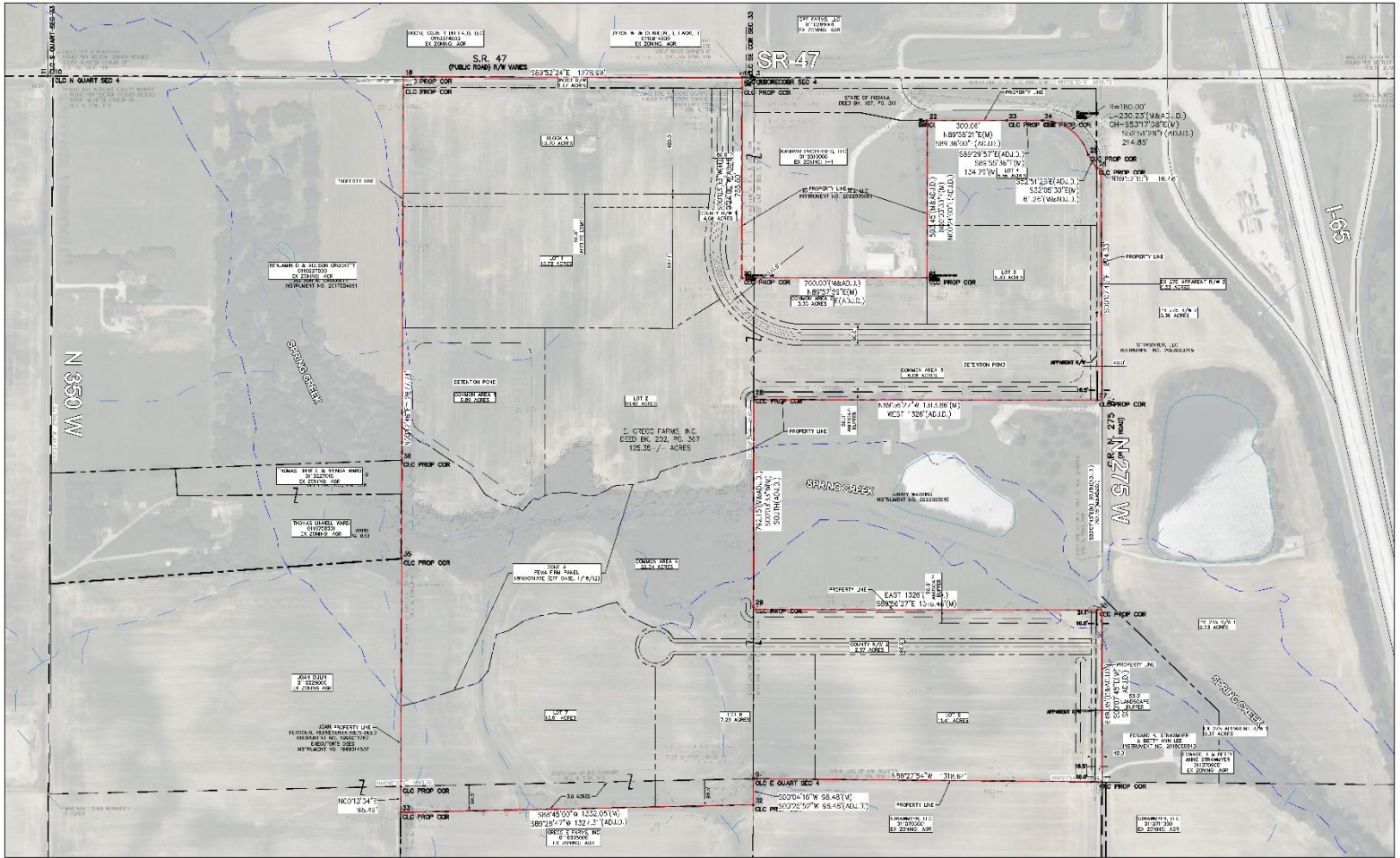
ALSO EXCEPT THE FOLLOWING, TO-WIT: A part of the West Half of the Northwest Quarter of Section Three (3), Township Nineteen (19) North, Range One (1) West of the Second Principal Meridian, situated in Washington Township, Boone County, Indiana, and containing 24.11 acres, more or less, and more particularly described as follows: Beginning at a point 649.35 feet North of the Southeast corner of the West Half of the North West Quarter of Section 3, Township 19 North, Range 1 West, and run thence West 1326 feet to the Section line and an existing fence; thence North 792.15 feet following the Section line and an existing fence; thence East 1326 feet along an existing fence to the Quarter-Quarter Section line and center of public road 275- West; thence South 792.15 feet following the Quarter-Quarter Section line and center of public road 275-West to the place of beginning.

ALSO EXCEPT THAT PART conveyed to the State of Indiana, by Warranty Deed recorded February 14, 1969, in Deed Record 187, page 311, in the Office of the Recorder of Boone County, Indiana, more particularly described as follows, to-wit: A part of the West Half of the Northwest Quarter of Section 3, Township 19 North, Range 1 West, Boone County, Indiana, described as follows: Beginning on the West line of said Half-Quarter Section, where said West line is intersected by the South boundary of S.R. 47, which point of beginning is South 00 degrees 29 minutes 00 seconds West 40.00 feet from the Northwest corner of said Half-Quarter Section; (1) thence South 89 degrees 31 minutes 00 seconds East 1,292.73 feet along the South boundary of S.R. 47 to the West boundary of County road North 193 road; (2) thence South 00

degrees 09 minutes 00 seconds West 301.01 feet along said West boundary; (3) thence North 31 degrees 39 minutes 51 seconds West 61.26 feet; (4) thence Northwesterly 230.23 feet along an arc to the left and having a radius of 180.00 feet and subtended by a long chord having a bearing of North 52 degrees 51 minutes 29 seconds West and a length of 214.85 feet; (5) thence North 89 degrees 29 minutes 57 seconds West 134.79 feet; (6) thence North 89 degrees 36 minutes 00 seconds West 400.00 feet; (7) thence North 78 degrees 17 minutes 24 seconds West 152.97 feet; (8) thence North 89 degrees 36 minutes 00 seconds West 404.69 feet to the West line of said Half-Quarter Section; (9) thence North 0 degrees 29 minutes 00 seconds East 92.21 feet along said West line to the point of beginning and containing 3.519 acres, more or less.

The northwest quarter of the southeast quarter of section 4, in township 19 north, range 1 west, containing 40 acres, more or less. Also, a part of the southwest quarter of the northeast quarter of section 4, in township 19 north, range 1 west, described as follows: Commencing at the northwest corner of the northwest quarter of the southeast quarter of said section 4, in township and range aforesaid and run thence north 48 rods, thence north 86 degrees east 80 1/2 rods, thence south 52 rods, thence south 89 degrees west 80 2/5 rods, to the beginning, containing 25 acres, more or less, and containing in all 65 acres, more or less.

Exhibit 1 Concept Plan



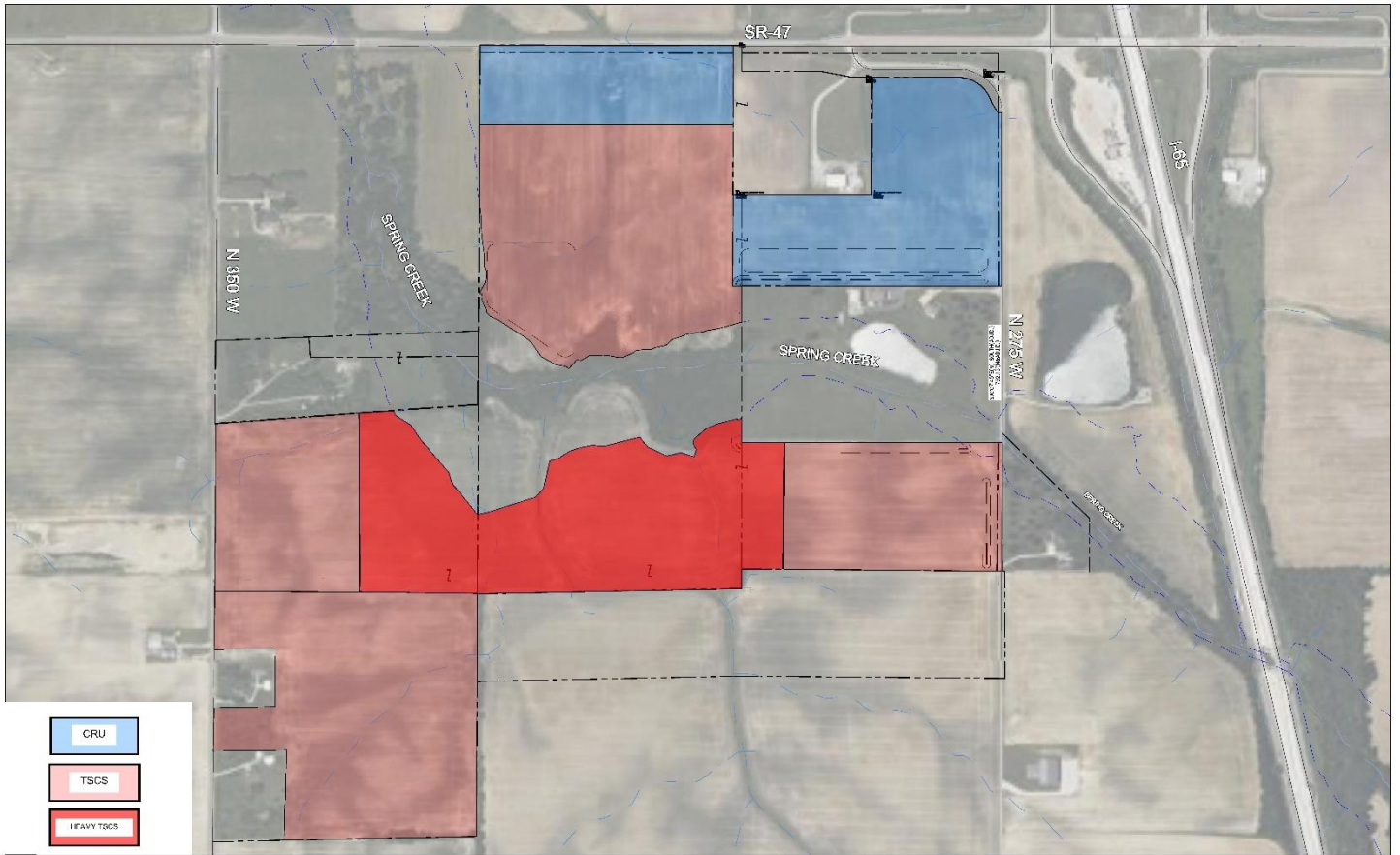
Kimley»Horn

47 COMMONS

OVERALL CONCEPT PLAN
SWC I-65 & SR-47, BOONE COUNTY, IN
October 22, 2024



Exhibit 2 Use Block Plan



Kimley»Horn

47 COMMONS

OVERALL CONCEPT PLAN
SWC I-65 & SR-47, BOONE COUNTY, IN
April 1, 2025



Exhibit 3
Marquee Sign Character Imagery



Appendix 1

Use Specific Conditions

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) 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.
- ix) Roadside Produce Stand (Seasonal)
 - (1) No use standards.
- x) Support Activities for Agriculture
 - (1) No use standards.
- xi) Vineyard 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.
- iv) Dwelling, Two Family
 - (1) No use standards.
- v) Farm Seasonal Worker Housing
 - (1) No use standards.

C. Education & Institutional

- i) Assembly
 - (1) No use standards.
- ii) 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.
- iii) Colleges, Universities, Professional and Technical Schools
 - (1) No use standards.
- iv) Government Administration and Offices
 - (1) No use standards.
- v) 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.
- vi) Museums, Historical Sites, and Similar Institutions
 - (1) Art galleries, museums, and libraries shall be limited to 7,000 square feet gross floor area.
- vii) Postal Service
 - (1) No use standards.

D. Services

- i) Administrative and Support Services
 - (1) No use standards.
- ii) Applied Technical Services
 - (1) No use standards.
- iii) Automobile, Services, Light
 - (1) No use standards.
- iv) Automobile Services, Heavy

- (1) Only permitted in Limited TSCS (Exhibit 2)
- v) Broadcasting and Content Providers
 - (1) The location of the proposed community access centers or studios are consistent with the cable communications plan.
- vi) Civic, Professional, Social, Political, and Similar Organizations
 - (1) No use standards.
- vii) Computing Infrastructure Providers, Data Processing, and Web Hosting, and Related Services
 - (1) No use standards.
- viii) Couriers and Express Delivery Services
 - (1) No use standards.
- ix) Education Services
 - (1) No use standards.
- x) Equipment Services & Repair
 - (1) No use standards
- xi) Finance and Insurance Services
 - (1) No use standards.
- xii) General Offices
 - (1) No use standards.
- xiii) Health Care Facilities and Social Assistance Services (excludes Hospitals)
 - (1) Facilities are not to exceed 5,000 gross floor area.
- xiv) Management of Companies and Enterprises
 - (1) No use standards.
- xv) 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.
- xvi) Professional Offices
 - (1) No use standards.
- xvii) Professional, Scientific, and Technical Services
 - (1) No use standards.
- xviii) Publishing Industries
 - (1) No use standards.
- xix) 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.

xx) Scientific Laboratory of Facility

- (1) No use standards.

xxi) 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) Catering Establishment

- (1) No use standards.

iv) 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.

v) Drive-In Restaurant/Fast Food Restaurant

- (1) No use standards.

vi) Drug Store

- (1) No use standards.

vii) Food and Beverage Uses

- (1) No use standards.

viii) Food Services and Eating and Drinking Places

- (1) No use standards.

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

- (1) No use standards.

x) Gasoline Station and Fuel Dealer

- (1) Access to the site from a street with a local street classification is prohibited if:
 - (a) it is the only access to the Station, or
 - (b) it is the primary entrance to a Station with more than 1 entrance.
 - (c) Clause E(x)(i) shall not apply to a site with access from a street with a local street classification, if such street with a local street classification connects to State Road 47.

- (2) Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
 - (3) 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.
 - (4) 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.
 - (5) 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.
 - (6) Vehicle parking that overhangs the public right-of-way is prohibited.
 - (7) If the 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.
 - (8) Within the SR47/I-65 Node, only one gas station is permitted on two of the four corners within this Node.
 - (9) 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.
- xi) General Retails Sales
- (1) No use standards.
- xii) 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.
- xiii) Hotel
- (1) No use standards.
- xiv) 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.
- xv) Mobile Home, Motor and Recreational Vehicle Sales and Services
- (1) No use standards.
- xvi) 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.
- xvii) Real Estate, Rental and Leasing Services
- (1) No use standards.
- xviii) Self-Storage Facilities or Mini-Warehouses
- (1) No use conditions required.
- xix) Sporting Goods, Hobby, Musical Instrument, Book, and Misc. Retailers
- (1) No use standards.
- xx) Support Activities for Transportation

- (1) No use standards.
- xxi) Training Facility
 - (1) No use standards.
- xxii) Truck Driving School
 - (1) No use standards.
- xxiii) 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) Indoor Theater
 - (1) No use standards.
- v) Meeting or Party Hall
 - (1) No use standards.
- vi) Recreational Uses
 - (1) No use standards.

G. Technology & 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) Cleaners, Dry Cleaning, and Laundry Service, Commercial
 - (1) No use standards.
- vi) Contractor Storage Facilities
 - (1) Only permitted in Limited TSCS (Exhibit 2)
- vii) Construction Services

- (1) Only permitted in Limited TSCS (Exhibit 2)
- viii) Distribution Center
 - (1) No use standards.
- ix) Electric Equipment, Appliance, and Component Manufacturing
 - (1) No use standards.
- x) Fabricated Metal Product Manufacturing
 - (1) Only permitted in Limited TSCS (Exhibit 2)
- 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) General Contractor
 - (1) Only permitted in Limited TSCS (Exhibit 2)
- xv) Industrial, Heavy
 - (1) Only permitted in Limited TSCS (Exhibit 2)
- xvi) Leather and Allied Product Manufacturing
 - (1) No use standards.
- xvii) Machinery Manufacturing
 - (1) No use standards.
- xviii) Miscellaneous Manufacturing
 - (1) No use standards.
- xix) Ready Mix Facility
 - (1) Only permitted in Limited TSCS (Exhibit 2)
- xx) 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.
- xxi) Specialty Contractor
 - (1) Only permitted in Limited TSCS (Exhibit 2)

H. Transportation & Utility

- i) Automatic Carwash
 - (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) Pipelines

- (1) No use standards.

iv) Public Utility

- (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.

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) Private Parking Lot
 - (1) No use standards.
- vii) 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.
- viii) 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.