TOWN OF MONROVIA

UNIFIED DEVELOPMENT ORDINANCE

Version 2.1
July 7, 2022

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Unified Development Ordinance

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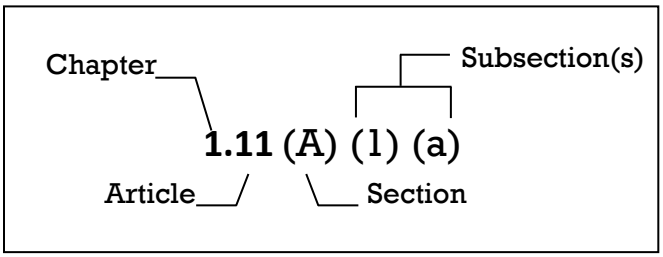
1.1 Title

This Ordinance is known as the "Town of Monrovia Unified Development Code," and may be cited and referred to as the "Development Code," "Zoning Ordinance," "Subdivision Control Ordinance," or "Unified Development Ordinance" (referred to here as this "Ordinance").

1.2 Ordinance Format/Quick Links

Format. The structure of the text of this Ordinance is as follows:



How to Use Hyper-Linked Cross-References.

- Certain aspects of the electronic format of this document allow the user to quickly navigate the document by clicking on hyperlinks and quick access chapter tabs.
- Chapter titles in the footers will direct the user to that chapter's table of contents.
- Article headings in the table of contents will direct the user to that article within the chapter.
- Zoning district names within this document which are colored and emphasized in italics will direct the user to the zoning district's standards in *CHAPTER 2: ZONING DISTRICTS*.
- In-line text cross-references to other articles within this document which are colored and emphasized will direct the user to the cross-referenced article.
- Cross-references to documents and websites outside of this document are provided for convenience only. The Town does not guarantee the accuracy of these links.

1.3 Authority and Purpose

A. **Authority.** This Ordinance is adopted according to the authority of *IC 36-7-4 et seq*. If sections of Indiana Code or Indiana Administrative Code referenced in this Ordinance are amended or replaced, this Ordinance is amended to refer to the updated section of code.

B. **Scope.** This Ordinance applies to all real property located within the corporate boundaries of the Town of Monrovia, Indiana and to those areas outside the corporate limits of the Town that are subject to its extraterritorial jurisdiction. The use of land and structures must comply with all provisions of this Ordinance, including obtaining all required permits and certificates.

An improvement location permit issued prior to the effective date of this Ordinance may be completed and occupied according to the approved plans, provided construction begins within one year of the effective date and is diligently pursued to completion. After completion the structure is

subject to the provisions of *1.16 Nonconforming Uses and Structures* if it does not meet the requirements of this Ordinance.

C. **Purpose.** This Ordinance is intended to guide the growth and development of the community according to the Comprehensive Plan (consistent with *IC 36-7-4-601(c)* *et seq*.) to:

1. Promote the public health, safety, and general welfare;
2. Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
3. Restrict development in areas prone to flooding;
4. Protect the historic and architectural heritage of the community;
5. Conserve property values and minimize the conflicts between land uses;
6. Assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities; and
7. Promote the efficient and economical use of public funds while being sensitive to the surrounding environment and neighboring development.

1.4 Interpretation and Application

A. **Severability.** It is the declared intention of the Town Council that the provisions of this Ordinance are severable. If any provision or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, that decision does not affect the validity of any portion the Ordinance except the portion declared invalid.

B. **Minimum Requirements.** The provisions of this Ordinance are the minimum requirements for the promotion of the public health, safety, and general welfare.

1. If two or more provisions within this Ordinance conflict or are inconsistent with one another, then the most restrictive provision controls. Where graphics or illustrations within this Ordinance conflict with the text of the Ordinance, the text provision controls.
2. This Ordinance is not intended to invalidate any easement, covenant, or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements), the provisions of this Ordinance control.

C. **Defined Words.** Words used in a special sense in this Ordinance are defined. All other words have the meaning inferred from their context in this Ordinance or their generally accepted definitions (see *CHAPTER 10: DEFINITIONS*)

1.5 Exclusion

This Ordinance does not restrict any unit of government from exercising the power of eminent domain or the use of property owned or occupied by the State of Indiana or its agencies.

1.6 Saving Provision

Except stated otherwise in this Ordinance, the adoption of this Ordinance does not:

Reduce any pending action under any prior zoning ordinance (an action is considered pending if a complete application and required fee has been received by the Town before the effective date of this Ordinance);

A. Modify any penalty accruing or about to accrue under any prior zoning ordinance;

B. Affect the liability of any person, firm, or corporation under any prior zoning ordinance;

C. Waive any right of the Town of Monrovia under any prior zoning ordinance; or

D. Annul any rights obtained by lawful action of the Town of Monrovia under any prior zoning ordinance.

1.7 Incorporation of Other Documents

A. Improvement Location Permits, site plans, and subdivisions must conform to the principles and standards established by this Ordinance.

B. The following documents are incorporated, as amended, by cross-reference into this Ordinance:

- The Town of Monrovia Comprehensive Plan
- The Town of Monrovia Construction Standards and Specifications

1.8 Repeal of Prior Ordinance

After the effective date of this Ordinance, all provisions of the prior Zoning Ordinance or Subdivision Control Ordinance of Monrovia, Indiana are repealed.

1.9 Effective Date

A. This Ordinance comprises a replacement ordinance for the jurisdiction of the Town of Monrovia, as described in *IC 36-7-4-602(a)*. Accordingly, the prior Monrovia Zoning Ordinance, Monrovia and Subdivision Control Ordinance are repealed on the effective date of this Ordinance.

B. The effective date of this Ordinance is the latest of the following dates:

- The final day on which notice of the adoption of the penalty provisions of this Ordinance is published under *IC 36-7-4-610(a)*.
- The day on which this Ordinance is filed with the Clerk-Treasurer's office under *IC 36-7-4-610(f)*.
- August 1, 2022.

C. This subsection applies to any application for a permit pending before the Town prior to the effective date of this Ordinance. The Applicant may request the Administrator treat the application as an application filed according to this Ordinance instead of the prior Monrovia Zoning Ordinance or Monrovia Subdivision Control Ordinance. If the Administrator grants the request, the application is

then approved or denied by the Planning Department, the BZA, the Plan Commission, or the Council according to the provisions of this Ordinance.

1.10 Public Utility Installations

Structures and land used for public utility installations are subject to the provisions of this Ordinance to the extent permitted under Indiana law. All structures for a public utility installation, including substations, must be effectively landscaped and must require approval of a site plan (*8.7 Site Plan Review*) and improvement location permit (*8.16 Improvement Location Permit*).

1.11 Zoning Map

A. **Official Zoning Map.** The zoning map for the jurisdiction of the Plan Commission in effect on the date of adoption of this Ordinance is included as part of this Ordinance. The map may be known and referred to as the "Official Zoning Map" and as the "Zoning Map". The Official Zoning Map is in the office of the Department and may be maintained as an *electronic zoning map*. Copies of the Official Zoning Map must be labeled as copies and contain the last date of modification. The Official Zoning Map should be revised annually or as the Plan Commission determines necessary.

B. **Determination and Interpretation of District Boundaries.** The following rules apply where uncertainty exists about the exact boundaries of any Zoning District as shown on the Zoning Map:

1. Zoning District boundaries shown within or parallel to the lines of streets, easements, railroad lines and rights-of-way follow the centerline of the affected street, easement, or right-of-way. At the boundaries of the jurisdiction of the Plan Commission, district boundaries include the full width of such streets, easements, and rights-of-way.
2. Zoning District boundaries indicated as follow, or being parallel to section or fractional sectional lines, lot lines, or town corporation lines are interpreted as following or paralleling such lines.
3. Zoning District boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water are interpreted to follow such centerlines.
4. Zoning District boundaries indicated as approximately following the parcel lines as established by the Town are interpreted to follow such parcel lines.
5. If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, the district which applies to the larger part of the lot applies to the entire lot.
6. In the case of uncertainty, the Administrator will interpret the intent of the Zoning Map and determine the location of the boundary in question. If the Administrator cannot definitively determine the location of a Zoning District boundary, the BZA may determine the location of the Zoning District boundary.

C. **Procedure Relating to Annexed or Vacated Areas.** Land annexed into the Town will be designated as the *AG-Agriculture District*, unless changed by an amendment to this Ordinance. Whenever any right-of-way or other similar area is vacated, the Zoning Districts adjoining each side of the right-of-way or the area automatically extend to the center of such vacation. All areas included in the vacation are subject to all appropriate provisions of the extended Zoning District. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, extends automatically to include all the vacated area.

1.12 Nonconforming Regulations

Upon the adoption of this Ordinance, the Zoning Map, and potentially upon other government action (e.g., acquisition of right-of-way), some buildings, structures, lots and uses may no longer conform to the regulations of their Zoning District. This chapter provides the rules, policies, and regulations that apply to these buildings, structures, lots and uses.

A. This article does not prevent restoring to a safe condition all or part of a structure declared unsafe by an official charged with protecting the public safety. This restoration cannot be used to enlarge the nonconforming structure nor be used as grounds for adding other structures or uses prohibited by this Ordinance.

B. Any nonconforming use or structure previously granted a variance remains subject to the conditions imposed when the variance was granted.

C. Any nonconforming use or structure granted a special exception permit remains subject to conditions imposed when the special exception permit was granted.

1.13 Exemption for Nonconformity Created by Public Acquisition

Any property, lot or structure rendered nonconforming solely by the action of a governmental agency modifying any street, is exempt from these nonconformance provisions.

1.14 Legal Nonconforming and Illegal Nonconforming

A. **Legal Nonconforming.** Legal nonconformance can occur by an amendment to this Ordinance and not due to a change to the property, resulting in the property no longer conforming to the standards of the applicable Zoning District. When this situation occurs, the property is considered legal nonconforming and is subject to the terms of this Ordinance.

B. **Illegal Nonconforming.** A building, structure, sign, or lot constructed or used without an approved building permit, improvement location permit or approval from the BZA or Plan Commission is considered illegal nonconforming when it does not conform to this Ordinance. An illegal nonconforming property is subject to enforcement and penalties as set forth in ***CHAPTER 8: PROCESS AND PERMITS***, and all other applicable state or municipal law. The illegal nonconforming property must be altered to conform with all applicable standards and regulations of this Ordinance.

C. A structure being used by a legal nonconforming use may be expanded an aggregate of up to 10% of the gross floor area that existed on the passage date of this Ordinance. Expansions must conform to all applicable standards of this Ordinance.

1.15 Nonconforming Lots of Record

A. **Single Nonconforming Lots of Record.** In any district, a permitted use and its customary accessory uses may be erected on any single lot of record after the effective date of this Ordinance, despite limitation imposed by this Ordinance. This lot must be in separate ownership and not contain continuous frontage with other lots of the same ownership. This provision applies even though the lots fail to meet the requirements for area and/or width generally applicable in the district. The lot size and width must meet the minimum standards of the Health Department. The width of the lot, measured at the building line, must be at least 75% of the width required by the zoning district. The lots are required to meet all other lot development standards for their district.

B. **Lots in Combination.** If 2 or more lots with continuous frontage and single ownership are of record on the effective date of this Ordinance, and if all or part of the unimproved lots do not meet the requirements established for lot width and area, the land involved is considered to be an undivided parcel to meet the minimum requirements of this Ordinance. No portion of the parcel can be used or sold, nor can the parcel be divided to create a lot, in a manner which diminishes compliance with lot width and area Ordinance requirements.

1.16 Nonconforming Uses and Structures

The lawful use of a building or premise, existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform to all the provisions of this Ordinance, subject to the following conditions:

A. A nonconforming use may be extended throughout a building provided the size of the structure is not increased.

B. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.

C. Whenever a nonconforming use has been changed to a conforming use, it cannot be changed back to a nonconforming use.

D. Buildings cannot be erected upon any premises devoted to a nonconforming use, except when conforming to the provisions of this Ordinance.

E. If a nonconforming use is discontinued for 12 months, the use cannot be reestablished or resumed. Subsequent use or occupancy of the land or structure must comply with the regulations of the zoning district where the land or structure is located. When a period of discontinuance is caused by government action, strikes, material shortages or acts of God, and without any contributing fault of the owner or occupant, the period will not be considered in calculating the length of the discontinuance.

F. Except for single family dwellings, any legal nonconforming structure damaged or destroyed by more than 50% of the replacement cost cannot be restored unless the replacement structure conforms to the regulations of the zoning district where it is located. This regulation does not authorize the creation of a new nonconformity or increase the degree of any nonconformity existing prior to such damage or destruction. Restoration or repair of the building or other structure must be

started within 6 months from the date of damage or destruction, and diligently prosecuted to completion.

G. Nothing in this code prevents the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

H. Normal maintenance and repair, including replacement, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure devoted fully or partially to a legal nonconforming use.

Chapter Two
Zoning Districts

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2.1 Establishment of Districts

To classify, regulate and restrict the location of specified uses, and to regulate and limit the height and bulk of buildings for those uses, the Town of Monrovia, Indiana, is divided into the following districts.

A. **Residential Districts**
1. R1 Residential District - One
2. R2 Residential District - Two
3. R3 Residential District - Three
4. R4 Residential District – Four

B. **Business Districts**
1. NC Neighborhood Commercial District
2. GC General Business District
3. CB Central Business District

C. **Industrial Districts**
1. LI Light Industrial District
2. GI General Industrial District

D. **Agricultural Districts**
1. AG Agricultural District
2. AH Heavy Agricultural District

E. **Other Districts**
1. IN Institutional District
2. PUD Planned Unit Development Plan District

F. **Overlay Districts**
1. HCO Highway Corridor Overlay District
2. FP Floodplain Overlay District
3. WP Wellhead Protection Overlay District

2.2 Residential Districts

A. Purpose

1. **R1 Residential District One** is a very low-density suburban residential district of single-family detached homes. The lot area and development requirements are larger than the other residential districts. Connection to public water and public sewer utilities is required.

2. **R2 Residential District Two** is established as a residential district for low-density single-family detached homes. The lot area and development requirements are typical of conventional suburban residential neighborhoods. Connection to public water and public sewer utilities is required.

3. **R3 Residential District Three** is a moderate-density single-family district, which could include duplexes with special exception approval. This district is primarily suited for suburban residential development. Connection to public water and public sewer utilities is required.

4. **R4 Residential District Four** is a medium-density single-family district which may include duplexes. This district is suited for residential areas at the downtown core of the Town. Bungalow courts or townhomes may be appropriate given the right context. Connection to public water and public sewer utilities is required.

	R1	R2	R3	R4
B. Lot Requirements				
Minimum Lot Size (sf)				
Single-Family Detached Dwelling	15,000	12,000	10,000	8,400
Two-Family Dwelling			10,000	8,400
Single-Family Attached Dwelling				2,200
Minimum Lot Width				
Single-Family Detached Dwelling	100’	90’	75’	60’
Two-Family Dwelling			75’	60’
Single-Family Attached Dwelling				24’
Minimum Lot/Street Frontage				
Single-Family Detached Dwelling	90’	80’	60’	50’
Two-Family Dwelling			60’	50’
Single-Family Attached Dwelling				18’
C. Building Placement Requirements				
Minimum Front Setback	30’	25’	20’	15’
Minimum Street Side Setback	30’	20’	15’	10’
Minimum Side Yard Setback	20’	15’	15’	5’
Minimum Rear Setback	30’	25’	20’	15’
Garage Along Street Setback	40’	40’	40’	40’

	R1	R2	R3	R4
D. Building Requirements				
Maximum Building Height	35’	35’	35’	40’
Maximum Lot Coverage	30%	40%	50%	60%
E. Parking Requirements				
See *6.3 Parking*				
F. Architectural Requirements				
See *7.19 Residential Architectural Standards*				

2.3 Business Districts

A. Purpose

1. **NC Neighborhood Commercial District** is established to provide for the development of convenience business uses geared to meeting the daily needs of residents living in adjacent residential neighborhoods. Development in this district requires connection to public water and public sewers and site plan approval.

2. **GC General Commercial District** is established to provide areas for general business activities geared to meet the needs of a community-wide market area. Activities established in this district are often large-scale uses located along minor collector and major collector streets. Development in this district requires connection to public water and public sewers and site plan approval.

3. **CB Central Business District** is designed to address the needs of existing and future downtown development. This district carries many of the characteristics of the GC district but without commercial setbacks, bufferyards, or other design requirements common to suburban development. Development in this district requires connection to public water and public sewers and site plan approval.

	NC	GC	CB
B. Lot Requirements			
Minimum Lot Size (sf)	No minimum	No minimum	No minimum
Minimum Lot Width	No minimum	No minimum	No minimum
Maximum Lot Coverage [1]	50%	50%	100%
C. Building Placement Requirements			
Minimum Front Setback	25’	40’	0’
Minimum Street Side Setback	15’	20’	0’
Minimum Side Yard Setback	10’	20’	0’
Minimum Rear Setback	15’	30’	0’
D. Building Requirements			
Maximum Principal Building Height	35’	50’	50’

Notes:
[1] Includes accessory buildings and structures.

E. Parking Requirements

See *6.3 Parking*

F. Architectural Requirements

See *7.20 Business and Institutional Architectural Standards*

2.4 Industrial Districts

A. Purpose

1. **LI Light Industrial District** is established to accommodate light industrial uses in which all operations, including storage of materials, are confined within a building. Uses range from offices to research and development services to warehousing. Development in this district requires connection to public water and public sewers and site plan approval.

2. **GI General Industrial District** is established for all types of industrial uses requiring both enclosed and unenclosed spaces for storage, manufacturing, and fabricating. Development in this district requires connection to public water and public sewers and site plan approval.

	LI	GI
B. Lot Requirements		
Minimum Lot Size (sf)	No minimum	No minimum
Minimum Lot Width	No minimum	No minimum
Maximum Lot Coverage	50%	50%
C. Building Placement Requirements		
Minimum Front Setback	35’	50’
Minimum Street Side Setback	20’	30’
Minimum Side Yard Setback	20’	25’
Minimum Rear Setback	30’	40’
D. Building Requirements		
Maximum Principal Building Height	60’	60’

Notes:

E. Parking Requirements

See *6.3 Parking*

F. Architectural Requirements

See *7.21 Industrial Architectural Standards*

G. Performance Standards

Uses within the Industrial Districts must comply with the *5.6 Performance Standards*.

2.5 Agricultural Districts

A. Purpose

1. **AG Agricultural District** is established to protect and preserve agricultural operations within the Town's incorporated boundaries. In addition, the AG District is intended to preserve and maintain the established rural character and agricultural traditions of Monrovia and the surrounding area. Scattered single-family homes at a very low density is permitted. Major subdivisions are prohibited in this district.

2. **AH Heavy Agricultural District** is to accommodate intensive agricultural operations that may have potential negative impacts on neighboring properties such as noise, odor, or visual obtrusiveness. Major subdivisions are prohibited in this district.

	AG	AH
B. Lot Requirements		
Minimum Lot Size (acres)	5	5
Minimum Lot Width	220'	220'
Minimum Lot Frontage/Street Frontage [1]	180'	180'
C. Building Placement Requirements		
Minimum Front Setback	40'	40'
Minimum Street Side Setback	40'	40'
Minimum Side Yard Setback	15'	15'
Minimum Rear Setback	30'	30'
D. Building Requirements		
Maximum Principal Building Height	45'	45'

Notes:

E. Parking Requirements

See *6.3 Parking*

F. Architectural Requirements

See *7.19 Residential Architectural Standards*

2.6 Other Districts

F. Purpose

3. **IN Institutional District** is established to promote and maintain facilities for institutional uses within the Town of Monrovia. Development in this district requires connection to public water and public sewers. Site plan approval is required to ensure the development of a particular institutional use is compatible with nearby uses.

4. **PUD Planned Unit Development District** is established to allow identity-creating developments, innovative site designs on constrained properties, or alternative development patterns that do not fit into the other zoning districts. Development in this district requires connection to public water and public sewers and site plan approval. (see *8.6 – Planned Unit Developments*).

	IN
G. Lot Requirements	
Minimum Lot Size (acres)	1
Minimum Lot Width	150’
Minimum Lot Frontage/Street Frontage [1]	100’
H. Building Placement Requirements	
Minimum Front Setback	35’
Minimum Street Side Setback	20’
Minimum Side Yard Setback	10’
Minimum Rear Setback	15’
I. Building Requirements	
Maximum Principal Building Height	50’

Notes:

J. Parking Requirements

See *6.3 Parking – Specific Requirements*

G. Architectural Requirements

See *7.20 Business and Institutional Architectural Standards*

2.7 Highway Corridor Overlay

A. **Purpose and Intent.** The purpose of this overlay district (the "Highway Corridor Overlay" or "Overlay") is to:

1. Preserve and enhance the aesthetic qualities of the SR 39 and SR 42 corridors by regulating building placement and orientation, building architecture, landscaping, lighting, and transitions between the corridor and adjacent uses; and
2. Provide for the future development/redevelopment of the corridor as contemplated in the Comprehensive Plan.

B. **Applicability**. This Overlay applies in the following instances:

1. District Boundaries. The following properties are designated as Highway Corridor Overlay Zones:
   a. Zone 1: This zone covers downtown Monrovia and generally includes all property within 150 feet of the centerlines of Chestnut Street (SR 39) and Main Street (SR 42) as shown on the Official Zoning Map.
   b. Zone 2: This zone applies to all properties outside of Zone 1 generally located within 300 feet of the centerlines of SR 39 and SR 42 as shown on the Official Zoning Map.
   c. If any parcel, building, structure, or improvement is only partially located within the Overlay district, then the provisions of this Overlay apply to the entire parcel, building, structure, or improvement, unless otherwise waived by the Plan Commission.
2. Relation to Underlying Zoning District. The requirements of this district amend and supersede those imposed on the same lands by the underlying zoning districts.
3. Regulated Development. This Overlay applies to any development within the Overlay boundaries, except:
   a. Farms and single-family dwellings. If a farm or single-family dwelling use changes to a non-farm or non-single-family dwelling use the Overlay applies to the new use.
   b. Additions to existing nonresidential structures less than 25% of the gross floor area.
4. Waiver for Existing Nonresidential Uses. The Plan Commission is authorized to determine if the standards of this Overlay apply to the entire lot or if they are limited to only Improvements proposed after the effective date of this Overlay. Determinations made by the Plan Commission may be appealed to the Town Council. The following factors are considered when making a determination:
   a. The extent and location of the proposed Improvements (e.g., buildings, parking, landscaping, drainage) on the parcel.
   b. The extent of conflicts in applying the standards of this Overlay with existing and/or planned Improvements.

C. **Uses**. All uses permitted in the underlying zoning district are permitted within the Overlay except the following uses:

1. Adult businesses
2. Bulk storage of petroleum items not used for on-site manufacturing

3. Manufacture, use, or storage of explosives
4. Manufactured home park
5. Manufactured home sales
6. Off-premise signage
7. Penal or correctional institution
8. Salvage and wrecking
9. Sanitary landfill
10. Self-storage facility
11. Slaughterhouse or rendering plants
12. Truck stops

D. **Access Standards**

1. Access to Individual Sites. The following standards apply; however, the Plan Commission or the Town Council may approve access points if deemed appropriate to improve traffic circulation in the area or due to the size of the development:
   a. New curb cuts are prohibited unless specifically approved by the Plan Commission prior to installation.
   b. Frontage streets must be provided for parcels along the Corridor. The frontage street may: (1) be dedicated right-of-way or (2) remain private if constructed to public road standards and public access is provided using cross access easements.
   c. Approval of a zoning petition containing an illustrative concept plan showing vehicle drive cuts does not constitute approval of curb cuts by the Town Council.
   d. Developments must provide for vehicular and pedestrian connectivity between adjacent lots or parcels to encourage and facilitate circulation without directly accessing external streets.
   e. Curb cuts on the same side of the street must be separated a minimum of 400 feet. Curb cuts are prohibited within 200 feet of any intersection of public streets. Opposing curb cuts must align squarely or be offset not less than 200 feet.
   f. Developments cannot permit direct access by a driveway to a Major Collector unless it is the parcel's only means of access.
2. Connectivity. Streets must align and connect with existing or planned streets and provide for connections with adjacent property. Proposed streets, where appropriate, must extend to the boundary line of the developing parcel to provide normal traffic circulation within the vicinity. Regard must be given to the Comprehensive Plan. Cul-de-sacs are discouraged and only permitted where street continuation is prevented due to topography or other physical conditions, or the Plan Commission determines the continuation is unnecessary.
3. Vision Clearance. Unless otherwise approved in writing by the Administrator, improvements must comply with *5.9 Vision Clearance Standards*.
4. Dedication of Right-of-Way. In developments adjoining or including existing streets, right-of-way must be dedicated per *7.28(D) Dedication of Right-of-way*.

E. **Site Circulation Standards.** Frontage streets are required. Developments must preserve rights-of-way for future frontage streets. Frontage streets should be placed between outlots and primary buildings on a site unless alternate plans are approved by the Plan Commission.

F. **Setbacks**. In Zone 1, parcels abutting SR 39 or SR 42 have a minimum front yard setback of 0 feet and a maximum setback of 20 feet from the right-of-way line. In Zone 2, parcels abutting SR 39 or SR 42 have a minimum front yard setback of 30 feet and a maximum setback of 120 feet from the right-of-way line.

G. **Parking Standards.** In addition to the requirements of *6.3 Parking Standards*, parking within the Overlay must:

1. Not be located within any required perimeter landscape buffer.
2. In Zone 1, a parking area cannot be located between the principal building and corridor right-of-way.
3. In Zone 2, no more than 50% of the required parking can be provided between the principal building and corridor right-of-way.

H. **Landscape Standards.** In addition to the requirements of *6.1 Landscape Standards*, the following landscaping is required.

1. Perimeter Landscaping. Where the rear yard of a parcel or side yard containing a storage area abuts the rights-of-way of SR 39 or SR 42, a landscape buffer at least 15 feet wide must be provided. The buffer must be planted with either (a) 4 shade trees, 4 evergreen trees, and 5 shrubs per 100 lineal feet, or (b) 2 shade trees, 2 evergreen trees, and 20 shrubs per 100 lineal feet.
2. Foundation Planting. Foundation plantings must be provided as follows:
   a. Plant materials must be provided (approximately every 40 feet) against long expanses (over 80 feet) of building facades, fences, and other barriers to create a softening effect.
   b. Plant materials must be installed along the front building façade of all buildings at a minimum ratio of 1 shrub or ornamental tree per 12 lineal feet of building. Plant materials are required along building facades visible from the corridor right-of-way at a minimum ratio of 1 shrub or ornamental tree per 15 lineal feet of building.
   c. The primary landscaping material used must be shade trees, ornamental trees, shrubs, and ornamental grasses. To qualify, shrubs and ornamental grasses must have a mature height of at least 36 inches. Groundcover plants may supplement the required plant materials. Plantings may be clustered to provide a more natural appearance and to accommodate vehicle/pedestrian access and loading/maintenance areas.
   d. Plantings must be located within 15 feet of the building façade, fence, or other barrier being softened, and must occur within planting beds at least 6 feet wide.

I. **Sign Standards.** In addition to the requirements of *6.4 Signage Standards*, the following requirements apply:

1. On-Premise Signs. A sign plan for the proposed development must be submitted to the Plan Commission as part of the Design Review Process.
   a. Pole signs are prohibited within the Overlay.

b. Shopping centers and sites containing three or more businesses must use an integrated center sign. Integrated signs cannot exceed 20 feet in height.

c. Signs for each proposed use must be uniform in character, design style, and color to be complementary with the buildings and landscaping on the site.

d. At the base of a sign, a defined landscape area harmonious with the landscape concept of the whole site is required. Plant material should be a dense cluster equally attractive in the winter and summer. The required landscape area should be parallel to the face of the sign.

e. If an approved sign plan is replaced with a new design, the amended sign plan must go to the Plan Commission for review and approval.

f. Individual signs conforming with both the sign ordinance and the approved sign plan for the development require no further approval other than a sign permit.

2. Off-Premise (Outdoor Advertising) Signs. No new off-premise advertising signs are permitted within the Overlay.

J. **Wall and Fence Standards.**

1. The following wall and fence materials are permitted within the Overlay: brick, stone (natural and manufactured), decorative metal (wrought iron or tubular steel), composite, vinyl, or finished wood (stained or painted).

2. In areas requiring security the following are recommended: (a) decorative metal fencing with a spiked or curved top profile or (b) razor/concertina/barbed wire mounted inside a solid fence or wall. This type of fence is only permitted with the express written approval of the Town Council and may not be permitted in all cases based on the visibility of the fence.

3. When visible from outside the parcel, the following wall and fence materials are prohibited within the Overlay: non-solid and/or unfinished wood, chain link (with or without slats), non-decorative corrugated metal, electrified fences, and razor/concertina/barbed wire.

4. If walls or fencing consist of the same building materials as the principal building, they are permitted to extend into a side yard flush with the front building façade of the principal building.

5. If walls or fencing do not consist of the same building materials as the principal building, they must be setback at least 5 feet from the front building façade of the principal building.

K. **Outdoor Storage Standards.** In addition to the requirements of *4.11 Outdoor Storage*, the outdoor storage area must be in a side yard immediately adjacent to the principal building and setback from the front façade at least 10 feet.

L. **Architectural Design Standards**

1. General Design Theme Standards. These architectural design requirements are intended to provide consistent quality among buildings and improvements within the corridor. Structures must be thoughtfully designed to complement the existing topography visually and functionally. Architectural variation is encouraged.

2. Building Elevations. Building facades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, three-dimensional cornice.

3. Building Facades.
   a. Building façades 90 feet or greater in length must be designed with offsets at intervals not greater than 60 feet. Buildings less than 10,000 square feet in gross floor area must be designed with offsets at intervals not greater than 40 feet.
   b. Offsets must extend the entire vertical plane of the building façade, be at least 2 feet deep, and a minimum aggregate length of 20% of the horizontal plane of the overall building façade.
   c. Architectural elements (e.g., arcades, columns, pilasters) may meet the offset requirements if such architectural elements meet the minimum offset requirements of this Overlay.
   d. Side facades of the building must incorporate architectural design elements consistent with those used on the front façade of the building.
4. Openings. Design elements of the building façade must be organized such that openings (including windows, doors, and architectural design elements resembling openings) line up horizontally and vertically with other openings. Openings must be arranged in a balanced, uniform fashion, unless otherwise approved by the Plan Commission.
5. Gutters and Downspouts. Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts must complement or be consistent with the building materials.
6. Roofs
   a. Pitched Roofs. Pitched roofs must be simply and symmetrically pitched, in the configuration of gables and hips, with pitches ranging from 4:12 to 14:12. If standing seam panels are used, they must be made of non-reflective material and must be: gray, black, dark blue, dark green, barn red, or dark brown. Modulation of roof planes and/or roof lines is required to eliminate the appearance of box-shaped buildings.
   b. Flat Roofs. Flat roofs are permitted if edged by a parapet wall with an articulated, three-dimensional cornice. Parapet walls must be fully integrated into the architectural design of the building to create seamless design transitions between the main building mass and roof-mounted architectural elements, which must include screening elements for roof-mounted equipment. Variation of roof lines is required to eliminate the appearance of box-shaped buildings. Adjacent roof sections should have a minimum height difference of 5 feet. The horizontal roof line length without variation cannot exceed 60 percent of the total length of the building's roof line.
   c. Dormers and cupolas must be designed with appropriate details, proportions, and style consistent with the overall building composition and roofed with symmetrical gable, hip, or barrel roofs.
   d. All visible vents, turbines, flues, and other roof penetrations must be: (a) oriented to minimize their visibility from adjacent streets and properties, and (b) painted to match the color of the roof or painted flat black.
7. Main Entrances. Buildings must be designed with a main entrance and at least 2 window openings associated with the main entrance. Building entrances must be clearly defined and articulated by multiple architectural elements (e.g., lintels, pediments, columns, awnings) appropriate to the architectural style of the building. The location, orientation, proportion, and style of doors should complement the style of the building.

8. Windows. All window designs must be compatible with the style, materials, color, detailing, and proportion of the building. The number of windowpanes, quantity of window openings, window trim, and other window accent design elements must complement the style of the building. Window trim or other window accent design elements must be used for all windows.

9. Awnings. Fixed or retractable awnings are permitted if they complement the building's style, materials, colors, and architectural detailing. Awnings must be made of a non-reflective material and kept in good repair. Awnings complying with the architectural design requirements of this Overlay cannot be removed unless the building façade would comply with the architectural design requirements without the awnings.

10. Building Materials

    a. Permitted Materials. Building façades may be constructed from masonry, siding, or glass, as defined below, or other materials or products providing the same desired durability and quality. Products other than those listed must be approved by the Plan Commission or Administrator. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable. Brick material used for masonry construction must be composed of hard fired (kiln-fired) all-weather standard size brick or other all-weather facing brick. Siding materials include wood, fiber cement, and composite siding. Glass includes glass curtain walls or glass block construction. A glass curtain wall must be defined as an exterior wall that carries no floor or roof loads, and which may consist of a combination of metal, glass, and other surfacing materials supported in a metal framework.

    b. Prohibited Materials. Vinyl siding, steel siding, and aluminum siding are prohibited on all buildings within the Overlay.

    c. Material Proportions. Building facades must include a repeating pattern that includes color changes, texture changes, and/or material changes. No more than 25% of each building façade (exclusive of windows, doors, and loading berths) may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., or stucco. Increased and enhanced use of architectural ornamentation is required around building entrances and on building façades visible from the right-of-way.

    d. Building Maintenance. The building exterior must be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated, as determined by the Plan Commission or Administrator, must be refinished, repainted, or replaced.

11. Accessory Buildings and Structures. Accessory buildings must be architecturally compatible with their principal buildings. Trash enclosures (including garbage containers, pallet storage areas, trash compactors, recycling areas, and other similar facilities) within the Overlay must comply with the following requirements:

    a. Trash enclosures must be oriented to minimize their visibility from rights-of-way and adjacent properties.

    b. Enclosures must not be located within any required yard setback.

c. Screening methods include a solid enclosure on all sides at least 6 feet high or 2 feet above the receptacle, whichever is greater. The solid enclosure must be constructed of materials that match or complement the principal building.

d. Enclosures must be equipped with opaque gates oriented away from residential properties or rights-of-way, where possible. Enclosures with swinging, movable doors must be kept closed when the doors are not in use.

12. Loading Berths. Loading berths must be oriented to minimize their visibility from rights-of-way and adjacent properties. Loading berth enclosures may be utilized to accomplish the design objectives of this subsection. Loading berths must be screened to a reasonable extent by installing solid, opaque walls or fences. Mounds or berms may be used, or utilized in combination with walls or fences, to provide screening. Loading berth walls and fences must be softened by installing adjacent to them 1 ornamental tree or evergreen tree and 5 shrubs every 30 lineal feet. No landscaping is required adjacent to access and delivery doors or gates.

13. Mechanical Equipment. Satellite dishes and other similar improvements must be completely and permanently screened from view of rights-of-way and adjoining properties. For ground-mounted equipment, screening methods include a mound or berm, an opaque wall or fence, or combination thereof. Fence and wall materials must match or complement the principal building. For roof-mounted equipment, screening methods must include parapet walls, enclosures, or other similar architectural elements that match or complement the principal building.

M. **Enforcement.** The requirements of the Highway Corridor Overlay are enforceable using the procedures outlined in *CHAPTER 9 - ADMINISTRATION AND ENFORCEMENT*.

2.8 Floodplain Overlay District

The flood hazard areas of the Town are subject to periodic inundation resulting in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

A. **Purpose.** The purpose of this section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict uses that are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

2. Require uses vulnerable to floods be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development that may increase erosion or flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands; and,

6. Make Federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

B. **Objectives**

1. To protect human life and health;

2. To minimize expenditure of public money for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;

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

C. **General Provisions**

1. Applicability: This chapter applies to all Special Flood Hazard Areas (SFHAs) and known flood prone areas within the jurisdiction of the Town of Monrovia.

2. Basis for Establishing Regulatory Flood Data: This section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

   a. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town, delineated as an "A Zone" on the Flood Insurance Rate Map, as amended. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to IDNR for review and subsequently approved.

   b. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas is according to the best data available as provided by IDNR, provided the upstream drainage area from the subject site is greater than one square mile.

   c. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study is utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

3. Establishment of Floodplain Development Permit. A Floodplain Development Permit is required in conformance with the provisions of this article prior to the commencement of any development activities in areas of special flood hazard.

4. Compliance. No structure can be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this article and other applicable regulations. No land or stream within the SFHA can be altered without full compliance with the terms of this article and other applicable regulations.

5. Abrogation and Greater Restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, the more stringent restrictions apply.

6. Discrepancy between Mapped Floodplain and Actual Ground Elevations

   a. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles governs.

   b. If the elevation of the site in question is below the base flood elevation, that portion of the site is included in the SFHA and regulated accordingly.

   c. If the elevation (natural grade) of the site in question is above the base flood elevation, that portion of the site is considered outside the SFHA and the floodplain regulations will not be applied. The property owner should apply for a Letter of Map Amendment (LOMA).

7. Interpretation: In the interpretation and application of this section all provisions are considered as minimum requirements; construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under state statutes.

8. Warning and Disclaimer of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this article does not create any liability on the part of the Town, the IDNR, or the State of Indiana, for any flood damage that results from reliance on this article, or any administrative decision lawfully made.

9. Penalties for Violation: Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance is deemed a violation of this Article and subject to enforcement.

   a. A separate offense occurs each day the violation continues to exist.

   b. The Administrator informs the owner that such a violation is considered a willful act to increase flood damages and therefore may cause suspension of a Standard Flood Insurance Policy.

   c. The Town is not prevented from taking other lawful action to prevent or remedy violations. All enforcement costs, including attorney's fees, accrue to the persons responsible.

D. **Administration**

1. Designation of Administrator: The Town Council appoints the Administrator to implement the provisions of this section and is referred to as the Floodplain Administrator.

2. Permit Procedures: Application for a Floodplain Development Permit is made to the Floodplain Administrator on forms furnished by the Department prior to any development activities and may include plans the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, and drainage facilities.

   a. At the pre-development stage the following information is required:

      - A description of the proposed development;
      - Location of the proposed development sufficient to accurately locate property and structures in relation to existing roads and streams;
      - A legal description of the property;
      - A site plan showing existing and proposed improvements and existing and proposed land grades;
      - Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
      - Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
      - Description of the extent to which any watercourse will be altered or relocated because of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See *2.8(D)(3)(f)* for additional information.)

   b. At the construction stage the following information is required: Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it is the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. The certification is prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The Floodplain Administrator reviews the lowest floor elevation survey data submitted. The applicant corrects deficiencies detected by such review before any further work can proceed. Failure to submit the survey or failure to make the corrections required is cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification is at the applicant's risk.

   c. Upon establishment of the floodproofed elevation of a floodproofed structure, the applicant submits to the Floodplain Administrator a floodproofing certificate. Certification is prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. (The Floodplain Administrator reviews the floodproofing certification

submitted.) The applicant corrects any deficiencies detected by such review before any further work can proceed. Failure to submit the floodproofing certification or failure to make correction required is cause to issue a stop-work order for the project.

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

3. Duties and Responsibilities of the Floodplain Administrator: The Floodplain Administrator is authorized to enforce the provisions of this section. The Floodplain Administrator is authorized to render interpretations of this section consistent with its intent and purpose. Duties and responsibilities of the Floodplain Administrator include:

a. Review floodplain development permits to assure the requirements of this section are satisfied;

b. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

c. Ensure that construction authorization has been granted by IDNR for all development projects subject to this Article and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

d. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

e. Maintain and track permit records involving additions and improvements to residences located in the floodway.

f. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

g. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this article.

h. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

i. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

j. Review certified plans and specifications for compliance.

k. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures according to this Article.

l. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed according to this Article.

m. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure's footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized Town officials have the right to enter and inspect properties located in the SFHA.

n. Upon notice from the Floodplain Administrator, work on any building, structure or premises done contrary to the provisions of this article must immediately cease. The notice is in writing and given to the owner of the property, or to his agent, or to the person doing the work, and states the conditions under which work may be resumed.

o. The Floodplain Administrator may revoke a permit or approval, issued under the provisions of the Ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

p. The Floodplain Administrator may revoke a permit upon determination by the Floodplain Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this Ordinance.

E. **Provisions for Flood Hazard Reduction**

1. General Standards: In all SFHAs and known flood prone areas the following provisions are required:

a. New construction and substantial improvements must be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. Manufactured homes must be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include the use of over-the-top or frame ties to ground anchors. This standard is in addition to applicable state requirements for resisting wind forces.

c. New construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage below the FPG.

d. New construction and substantial improvements must be constructed by methods and practices that minimize flood damage.

e. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities must be located at or above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer

pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

f. New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system.

g. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system.

h. On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding.

i. Any alteration, repair, reconstruction, or improvements to a structure in compliance with the provisions of this article must meet the requirements of "new construction" as contained in this article.

j. Parking lots, driveways, and sidewalks within the SFHA must be constructed with permeable materials.

k. Whenever any portion of the SFHA is authorized for use, the volume of space occupied by the authorized fill or structure below the BFE must be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume must be at least equal to the volume of storage lost (minimum replacement ratio of 1:1).

- The excavation takes place in the floodplain on the same property as the authorized fill or structure.
- Under certain circumstances, the excavation may be allowed to take place adjacent to the floodplain if the excavated volume is: (a) below the regulatory flood elevation, (b) on the same property as the authorized fill or structure, (c) accessible to the regulatory flood water, (d) not be subject to ponding when not inundated by flood water, and (e) not refilled.
- The excavation provides true storage of floodwater and is not be subject to ponding when not inundated by flood water.
- The fill or structure cannot obstruct a drainage way leading to the floodplain.
- The excavated area is accessible to the regulatory flood water.
- The fill or structure is a material deemed stable enough to remain firm and in place during periods of flooding and includes provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
- Plans depicting the areas to be excavated and filled are submitted prior to the start of any site work or construction. After site work is complete, but before the start of construction, the applicant provides the Floodplain Administrator a certified survey demonstrating the fill and excavation comply with this article.

2. Specific Standards: In all SFHAs, the following provisions are required:

   a. In addition to the requirements of this Article all structures located in the SFHA are protected from flood damage below the FPG. This applies to the following situations:

      - Construction or placement of any structure having a floor area greater than 400 square feet.
      - Addition or improvement to any existing structure where the cost is 50% or more of the existing structure's value, excluding the value of the land.
      - Reconstruction or repairs to a damaged structure where the cost is 50% or more of the market value of the structure before the damage occurred, excluding the value of the land.
      - Installing a travel trailer or recreational vehicle on a site for more than 180 days.
      - Installing a manufactured home on a new or existing site. This does not apply to returning a manufactured home a same site it lawfully occupied before it was removed to avoid flood damage.
      - Reconstruction or repairs made to a repetitive loss structure.
      - Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

   b. Residential Structures: New construction or substantial improvement of any residential structure or manufactured home has the lowest floor, including the basement, at or above the FPG. If solid foundation perimeter walls are used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters are provided according to this Article.

   c. Non-Residential Structures: New construction or substantial improvement of any commercial, industrial, or non-residential structure or manufactured home: (i) has the lowest floor, including basement, elevated at or above the FPG or (ii) is floodproofed at or above the FPG. If solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters are provided according to this Article. Structures located in all "A Zones" may be floodproofed in lieu of being elevated if:

      - A Registered Professional Engineer or Architect certifies the structure is designed so the structure and utilities below the FPG are watertight and capable of resisting the effects of the regulatory flood. The structure design accounts for flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. The certification is provided to the Floodplain Administrator.
      - Floodproofing measures are operable without human intervention and an external source of electricity.

d. Elevated Structures: New construction or substantial improvements of elevated structures have the lowest floor at or above the FPG.

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

- A minimum of two openings each located in separate exterior walls are provided. The total net area of the openings is at least one square inch for every square foot of enclosed area.
- The bottom of all openings is a maximum of one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- Openings may be equipped with screens, louvers, valves or other coverings or devices if they permit the automatic flow of floodwaters in both directions.
- Access to the enclosed area is the minimum necessary to allow for vehicle parking, limited storage of maintenance equipment, or entry to the living area.
- The interior portion of the enclosed area cannot be partitioned or finished into separate rooms.
- The interior grade of the enclosed area is at or higher than the exterior grade.
- Openings are at least 3 inches in any direction in the surface of the wall. This requirement excludes any inserted device such as a typical foundation air vent device.
- Property owners are required to execute a flood openings/venting affidavit acknowledging all openings will be maintained as flood vents, and that the elimination or alteration of the openings are a violation of the requirements of this Article. Periodic inspections are conducted by the Floodplain Administrator to ensure compliance. The affidavit is recorded, along with the deed, in the office of the Morgan County Recorder.
- Property owners are required to execute and record in the office of the Morgan County Recorder a non-conversion agreement committing that the area below the lowest floor cannot be improved, finished, or otherwise converted and that the community has the right to inspect the enclosed area.

e. Structures Constructed on Fill. All structures may be constructed on fill if:

- The fill is placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance are retained in the permit file.
- The fill extends 10 feet beyond the foundation of the structure before sloping below the BFE.

- The fill is protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes cannot be steeper than 3 horizontal to 1 vertical.
- The fill cannot adversely affect the flow of surface drainage from or onto neighboring properties.
- The top of the lowest floor including basements is at or above the FPG.
- Fill is composed of clean granular or earthen material.

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

i. These requirements apply to all manufactured homes placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" because of a flood:

- The manufactured home is elevated on a permanent foundation, so the lowest floor is at or above the FPG and securely anchored to a foundation system to resist flotation, collapse, and lateral movement.
- Fully enclosed areas formed by exterior walls below the FPG are designed to prohibit finished living space and allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required in this Article.
- Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

ii. These requirements apply to all manufactured homes placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:

- The manufactured home is elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are at least 36 inches above grade and be securely anchored to a foundation system to resist flotation, collapse, and lateral movement.
- Fully enclosed areas formed by exterior walls below the FPG are designed to prohibit finished living space and allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required in this Article.
- Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

iii. Recreational vehicles placed on a site must:

- be on site for less than 180 days; or
- be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
- meet the requirements for "manufactured homes" as stated earlier in this section.

g. Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures if they are:

- Not used for human habitation.
- Constructed of flood resistant materials.
- Placed on the lot and constructed to offer the minimum resistance to the flow of floodwaters.
- Firmly anchored to prevent flotation.
- Constructed with service facilities such as electrical and heating equipment elevated or floodproofed to or above the FPG.
- Designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in this Article.

h. Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks must be anchored to prevent flotation or lateral movement.

3. Standards for Subdivision Proposals

a. Subdivision proposals must be consistent with the need to minimize flood damage.

b. Subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c. Subdivision proposals must have adequate drainage to reduce exposure to flood hazards.

d. Proposed subdivisions or developments (including manufactured home parks) with 50 or more lots or 5 or more acres must provide base flood elevation data.

e. Subdivision proposals must minimize development in the SFHA and/or limit the density of development permitted in the SFHA.

f. Subdivision proposals must ensure safe access into and out of SFHA's for pedestrians and vehicles (especially emergency responders).

4. Critical Facility: New critical facilities must be located outside the limits of the SFHA, to the extent possible. New critical facilities may be constructed within the SFHA if no feasible

alternative site is available. Critical facilities constructed within the SFHA must have the lowest floor elevated to or above the FPG. Floodproofing and sealing measures must be taken to ensure toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG must be provided to all critical facilities to the extent possible.

5. Standards for Identified Floodways: Located within SFHAs are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator requires the applicant to forward the application, along with all pertinent plans and specifications, to IDNR for a permit for construction in a floodway. Under the provisions of *IC 14-28-1*, a permit for construction in a floodway from the IDNR is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving etc. undertaken before the actual start of construction of the structure. However, it excludes non-substantial additions/improvements to existing, lawful residences in a non-boundary river floodway.

   The Floodplain Administrator takes no action until a permit or letter of authorization has been issued by the IDNR granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the IDNR, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions in this Article have been met. The Floodplain Development Permit cannot be less restrictive than the permit issued by the IDNR.

   No development, either alone or in combination with other development, is allowed that will adversely affect the efficiency or capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood by at least 0.15 feet determined by comparing the regulatory flood elevation under the project condition to the natural, pre-floodway condition as proven with hydraulic analyses.

   For all projects involving channel modifications or fill (including levees) the Town submits the data and requests FEMA revise the regulatory flood data per the mapping standard regulations found at 44 CFR §65.12.

6. Standards for Identified Fringe: If the site is in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit if the provisions of this Article have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure must be at or above the FPG.

7. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes

   a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the applicant forwards the application, plans, and specifications to IDNR for review and comment.

      The Floodplain Administrator takes no action until a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood

elevation and the recommended FPG has been received from IDNR. Once the Floodplain Administrator receives the permit or floodplain analysis, a Floodplain Development Permit may be issued if the conditions of the permit are not less restrictive than the conditions received from IDNR and the provisions of *2.8(E)* are met.

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the applicant provides an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, if the provisions of this Article are met.

b. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development cannot adversely affect the efficiency or capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least 0.15 feet as determined by comparing the regulatory flood elevation under the project condition to the natural, pre-floodway condition as proven with hydraulic analyses.

8. Standards for Flood Prone Areas: All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, must meet the applicable standards of this Article.

F. **Variance Procedures**

1. Designation of Variance and Appeals Board: The BZA hears and decides appeals and requests for variances from requirements of this article.

2. Duties of Variance and Appeals Board: The BZA hears and decides appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the administration of this article. Any person aggrieved by the decision of the Board may appeal the decision to the Morgan County Circuit Court.

3. Variance Procedures: In acting upon such applications, the BZA considers all technical evaluations, relevant factors, standards specified in other sections of this Ordinance, and;

   a. The danger of life and property due to flooding or erosion damage.

   b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

   c. The importance of the services provided by the proposed facility to the community.

   d. The necessity of the facility to a waterfront location, where applicable.

   e. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

   f. The compatibility of the proposed use with existing and anticipated development.

g. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

h. The safety of access to the property in times of flood for ordinary and emergency vehicles.

i. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

j. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Conditions for Variances

a. Variances are only granted when there is:

i. A showing of good and sufficient cause.

ii. A determination that failure to grant the variance results in exceptional hardship.

iii. A determination that granting the variance does not increase flood heights, increase threats to public safety, add extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

b. No variance for a residential use within a floodway subject to *2.8(E)(5)* and *2.8(E)(7)(a)* of this Article may be granted.

c. Any variance granted in a floodway subject to *2.8(E)(5)* and *2.8(E)(7)(a)* of this Article requires a permit from IDNR.

d. Variances to the Provisions for Flood Hazard Reduction of *2.8(E)(2),* are granted only when a new structure is located on a lot 0.5 acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the FPG.

e. Variances are only granted upon a determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

f. Variances are granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

g. Any applicant receiving variance approval is given written notice specifying the difference between the FPG and the elevation the lowest floor may be built and stating the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

h. The Floodplain Administrator maintains records of appeal actions and reports any variances to FEMA or IDNR upon request.

5. Variance Notification: Any applicant receiving variance approval to allow the lowest floor of a structure to be built below the FPG is given written notice that:

   a. A variance to construct a structure below the FPG results in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

   b. Construction below the FPG increases risks to life and property. The Floodplain Administrator records a copy of the notice in the Office of the Morgan County Recorder, so it appears in the chain of title of the affected parcel of land.

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

6. Historic Structure: Variances are granted for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation does not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.

7. Special Conditions: Upon considering the factors listed in this Article, and the purposes of this article, the BZA may attach conditions to the granting of variances it deems necessary to further the purposes of this article.

G. **Floodplain Overlay District Definitions**

Unless specifically defined below, words or phrases used in this Article are interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A ZONE: Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A Zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR, and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

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

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

APPEAL: A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

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

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The elevation of the one-percent annual chance flood.

BASEMENT: That portion of a structure having its floor sub-grade (below ground level) on all sides. Boundary River means the part of the Ohio River that forms the boundary between Kentucky and Indiana. Boundary River Floodway means the floodway of a boundary river.

BUILDING: see "Structure."

COMMUNITY: A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

COMMUNITY RATING SYSTEM (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

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

D ZONE: Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to:

(1) construction, reconstruction, or placement of a structure or any addition to a structure;

(2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or

(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

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

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and

either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: The Federal Emergency Management Agency.

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

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

FLOOD PRONE AREA: Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

FLOOD PROTECTION GRADE (FPG): The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

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

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

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

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

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

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

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

FRINGE: Those portions of the floodplain lying outside the floodway.

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

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HISTORIC STRUCTURES: Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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

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

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

LETTER OF MAP AMENDMENT (LOMA): An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F): An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

LOWEST ADJACENT GRADE: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

LOWEST FLOOR: The lowest elevation described among the following:

(1) The top of the lowest level of the structure.

(2) The top of the basement floor.

(3) The top of the garage floor, if the garage is the lowest level of the structure.

(4) The top of the first floor of a structure elevated on pilings or pillars.

(5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each must have openings on exterior walls;

b) the total net area of all openings must be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings must be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,

c) such enclosed space can only be used for the parking of vehicles and building access.

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

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929: A vertical control used as a reference for establishing varying elevations within the floodplain, as corrected in 1929.

NEW CONSTRUCTION: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

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

NON-BOUNDARY RIVER FLOODWAY: The floodway of any river or stream other than a boundary river.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88): A vertical control datum used as a reference for establishing varying elevations within the floodplain, as adopted in 1993.

OBSTRUCTION: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

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

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

PUBLIC SAFETY AND NUISANCE: Anything which is injurious to the safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

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

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

REGULATORY FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

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

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

SPECIAL FLOOD HAZARD AREA (SFHA): Those lands within the jurisdiction of the Town subject to inundation by the regulatory flood. The SFHAs of Monrovia are generally identified as such on the Panel 0130E Flood Insurance Rate Map dated October 2, 2014, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

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

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

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

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

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

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

VARIANCE: A grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

VIOLATION: The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

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

X ZONE: The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

ZONE: A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

ZONE A: (see definition for "A Zone")

ZONE B, C, AND X: Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by

severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

2.9 Wellhead Protection Overlay District

A. **Statement of Purpose**. Certain land uses involve the storage, utilization, or manufacture of products that pose a threat to public health, safety, and general welfare, if discharged into the environment. Areas located near the drawdown area of water supply production wells are especially sensitive to potential contamination. This Wellhead Protection Overlay District identifies where care is required in locating and operating land uses. Therefore, additional development standards are applied in these areas to protect the aquifer from contamination.

B. **Applicability**. In addition to all other applicable zoning regulations, the regulations of this Article apply to all land within the Overlay.

C. **Upgrades to Legally Established Nonconforming Uses**. Legal, nonconforming uses may be repaired or upgraded to comply with federal, state, or local regulations provided the repairs or upgrades do not increase in the intensity of the nonconforming use or increase in the total amount of hazardous materials located or stored on the premises.

D. **General Development Standards**.

The following development standards apply to all uses within the Overlay:

1. Underground storage of any toxic or hazardous materials or any other Contaminant is prohibited.
2. Storage of any toxic or hazardous materials or any other Contaminant outside a Containment Area, Containment Vessel, or a Fuel Delivery Containment Facility is prohibited.
3. Any toxic or hazardous materials or any other Contaminant delivered to a lot must be placed into an appropriate Containment Area or Containment Vessel as soon as practical, but in all cases by the end of each business day. Any fuels delivered to a lot must be placed directly into a fuel storage tank located within a Fuel Delivery Containment Facility.
4. A building containing any toxic or hazardous materials or any other Contaminant must have sealed concrete floors designed to function as a Containment Area to prevent the migration of any fluids or other materials outside the building.
5. All Containment Areas, Containment Vessels and Fuel Delivery Containment Facilities containing any toxic or hazardous materials or any other potential Contaminant must be capable of containing a spill 125% of the volume of the largest tank, drum, or container stored within the Containment Areas, Containment Vessels, and Fuel Delivery Containment Facilities.
6. The total volume of any toxic or hazardous materials or any other Contaminant stored on the site cannot exceed 500 gallons.
7. All sanitary, wastewater discharge, and floor drains from any building must be connected to:
   a. A public sanitary sewer system,
   b. A temporary holding tank that is regularly pumped with the contents being transported to a licensed disposal facility for proper disposition, or

c. A self-contained recapture and recycling system.

8. The prohibitions against underground storage contained in this Article do not prohibit the use of an under-floor collection system, sump system, and tank as part of a Containment Area or a Fuel Delivery Containment Facility where the under-floor collection system, sump system, and tank is:

   a. Designed to temporarily collect any toxic or hazardous materials or any other Contaminant that may escape, and

   b. Approved by the Morgan County Board of Health provided the tanks are regularly pumped out and inspected to maintain their ability to contain Contaminants.

E. **Automotive Facilities Standards**. Automotive facilities utilizing any toxic or hazardous materials or any other Contaminant must be located within an enclosed building equipped with:

1. A recapture and recycling system designed to prevent the migration of any Contaminants outside the building or into a sanitary sewer system, or

2. A temporary holding tank that is regularly pumped with the contents being transported to a licensed disposal facility for proper disposition.

F. **Outdoor Storage Standards**

1. Within the Overlay, an outdoor storage area that is not hard surfaced is limited to items or materials that do not contain Contaminants or threaten contamination of the aquifer.

2. Trucks, semi-trailers, semi-tractors, or other heavy vehicles or equipment may be stored in an outdoor storage area that is not hard surfaced provided:

   a. The vehicles or equipment are routinely inspected for leakage of any Contaminants,

   b. The storage area is routinely inspected for indications of leakage, and

   c. All leaking vehicles or equipment are promptly removed from the area and any contaminated stone and soil is promptly removed from the site and disposed of in compliance with federal, state, and local regulations.

3. All heavy vehicles or equipment designed for the bulk transportation of any toxic or hazardous materials or any other Contaminant must be parked or stored on hard surfaced areas.

G. **Fueling Area Standards**

1. Any fueling area or fuel storage tank must be located within a Fuel Delivery Containment Facility constructed with water tight concrete floors and sidewalls.

2. Fuel storage is limited to a maximum capacity of 5,000 gallons and must be located above-ground.

3. Fueling areas must be covered to minimize exposure of the fueling area to weather conditions that may contribute to the dispersal of Contaminants.

H. **Excavation and Site Reclamation**

1. De-watering of any excavation site within the Overlay is prohibited.

2. No form of solid waste, sludge, or waste material, including construction or demolition debris can be used as fill material in any site reclamation.

I. **Remote Fueling Operations Standards**

Uses involving fueling or maintaining equipment without removing the equipment from the site are subject to the following requirements:

1. Except for fuels or fluids reasonably contained on the equipment, storage of any toxic or hazardous materials or any other Contaminant is prohibited on the site.
2. Fueling operations must utilize dry disconnect couplings on all fuel handling elements including the tanker trucks, the equipment, and the connection point between the tanker truck's hose and the equipment or its hose.
3. A Containment Vessel is required under the point of connection of the hose from the tank truck with the hose from the equipment. The Containment Vessel must be sized to contain a volume of fuel equal to the capacity of the hose from the tank truck or the hose from the equipment, whichever is the greater.
4. Equipment must be fitted with a secondary containment unit made of waterproof materials under any fuel or hydraulic tanks located on the equipment.

J. **Enforcement**

In addition to the enforcement provisions of this Ordinance, the Plan Commission and the Morgan County Board of Health have the following inspection and enforcement rights within the Overlay:

1. Staff of the Plan Commission or Morgan County Board of Health may access any portion of a lot located within the Overlay at all reasonable times and upon 24 hour notice to the owner of the property in question for purposes of inspecting Containment Areas, Containment Vessels, Fuel Delivery Containment Facilities and the operations being conducted on the property.
2. The Plan Commission and the Morgan County Board of Health have the right to injunctive relief against any owner or user of land subject to this Overlay in the event of a violation or threatened violation of these regulations or any contamination or threat of contamination of ground water resulting from activities on the property.

Chapter Three
Permitted Uses

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3.1 Permitted Uses

A. **Applicability**

Land can only be used, and structures can only be used, erected, or structurally altered, for allowable uses in the Zoning District where they are located.

B. **Land Use Specified**

Each land use is either a permitted, not permitted, or a special exception use in each Zoning District as set forth in *CHAPTER 3- PERMITTED USES* (the "Use Table") or elsewhere in this Ordinance.

C. **Special Exception Uses**

A special exception designation does not imply the use will be disallowed but it requires a greater degree of scrutiny because of the potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a special exception for its characteristics and impacts to determine suitability in a zoning district. The approval of the special exception is subject to a public hearing by the Board of Zoning Appeals according to *8.8 Special Exceptions*.

D. **Unlisted or Questionable Land Uses**

Any use not listed in the use table or otherwise permitted by this Ordinance is prohibited. The Administrator determines land use placement if it is not specifically listed. This determination may be appealed to the Board of Zoning Appeals consistent with *8.3 Appeals of Administrative Decisions*.

E. **Primary Use Classifications, Categories & Specific Use Types**

1. Primary Use Classifications. All primary land uses in the Use Table are organized into one of the following five general land use classifications:
   - Residential Uses
   - Civic, Public & Institutional Uses
   - Commercial Sales, Service & Repair Uses
   - Industrial, Manufacturing & Wholesale Uses
   - Agriculture
2. Primary Use Categories and Specific Use Types. Primary uses are further organized into use categories with specific use types listed under each use category.
3. Classifications and Categories Are Mutually Exclusive. The general land use classifications and use categories listed in the use table are mutually exclusive. For example, the use "Lodging Accommodations," cannot be classified in a different use category, such as "Group Living," unless otherwise expressly allowed by this Ordinance.

F. **Explanation of Table Cell Entries.** Each of the cells on the Permitted Use Table indicates whether a use is permitted or not and what limitations apply to the specific use. Items listed in the Use Limitations column refer to conditions for a specific use (*3.3 Use Limitation Notes*).

- Permitted Use ("P"). A "P" in a table cell indicates the use is permitted in the respective zone district and subject to compliance with the use limitations referenced in the second column of the use table ("Use Limitations").

- Use Not Permitted (blank cell). A blank table cell indicates the use is not permitted in the zone district.
- Use Subject to Special Exception Review ("S"). An "S" in a table cell indicates the use is generally appropriate in the zoning district and goes through Special Exception review. Special exception uses may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "S" uses are subject to BZA public hearing according to Special Exception Review, which grants the Board the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses must comply with any applicable use limitations as well as the review criteria stated in *8.8 Special Exceptions*.

3.2 Permitted Use Table

P = Permitted Use S = Special Exception	Use Limitation	R1	R2	R3	R4	NC	GC	CB	LI	GI	AG	AH	IN	Parking Requirements
RESIDENTIAL PRIMARY USES														
Household Living														
Dwellings - Single-Family Detached		P	P	P	P						P			2 spaces/unit
Dwellings - Duplex				S	P									1.25 spaces/unit
Dwellings - Bungalow Court					S									1.25 spaces/unit
Dwellings - Townhouse					S									1.25 spaces/unit
Accessory Dwelling Unit	§4.1	P	P	P	P									1 space/unit
Upper Story Residential						S	S	P					P	1 space/unit
Live/Work Dwelling	(1)				S	S		P						1.25 spaces/unit
Mobile Home	§4.9													2 spaces/unit
Residence for Older Adults					S			S					S	.75 spaces/unit
Group Living														
Assisted Living Facilities				S	P	P	P						P	.75 spaces/unit
Childcare Home		P	P	P	P						P			1.25 spaces/unit
Fraternity, Sorority, or Student Housing					S								P	0.25 spaces/unit
Group Residential Facility		P	P	P	P						P			.75 spaces/unit
Nursing Home, Hospice				S	P	P	P	P						5 spaces/1000 SF GFA
Rooming or Boarding House								S						.75 spaces/unit
CIVIC, PUBLIC, AND INSTITUTIONAL USES														
Basic Utilities														
Utility, Major Impact	(2)						P	P	P	P	P	P	P	0.5 spaces/1000 SF GFA
Utility, Minor Impact	(3)					S	P	P	S	P	P	P	S	0.5 spaces/1000 SF GFA
Community/Public Services														
Cemetery	(5)	S	S	S	S						P		P	1 space/25 plots
Childcare Facilities						P	P	P	S				P	1 space/1000 SF GFA
Community Center	(4)	P	P	P	P	P	P	P	P	P	S		P	0.5 spaces/1000 SF GFA
Correctional Institution													S	0.5 spaces/1000 SF GFA
Fairgrounds		S	S						S		P			2.5 spaces/1000 SF GFA

P = Permitted Use S = Special Exception	Use Limitation	R1	R2	R3	R4	NC	GC	CB	LI	GI	AG	AH	IN	Parking Requirements
Golf Courses and Country Clubs		S									P		P	2.5 spaces/1000 SF GFA
Hospital						S	P	P	P	P			P	1 space/2 beds
Libraries, Museums, and Cultural Facilities		S	S	S	S	P	P	P	P				P	1 space/1000 SF GFA
Municipal & Government Buildings		P	P	P	P	P	P	P	P	P			P	1 space/125 SF GFA
Parks and Playgrounds	(6)	P	P	P	P	P	P	P	P	P	P		P	1 space/50 SF GFA
Education														
Schools - Public and Private		P	P	P	P	P	P	P	P	P			P	2 spaces/1000 SF GFA
Schools - Vocational							P	P	S				P	1 space/1000 SF GFA
Public & Religious Assembly														
Banquet Facilities and Reception Halls						P	P	P	P	P	S		P	0.5 spaces/1000 SF GFA
Club or Lodge						P	P	P					P	0.5 spaces/1000 SF GFA
Places of Worship	(7)	S	S	S	S	P	P	P	P		S		P	0.5 spaces/1000 SF GFA
Public and Religious Assembly, All Others	(7)	S	S	S	S	P	P	P	P		S		P	0.5 spaces/1000 SF GFA
COMMERCIAL SALES, SERVICE, AND REPAIR PRIMARY USES														
Adult Business														
All Types	§4.3												S	5 spaces/1000 SF GFA
Arts, Recreation & Entertainment														
Arts, Recreation, Entertainment, Indoor	(8)					S	P	S	S	S			P	2.5 spaces/1000 SF GFA
Arts, Recreation, Entertainment, Outdoor							P	S	S	S	S		P	2.5 spaces/1000 SF GFA
Sports and/or Entertainment Arena or Stadium	(23)						P	P					S	1 space/4 seats or 1 space/40 SF GFA
Parking of Vehicles														
Parking Garage	(11)						P	P					P	no requirement
Parking Lot							P	S					P	no requirement
Eating & Drinking Establishments														
Restaurants – class A						P	P	P					S	5 spaces/1000 SF GFA
Restaurants - class B						P	P	S	S	S			S	5 spaces/1000 SF GFA
Taverns						P	P	P					S	5 spaces/1000 SF GFA
Winery or Microbrewery						P	P	P	S		S		S	5 spaces/1000 SF GFA

P = Permitted Use S = Special Exception	Use Limitation	R1	R2	R3	R4	NC	GC	CB	LI	GI	AG	AH	IN	Parking Requirements
Lodging Accommodations														
Bed and Breakfast Establishments	§4.4	S	S	S	S	S		S			S		S	1 space/room
Hotel or Motel							P	S	S				P	1 space/room
Office														
Dental/Medical Office or Clinic	(12)					P	P	P					P	2 spaces/1000 SF GFA
Office, All Others						S	P	P	P	P			P	2 spaces/1000 SF GFA
Retail Sales, Service & Repair														
Animal Sales and Services, Household Pets Only	(13)					S	P	S			S			2.5 spaces/1000 SF GFA
Animal Sales and Services, All Others	(14)						P	S	P	S	S			2.5 spaces/1000 SF GFA
Auction Houses							P		P					2.5 spaces/1000 SF GFA
Banks and Financial Institutions						P	P	P	P				P	2.5 spaces/1000 SF GFA
Food Catering Service						P	P	P	P					1.8 spaces/1000 SF GFA
Gas Station							P		P					2.5 spaces/1000 SF GFA
Grocery or Market	(15)					S	P	S					P	2.5 spaces/1000 SF GFA
Pawn Shop	(16)						S							2.5 spaces/1000 SF GFA
Retail Sales, Service & Repair, Outdoor							P	S	S					2.5 spaces/1000 SF GFA
Retail Sales, Service & Repair, Special Handling							S	S						2.5 spaces/1000 SF GFA
Retail Sales, Service & Repair, All Others						P	P	P					S	2.5 spaces/1000 SF GFA
Vehicle/Equipment Sales, Service & Repair														
Automobile Services, Light	(17)						P			P				0.5 spaces/1000 SF GFA
Automobile Services, Heavy	(18)						S			P				0.5 spaces/1000 SF GFA
Auto/Motorcycle/Boat/Light Truck Sales or Rentals	(19)						P			P				0.5 spaces/1000 SF GFA
Heavy Vehicle/Equipment Sales, Rentals & Service	(20)									P				0.5 spaces/1000 SF GFA
INDUSTRIAL MANUFACTURING AND WHOLESALE PRIMARY USES														
Communications & Information														
Communication Services	§4.6					S	P		S	P			S	0.5 spaces/1000 SF GFA
Small Cell Facility	§4.15					P	P	P	P	P			P	No requirement
Telecommunication Towers	§4.6						P	P	P	P	S		S	No requirement

P = Permitted Use S = Special Exception	Use Limitation	R1	R2	R3	R4	NC	GC	CB	LI	GI	AG	AH	IN	Parking Requirements
Telecommunication Facilities – All Others	§4.6					S	P	P	P	P	S			No requirement
Industrial Services														
Chemical Manufacturing and Storage										P				0.5 spaces/1000 SF GFA
Contractors– General	(27)						P			P				0.5 spaces/1000 SF GFA
Contractors– Heavy/Contractor Yard	(24)									S		S		0.5 spaces/1000 SF GFA
Food Preparation and Sales, Commercial							P	S		P				0.5 spaces/1000 SF GFA
Laboratory, Research, and Development Services	(25)							P	P				P	0.5 spaces/1000 SF GFA
Manufacturing														
Manufacturing, Fabricating, & Assembly – General	(24)									P				0.5 spaces/1000 SF GFA
Manufacturing, Fabricating, & Assembly – Heavy	(24)									P		S		0.5 spaces/1000 SF GFA
Manufacturing or Refinement of Asphalt, Cement, Gypsum, Lime, or Wood Preservatives	(24)									S		S		0.5 spaces/1000 SF GFA
Mining, Extraction, and Energy Conservation														
Mineral Extraction	(9)									P		P		No requirement
Sand & Gravel Extraction or Sales	(24)									P	S			No requirement
Solar Energy Conversion System	§4.17								S	P		P		No requirement
Wind Energy Conversion System	§4.20								S	P		P	S	No requirement
Transportation Facilities														
Airport	(24)												S	No requirement
Heliport	(24)									S			S	No requirement
Mass Transit Facility	(10)						P	S	S				P	0.5 spaces/1000 SF GFA
Transportation Services	(24)								S	S				0.5 spaces/1000 SF GFA
Waste Related Services														
Automobile Parts Recycling Business										P				0.5 spaces/1000 SF GFA
Composting Facility	(24)									P		P		0.5 spaces/1000 SF GFA
Recycling Center									S	P				0.3 spaces/1000 SF GFA
Recycling Drop-Off Facilities		P	P	P	P	P	P		P	P			P	0.3spaces/1000 SF GFA

P = Permitted Use S = Special Exception	Use Limitation	R1	R2	R3	R4	NC	GC	CB	LI	GI	AG	AH	IN	Parking Requirements
Recycling Plant, Scrap Processor										P				0.3spaces/1000 SF GFA
Salvage or Junk Yards	(24)											S		0.3 spaces/1000 SF GFA
Solid Waste Facility	(24)											S		0.3spaces/1000 SF GFA
Wholesale Storage, Warehouse, and Distribution														
Automobile Towing Service Storage Yard	(24)						S			P				0.3 spaces/1000 SF GFA
Bottled Gas Storage and Distribution										P		S		0.3 spaces/1000 SF GFA
Self-Storage Facilities	(21)									P				0.1 spaces/1000 SF GFA
Truck Freight Terminal/Distribution Center	(24)									S				0.3 spaces/1000 SF GFA
Vehicle Storage, Commercial	(22)									P				0.5 spaces/1000 SF GFA
Wholesale Trade or Storage, General	(24)									P		S		0.5 spaces/1000 SF GFA
Wholesale Trade or Storage, Light									S	P				0.5 spaces/1000 SF GFA
AGRICULTURE PRIMARY USES														
Anhydrous Ammonia Storage & Distribution										S		S		0.3 spaces/1000 SF GFA
Aquaculture	(26)									S		P		0.5 spaces/1000 SF GFA
Confined Feeding Operation	§4.7											S		No requirement
Farm											P	P		No requirement
Food Processing Plants										P	S	P		0.3 spaces/1000 SF GFA
Grain and Feed Mills											S	P		0.3 spaces/1000 SF GFA
Plant Nursery										P	P	P		0.5 spaces/1000 SF GFA
Riding Stables and Academies											P		P	0.5 spaces/1000 SF GFA
Roadside Produce Stand											P			3 spaces/1000 SF GFA
Sale Barn for Livestock										S	P	P		0.3 spaces/1000 SF GFA
Slaughterhouse											S	P		0.3 spaces/1000 SF GFA
ACCESSORY TO PRIMARY RESIDENTIAL USE														
Accessory Uses Customary to Residential Uses	§4.2	P	P	P	P						P			
Carports and Garages	§5.1	P	P	P	P						P			
Home Occupations	§4.8	P	P	P	P						P			
In-Home Child Care	§4.2	S	S	S	S						P			
Roadside Stands	§5.1										P			

P = Permitted Use **S = Special Exception**	**Use Limitation**	**R1**	**R2**	**R3**	**R4**	**NC**	**GC**	**CB**	**LI**	**GI**	**AG**	**AH**	**IN**	**Parking Requirements**
Solar Energy Conversion System	§4.16	P	P	P	P						P			
Stables	(28)	S									P			
Swimming Pools	§5.1	P	P	P	P						P			
Wind Energy Conversion System	§4.19	P	P	P	P						P			
ACCESSORY TO PRIMARY NONRESIDENTIAL USE														
Accessory Uses Customary to Nonresidential Uses	§4.2					P	P	P	P	P				
Accessory Dwelling Unit	§4.1						S	S	S	S	P		S	
Accessory Retail Sales	§4.2							P	P	P			P	
Car Wash	§4.2					S	S		S	P				
Child Care Facilities	§4.5					P	P	P	P	P			P	
Drive-Thru Windows	§6.3					S	P	S	S				P	
Outdoor Display	§4.10					P	P	P	P	P	P		P	
Outdoor Storage	§4.11						P	S		P	P	P	S	
Parking Lots and Garages						P	P	P	P	P	P	P	P	
Recycling Drop-Off Facilities	§4.2					P	P			P		P	S	
Solar Energy Conversion System	§4.16					P	P	S	P	P	P	P	P	
Wind Energy Conversion System	§4.19					P	P	S	P	P	P	P	P	

3.3 Use Limitation Notes

(1) Live/Work Dwelling: Where permitted, a Live/Work Dwelling's commercial activity may be any nonresidential primary use permitted in the same zoning districts that the Live/Work Dwelling is established, subject to the limitations below. The following commercial activities, when not otherwise specifically listed as permitted in the applicable zoning districts, are permitted in a Live/Work Dwelling use: art gallery, artist studio, professional studio, office (excluding dental/medical office and clinic) and other similar activities determined by the Administrator.

a. A Live/Work Dwelling use is not a "residential use" or "residential district" or "protected use," nor in any other way be accorded residential protection (e.g., separation) against the effects of surrounding industrial uses as may otherwise be required by this Ordinance.

b. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.

c. The commercial activity must not exceed 50% of the gross floor area of the use.

d. The commercial activity cannot have more than 2 employees or assistants on the premises at one time. The employees or assistants may be in addition to residents of the Live/Work Dwelling.

e. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs with a maximum total area of 20 square feet.

f. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.

g. Nonresidential storage in the Live/Work Dwelling is limited to no more than 10% of the space dedicated to the commercial activity.

(2) Major Impact Utility: Where permitted, a major impact utility must meet the following standards:

a. Sanitary sewage treatment plants must be at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

b. Solid waste facilities must be in a completely enclosed structure and at least 500 feet from any residential district.

c. The expansion of transmission line capacity does not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

(3) Minor Impact Utility: Where permitted, a minor impact utility must meet the following standards:

a. Electric substations are prohibited in residential districts.

b. Exposed electric substation transformers must be enclosed by a fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons.

c. A minor impact utility use must be at least 50 feet from the nearest boundary of any lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless the utility has been sited and designed to assure its compatibility with adjacent dwelling units.

(4) Community Center: Where permitted, a community center must comply with the following:

a. A community center cannot have an outdoor public address system or any type of amplified music or sound device.

b. Overnight accommodations are prohibited.

c. Where a community center includes accessory outdoor recreation or entertainment services facilities within or abutting a residential district, all outdoor lighting must be extinguished when the outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, and by 11:00 p.m. Friday and Saturday.

(5) Cemetery: Where permitted, a cemetery may include a crematorium. A crematorium must be at least 500 feet from a residential district. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

(6) Parks and Playgrounds: Where permitted, a publicly owned park or recreation facility must comply with the following:

a. Outdoor lighting must be extinguished when outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.

b. Any recreation facility not completely enclosed (e.g., basketball or racquet sport courts) must be at least 50 feet from the boundary of a residential district.

(7) Public and Religious Assembly Uses: In residential districts where permitted, a public or religious assembly use must comply with the following:

a. The following operations must be terminated by 11:00 p.m.: (i) daily operations of uses and activities accessory to a primary public or religious assembly use, such as accessory recreation uses or activities; and (ii) daily operations of other primary uses located on the same zone lot as the public or religious assembly use, such as child care centers or elementary or secondary schools, but not including a primary household living use located on the same zone lot.

b. Conference center, club, or lodge use is prohibited.

(8) Arts, Recreation, and Entertainment, Indoor Uses: In all residential districts where permitted, seating capacity in a permitted Arts, Recreation, and Entertainment, Indoor use is limited to no more than 100 people. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

(9) Mineral Extraction is prohibited within urban areas as defined in ***I.C. 36-7-4-1103***. A fence at least 6-feet tall is required where the use is accessible to the public. Where the use abuts a residential

use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen. The use must be located at least 200 feet from a residential use or district.

(10) Mass Transit Facility: In all residential districts where permitted, the use is limited to a stop or station for the mass passenger transit system; and parking for the use of passengers or employees of the passenger transit provider.

(11) Parking Garage: Where permitted, a parking garage is limited to enclosed structures or structures enclosed except for portions of the parking structure over 45 feet above grade. Any unenclosed parking deck must have screening walls at least 4 feet in height. All lighting on the unenclosed parking deck must use fully shielded fixtures, not exceeding 6,500 lumens per fixture, and installed to not project glare off the lot.

(12) Dental/Medical Office or Clinic: Where permitted, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use. Where the use abuts a residential use, a 6-foot-wide planter area landscaped with tightly spaced shrubs at least 6 feet high at maturity is required to create an effective, year-round screen.

(13) Animal Sales and Services, Household Pets: Where permitted, an Animal Sales and Services, Household Pets use must comply with the following:

a. All sales and services must be for household pets only. Wild or dangerous animal services and sales are prohibited.

b. Overnight boarding is permitted within a completely enclosed building. For uses over 20,000 s.f. in GFA dedicated primarily to retail sales, no more than 15% of the GFA can be devoted to overnight boarding.

c. The use must be completely enclosed except outdoor animal runs or other areas in which dogs are allowed outside of an enclosed structure off leash (an "outdoor run"). An outdoor run must comply with the following conditions:

- Outdoor runs are not permitted within 20 feet of a residential structure in a residential district.
- The outdoor run may operate only between 6:30 a.m. and 9:00 p.m.
- No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.

d. Facilities must be constructed, maintained, and operated so animal sounds and smells cannot be discerned on adjacent lots when the outdoor run is not in use.

(14) Animal Sales and Services, All Others: Where permitted, an Animal Sales and Services, All Others use must comply with the following:

a. Wild or dangerous animal boarding and breeding services are prohibited.

b. No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.

c. Overnight accommodations are allowed.

d. Where located abutting a residential district, a minimum 50-foot-wide landscaped buffer must be provided. The buffer is intended to substantially mitigate potential adverse effects from the animal service use.

(15) Grocery: Where permitted, a Grocery use must comply with the following:

a. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, must occupy no greater than 25% of the gross floor area of the structure containing the food sales or market primary use.

b. Outdoor storage is prohibited unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

(16) Pawn Shop: Where permitted, a Pawn Shop cannot be established, operated, or maintained within 1,000 feet of another pawn shop.

(17) Automobile Services-Light: Where Automobile Services-Light are permitted, automobile wash, laundry, detail, or polishing shops must comply with the following:

a. The structure housing the primary use must be setback at least 10 feet from a residential district

b. Adequate landscaping and solid fencing must be installed to control the effects of noise when a bay is located adjacent to a residential use or a residential district.

c. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 10:00 p.m.

d. In addition to any other required off-street parking, the use must provide for each washing stall, enough hard-surfaced and dust-free space on the lot to accommodate at least 3 vehicles waiting to be washed.

(18) Automobile Services, Heavy: Where permitted, an Automobile Services, Heavy use must comply with the following:

a. The lot must be enclosed with a solid fence or wall except for:

- No more than 40% of the street frontage containing the entrance to the use is required to have a fence;
- The street frontage of an automobile retail display area; or
- Any portion of a lot line containing a building wall.

b. The fence or wall must be constructed high enough to conceal vehicles, equipment, or parts located on the lot; provided the wall or fence does not interfere with vision clearance at the intersections (5.9 – Vision Clearance Standards).

c. Permitted fence or wall materials consist of wood, brick, masonry, or other similar durable materials as approved by the Administrator. Salvaged doors, corrugated or sheet metal, and chain link are prohibited fence or wall materials.

(19) Auto / Motorcycle / Boat / Light Truck Sales or Rentals: Where permitted, an Auto /Motorcycle /Boat/ Light Truck Sales or Rentals use must comply with the following:

a. Outdoor public address or loudspeaker systems are prohibited.

b. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and providing services of installing the above items, making minor mechanical adjustment, washing and polishing vehicles.

c. The facility must not include heavy automobile service uses as an accessory or primary use unless permitted as a primary use in the subject Zoning District.

d. Adjoining residential districts must be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by landscape buffers or an opaque fence or wall at least 5 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.

e. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.

f. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.

g. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles must not be included when computing required off-street parking spaces.

Sales display areas are not considered parking lots for the purposes of this Ordinance (e.g., parking space size requirements, landscaping requirements, etc.).

(20) Heavy Vehicle/Equipment Sales, Rentals, and Service: Where permitted with limitations, a Heavy Vehicle/Equipment Sales, Rentals, and Service use must be located at least 500 feet from the nearest boundary of any residential district existing at the time of application. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district. No dead storage, repair work, or dismantling is permitted on the premises.

(21) Self-Storage Facilities: In Commercial Districts, where permitted, Self-Storage Facilities cannot have individual entrances to storage units from the exterior of the structure.

(22) Vehicle Storage, Commercial: Where permitted, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(23) Sports and/or Entertainment Arena or Stadium: Where permitted, a Sports and/or Entertainment Arena or Stadium use must be at least 500 feet from a residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(24) Where permitted, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.

(25) Laboratory, Research and Development Services: Where permitted, a Laboratory, Research and Development Services use may include sales facilities limited to non-retail sales and sales activities occupying no more than 20% of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.

(26) Aquaculture: Where permitted, the outdoor storage of waste material from fish processing is prohibited.

(27) Building materials and company vehicles must be screened or located so not visible from a perimeter street or adjacent residential use.

(28) The minimum lot area must be 2 acres plus 5,000 square feet per horse over 4 horses. The stable must be located at least 100 feet from a residential use or district.

3.4 Use Descriptions

Residential Primary Uses

Household Living

Dwelling-Single-Family Detached: A Single-Family Detached Dwelling is a detached structure on a lot containing one dwelling unit. It is typically located within a primarily single-family neighborhood. This type is the most common type found in Monrovia. Typically, this building type has a front-load garage, but side-load garages are possible on corner lots or wider lots and rear-load garages are possible on lots abutting an alley.

Dwelling – Duplex: A Duplex dwelling is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to it within primarily single-family residential neighborhoods or medium-density residential neighborhoods. It enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability.

Dwelling - Bungalow Court: A Bungalow Court consists of a series of small, detached structures, providing multiple units arranged on a single lot to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private backyard and becomes an important community-enhancing element of this type. This type is appropriately scaled to it within primarily medium-density neighborhoods. It enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability. Parking is typically located along an alley at the rear of the lot.

Dwelling – Townhouse: A townhouse is a small- to medium sized typically attached structure that consists of 3–8 townhouses placed side-by-side. This type may also occasionally be detached with minimal separations between the buildings. This type is typically located within medium-density residential neighborhoods or in a location that transitions from a primarily single-family residential neighborhood into a neighborhood main street. This type enables appropriately scaled, well-designed higher densities, provides a broad choice of housing types, and promotes walkability.

Accessory Dwelling Unit: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Upper Story Residential: Dwelling units on upper floors of buildings with non-residential uses at street level.

Live/Work Dwelling: A Live/Work Dwelling is a small to medium sized attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for service or retail uses. Both the ground-floor flex space and the unit above are owned by one entity. This type is typically located within medium-density neighborhoods or in a location that transitions from a neighborhood into a neighborhood main street. It is especially appropriate for incubating neighborhood-serving retail and service uses and allowing neighborhood main streets to expand as the market demands. Parking is typically located in the rear of the lot behind the building, often in an attached or detached garage.

Mobile Home: A movable or portable unit, 8 feet or more wide and is 32 feet or more in length and constructed for towing on its own chassis (comprised of frame and wheels) from the place of construction to subsequent locations, designed to be used without a permanent foundation, and connected to utilities for year round occupancy with or without a permanent foundation. The term includes:

- units containing parts that can be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity;
- units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing; and
- units designed to be used for residential, commercial, educational, or industrial purposes, excluding recreational vehicles.

Residence for Older Adults: A single unit dwelling or multi-unit dwelling housing unrelated mobile older adults (individuals 55 or more years of age) more than the number of unrelated persons permitted per dwelling unit, receiving fewer services than a special care home or assisted living facility. A residence for older adults is not considered a Residential Care use.

Group Living

Assisted Living Facility: A facility for adults in need of some protective oversight or assistance due to functional limitation that provides a living arrangement integrating shelter, food, and other supportive services to maintain a functional residential status.

Childcare Home: A family home that receives more than three and up to a maximum of eight children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

Fraternity, Sorority, or Student Housing: A building containing living quarters for students, staff, or members of an accredited college, university, boarding school, theological school, hospital, religious order, or comparable organization; provided that the building is owned or managed by the organization and contains no more than one cooking and eating area.

Group Residential Facility: A facility licensed by the State of Indiana to provide a homelike setting to the developmentally disabled and/or the mentally ill. This provides the benefits of a group living situation as an alternative to hospitalization or institutionalization.

Nursing Home: Any institution, whether operated for profit or not, that seeks to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.

Hospice: A facility that provides inpatient care and attends to the emotional, spiritual, social, and financial needs of terminally ill patients and their families.

Rooming or Boarding House: A residential building containing one or more guest rooms used, rented, or hired out, with or without meals, for permanent occupancy. A Rooming and Boarding House makes no provision for cooking in any of the guest rooms occupied by paying guests.

A. A Rooming and Boarding House use is not considered a Residential Care use.

B. A Rooming and Boarding House use is not considered a Student Housing use.

Civic, Public, and Institutional Primary Uses

Basic Utilities

Utility, Major Impact: A utility use that due to its nature or large scale could have an adverse impact on surrounding properties. Examples include sanitary sewer treatment plants and solid waste facilities.

Utility, Minor Impact: A utility use that due to its nature or small scale is unlikely to have an adverse impact on surrounding properties. Examples include telephone switching stations and completely enclosed utilities.

Community/Public Services

Cemetery: Any land or structure dedicated to and used for the interment, entombment, or inurnment of human or animal remains.

Childcare Facilities: Any place other than a family home in which people receive childcare services during any part of a day not exceeding 13 hours in any 24-hour period and licensed pursuant to the Town and State requirements.

Community Center: A place, structure, area, or other facility used for and providing programs, information and services generally open to the public and designed to accommodate and serve significant segments of the community.

Correctional Institution: Publicly or privately operated facility housing people awaiting trial or people serving a sentence after being found guilty of a criminal offense.

Fairgrounds: An area where buildings, structures, and land are used for the exhibition of livestock, farm products, etc. and/or for carnival-like entertainment.

Golf Courses and Country Clubs: Golf courses are any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area, or putting green. A Country Club includes a location with facilities for outdoor sports and social activities for which members pay a membership fee other than a daily fee, periodically for the use of facilities and services by them.

Hospital: An institution licensed by state law providing health services and medical or surgical care to patients and injured persons.

Library, Museums, and Cultural Facilities: A library is a public facility for the use, but not sale, of literary, musical, artistic, or reference materials. A museum is an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Municipal and Government Buildings: A building or facility utilized in the operation of local government. Municipal buildings and facilities include office space for the operation of administrative functions, police, fire, public works, emergency services, disaster relief, municipal parking lots, garages, and storage facilities, wastewater treatment facilities, municipal wells and enclosures and lift stations.

Parks and Playgrounds: An area of land designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields.

Education

Schools – Public and Private: An institution for the teaching of children or adults including primary and secondary schools, colleges, and universities. This use also includes physical improvements and structures related to the activity of teaching, as well as associated accessory uses and structures, including maintenance areas, parking athletic fields, outdoor study areas, etc.

Vocational Schools: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to private entities that do not offer a complete educational curriculum (e.g., professional schools, dance schools, business schools, trade schools, art schools, etc.)

Public & Religious Assembly

Banquet Facilities and Reception Halls: A building or a portion of a building rented or reserved by individuals, businesses, or groups to accommodate private functions including banquets, weddings, anniversaries, and other similar celebrations. The facilities may include: (1) kitchen facilities for the preparation or catering of food; (2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the public; and (3) outdoor gardens or reception facilities.

Club or Lodge: An association of persons organized for a common purpose to pursue common goals, interests or activities characterized by certain membership qualifications, payment of fees or dues, regular meetings and a constitution or bylaws.

Places of Worship: A church, synagogue, temple, mosque, or other facility used for public worship where organized services are held by persons of similar beliefs.

Public and Religious Assembly, All Others: Public and religious assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly.

Commercial Sales, Services, and Repair Primary Uses

Adult Business

Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display or other offering of live entertainment, dancing, or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Arts, Recreation & Entertainment

Art, Recreation, and Entertainment, Indoor: A public or private facility that provides indoor entertainment including, video arcades, virtual reality games, and mechanical rides.

Arts, Recreation and Entertainment, Outdoor: A public or private facility that provides outdoor entertainment including waterslides, water parks, go-cart tracks, miniature golf, batting cages and mechanical rides and games.

Sports and/or Entertainment Arena or Stadium: A large structure with tiers of seats for spectators at sporting or other recreational events.

Parking of Vehicles

Parking Garage: A structure of two or more stories used for the temporary parking or storage of more than four motor vehicles.

Parking Lot: An off-street, surfaced, ground level open area used for the temporary parking or storage of more than four motor vehicles.

Eating & Drinking Establishments

Restaurant – Class A: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. A Class A Restaurants is a restaurant whose principal method of operation includes any two of the following characteristics:

- Customers are provided with an individual menu, are served their food or beverages by wait staff, in non-disposable containers, at the same table items are consumed.
- Cafeteria-type operations where foods or beverages are generally consumed within the restaurant building.
- Carryout service is not the predominant type of service available.

Restaurant – Class B: An establishment whose principal business is the sale of edible, prepared food stuffs and/or beverages for consumption on or off the premises. A Class B Restaurant is a restaurant not falling within the classification of Class A Restaurant and having characteristics of 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, fried, or grilled quickly, or heated in a microwave oven.

Tavern: An establishment whose principal business is the sale and service of alcoholic beverages at retail for consumption on the premises. Food and snacks may also be made available for consumption on the premises.

Winery and Microbrewery: A facility where wine or beer is sold for consumption onsite or off the premises and may include a restaurant, beverage room, or retail store as accessory uses.

Lodging Accommodations

Bed and Breakfast Establishment: A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the public and may provide meals for compensation.

Hotel or Motel: A hotel is a building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls, and stairways. A motel is an establishment consisting of a group of attached or detached living or sleeping accommodations for transient guests with bathrooms and closet space, located on a single lot and where access to the sleeping accommodations is directly from the outside. A motel furnishes customary hotel services such

as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture.

Office

Dental/Medical Office or Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

Office, All Others: A use or structure where business or professional activities are conducted and/or business or professional services are made available to the public, including tax preparation, accounting, architecture, legal services, psychological counseling, real estate, and securities brokering, and professional consulting services, but not including drive-through service windows, the cutting and styling or hair, or recreational facilities or amusements.

Retail Sales, Service & Repair

Animal Sales and Services – Household Pets: An establishment engaged in any of the following:

a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.

b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats is considered a primary "animal services and sales - household pets only" use.

c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

Animal Sales and Services, All Others: An establishment engaged in the retail sale, grooming, care, breeding, or boarding of animals, not restricted to domestic or household pets, and which may include overnight accommodations. Includes provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners and animal kennels or other animal boarding facilities not limited to domestic or household pets.

Auction Houses: An establishment involving a sale barn or sale pavilion and its contiguous surroundings where two or more auctions are held within any twelve-month period. Each day goods or real estate are being offered for sale at auction constitutes one auction. For facilities used exclusively for the auctioning of livestock see Sale Barn for Livestock.

Banks and Financial Institutions: An establishment including a chartered bank, saving association, credit union, or industrial loan company, primarily engaged in the business of providing banking and related financial services to customers, but excluding any establishment whose primary purpose is to provide cash advances, pay day loans, pay day advances, and similar services.

Food Catering Service: *An establishment* where food and/or beverages, intended for sale or distribution, are prepared in bulk or individual portions, for service in bulk or individual portions, at another location.

Gas Stations: A building and premises wherein a primary use is the supply and dispensation of retail gasoline, diesel fuel, oil, grease, batteries, tires and motor vehicle accessories, and where minor repair services may be provided. This use does not include major vehicle repair.

Grocery or Market: Establishments primarily engaged in the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. Grocery Retail includes grocery stores, supermarkets, meat or fish markets, fruit and vegetable markets, and other uses similar in nature and impact.

Pawn Shop: An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of the property.

Retail Sales, Service & Repair, Outdoor: The display and sale of products and services outside of a building or structure, including vehicles, garden supplies, gas, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and similar materials or items.

Retail Sales, Service & Repair, Special Handling: Retail businesses that primarily sell products that require special handling due to risks to public safety. Example businesses include massage parlors, tattoo shops, vapor smoke shops, gun sales, and hunting stores.

Retail Sales, Service & Repair, All Others: A commercial enterprise that provides goods and/or services directly to the consumer, where the goods are available for immediate purchase and removal from the premises.

Vehicle/Equipment Sales Service & Repair

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 and servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles, excluding commercial wrecking, dismantling, junk yard, truck, and tractor repair.

Automobile, Motorcycle, Boat, and Light Truck Sales, Rentals, and Repair: Establishments primarily engaged in the sales, leasing, rental, and related servicing of new and used automobiles, motorcycles, boats, light trucks, and similar items; excluding dismantling or junk yard.

Heavy Vehicle/Equipment Sales, Rentals and Service: Establishments primarily engaged in the sales, leasing, or rental, and related servicing, of high capacity mechanical devices for moving earth or other materials, and mobile power units including: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices, trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junk yard.

Industrial, Manufacturing, and Wholesale Primary Uses

Communications & Information

Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms. This use excludes telecommunication towers. Typical uses include television studios, radio studios, or film and sound recording facilities.

Small Cell Facility: A personal wireless service facility (defined by the Federal Telecommunications Act of 1996, as amended) or a wireless facility satisfying the following requirements: (a) each antenna, including exposed elements, has a volume of 6 cubic feet or less; and (b) the primary equipment enclosure located with the facility has a volume of 28 cubic feet or less. The volume of the primary equipment enclosure excludes: electric meters, concealment equipment, telecommunications demarcation boxes, ground based enclosures, backup power systems, grounding equipment, power transfer switches, and cutoff switches.

Telecommunications Towers: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

Telecommunications Facilities - All Others: The plant, equipment, and property, including cables, wires, conduits, ducts, pedestals, antennas, towers, electronics, and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

Industrial Services

Chemical Manufacturing and Storage: An establishment used for the manufacture or storage of any chemical or chemically reactive products.

Contractors, General: An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes: general building contractors; plumbing, heating, air-conditioning; painting and paper hanging; electrical work; masonry, stonework, and plastering; carpentry and floor works; roofing, siding, and sheet metal work; glass and glazing work; installing building equipment; and special trade contractors.

Contractors, Heavy/Contractor Yard: Establishments providing general contracting and/or construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies.

Food Preparation and Sales, Commercial: Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens.

Laboratory, Research and Development Services: A building or group of buildings containing one or more of the following types of facilities:

a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.

b. A building or part of a building devoted to the testing and analysis of any product. No manufacturing is conducted on the premises except for experimental or testing purposes.

c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.

d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.

e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

f. A facility devoted to the testing and analysis of any product, including medical laboratories, biological product manufacturing, and blood and organ banks.

g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

Manufacturing

Manufacturing, Fabricating, and Assembly – General: A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

Manufacturing, Fabricating, and Assembly – Heavy: A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

Manufacturing or Refinement of Asphalt, Cement, Gypsum, Lime, or Wood Preservatives: Establishments primarily engaged in manufacturing asphalt and tar paving mixtures or various compositions of asphalt or tar with other materials; manufacturing plaster, plasterboard, and other products composed wholly or chiefly of gypsum; manufacturing quicklime, hydrated lime, and "dead-

burned" dolomite from limestone, dolomite shells, or other substances; or treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects

Mining, Extraction, and Energy Conservation

Mineral Extraction: Establishments primarily engaged in the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

Sand and Gravel Extraction or Sales: Establishments primarily engaged in the extraction of sand and gravel from an open pit to be processed and sold for commercial purposes.

Solar Energy Conversion System: Any mechanism designed for the purpose of converting solar energy into mechanical or electrical power.

Wind Energy Conversion System: Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

Transportation Facilities

Airport: A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to: landing fields; facilities for the parking, storage, fueling, repair, and rental of aircraft; passenger and baggage terminals; air cargo operations and associated facilities; public transportation infrastructure, including terminals and stations; safety facilities such as fire and police stations; open space uses such as agriculture, parks, golf courses, and recreation; energy production; retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space; and other accessory uses as determined by the Administrator.

Heliport and Helipad: A facility for landing or take-off area for rotor craft that may include a passenger terminal and/or routine servicing of rotor craft.

Mass Transit Facility: A facility for bus or other types of transportation service available to the public that move relatively large numbers of people at one time.

Transportation Services: Passenger services provided by public, private, or non-profit entities using modes such as express buses, minibuses, or vans.

Waste Related Services

Automobile Parts Recycling Center: An establishment where motor vehicles are dismantled for selling usable parts and which does not include a junk yard.

Composting Facility: A commercial or public solid waste processing facility where yard or garden waste is transformed into soil or fertilizer by biological decomposition.

Recycling Center: A facility where recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled, or separated by

grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.

Recycling Drop-off Facilities: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation.

Recycling Plant, Scrap Processor: A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; organic materials; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production or for retail or wholesale trade. This definition includes, but is not limited to, all uses in the following SIC group: 5093 Scrap and Waste Materials.

Salvage or Junk Yards: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but excluding the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

Solid Waste Facility: An establishment in which municipal solid waste is collected, separated by material, compacted, baled, or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication, or processing of new products occurs in this facility. This use may include a waste transfer station.

Wholesale Storage, Warehouse & Distribution

Automobile Towing Service Storage Yard: The assembling or standing of damaged or impounded vehicles for indeterminate periods of time, excluding the wrecking, dismantling, or repairing of vehicles.

Bottled Gas Storage and Distribution: A facility where compressed gas is stored in pressurized portable tanks and is the origin or destination point of tanks being transported.

Self-Storage Facility: All or part of a building used for the storage of personal goods and/or materials.

Truck Freight Terminal/Distribution Center: Any premises used by a motor freight company as a carrier of goods, that is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods, but excluding loading and unloading of freight accessory to an otherwise permitted use on the site.

Vehicle Storage, Commercial: Establishments primarily engaged in the assembling or standing of operable vehicles for periods of more than one day. Such use does not include the storage of damaged, dismantled, or impounded vehicles. This land use need not be enclosed.

Wholesale Trade or Storage, General: Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers, to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking

bulk for redistribution in smaller lots; the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials; providing support services primarily to other businesses. Operations with more than 25 percent of sales to retail customers are categorized as "retail sales" rather than as "wholesale trade" uses. This use excludes self-storage facilities.

Wholesale Trade or Storage, Light: Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors; to professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties, excluding the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials

Agriculture Primary Uses

Anhydrous Ammonia Storage and Distribution: A facility, or group of facilities, that receives, stores, and handles anhydrous ammonia.

Aquaculture: An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown to sell them or the products they produce. Includes fish hatcheries, growing tanks, or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities.

Confined Feeding Operation: (a) Any confined feeding of at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses or (b) any Animal Feeding Operation defined in 327 IAC 19-2-3 electing to be subject to IC 13-18-10 or that is causing a violation of water pollution control laws, any rules established under IC 13-13-8, or the provisions of IC 13-18-10. For purposes of this definition, "confined feeding" means the feeding of animals in lots, pens, ponds, sheds, or buildings where animals are confined, fed, and maintained for at least 45 days during any 12-month period and where ground cover or vegetation is not sustained over at least 50% of the animal confinement area. The term excludes: (1) a livestock market under state or federal inspection where animals are assembled from multiple sources to be publicly auctioned or privately sold on a commission basis, or (2) a livestock sale barn or auction market where animals are kept for not more than 10 days.

Farm: Land being used for agricultural purposes.

Food Processing Plants: A commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer.

Grain and Feed Mills: An establishment that produces food, including premixes, supplements, and concentrates, for animal (non-human) consumption from grain, grain byproducts, or alfalfa and other ingredients, without cooking.

Plant Nursery: An agricultural use in which plants are grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. Examples of plant nursery uses include: wholesale or retail plant nurseries with greenhouses or garden stores; retail nurseries where plant inventory and related plant products are sold, but which may not be grown or produced on-site; tree farms; vineyards and orchards; flower farms; field nurseries; and sod farms. Plant

nursery uses do not include forestry or logging uses, or the keeping of animals or livestock except where expressly permitted as an accessory use.

Riding Stables and Academies: An establishment offering horses for hire or instruction in horsemanship.

Roadside Produce Stand: A structure for the display and sale of agricultural products grown on the site, with no space for customers within the structure itself.

Sale Barn for Livestock: Establishments where the public may consign livestock for sale by auction open to public bidding or sold on a commission basis. It does not include breed or livestock associations operating subject to and in compliance with the provisions of the Future Farmer and 4-H groups, auction sales conducted in conjunction with county, state or private fairs, or auction sales conducted for a person whose livestock are sold on premises of the person.

Slaughterhouse: A facility for the slaughtering and processing of animals and the refining of their byproducts.

Chapter Four
Specific Uses

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4.1 Accessory Dwelling Unit

A. An accessory dwelling unit must only be located within a single-family detached dwelling or as a separate dwelling unit on the same lot or parcel with a principal dwelling.

B. No more than one accessory dwelling is permitted on any lot or parcel.

C. The accessory dwelling unit must share the same sewage disposal and water supply systems as the principal dwelling unit.

D. A minimum of one off-street parking space is required for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

E. The accessory dwelling unit is limited to a maximum of 25% of the total living area of the principal dwelling or 800 square feet, whichever is less, but not less than 400 square feet.

F. The accessory dwelling must contain no more than a living area, one bedroom, one bath and a kitchen.

G. The owner of the property must live on the premises, either in the principal dwelling or the accessory dwelling, and maintain that address as the primary place of residence.

H. The accessory dwelling unit must be occupied by no more than two people.

I. No new access points or driveways may be created or installed on the abutting street for vehicular access to the accessory dwelling unit.

J. If separate from the principal dwelling unit, the accessory dwelling must meet all setback requirements of the principal dwelling and must not exceed 25 feet in height.

K. No part of a manufactured home, shipping container, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer can be used as an accessory dwelling unit.

L. The exterior finish and façade of an accessory dwelling unit must match, resemble, or complement the architectural design, exterior materials, and colors used on the primary structure.

M. Plan Commission approval of the site plan and building elevations is required. After approval by the Plan Commission, an Improvement Location Permit must be obtained before the construction or conversion of an accessory dwelling unit. Before granting a permit, the Administrator reviews all applications for compliance with these requirements and any conditions of approval required by the Plan Commission.

N. As a condition of approval, the owner must prepare a deed restriction or other legal instrument to be reviewed and approved by the Plan Commission. Following approval by the Plan Commission, the applicant records the instrument with the County Recorder and provides a copy to the Administrator. The instrument must include a statement that the principal dwelling and the accessory dwelling will remain in the same ownership, unless the dwellings can be subdivided into individual building lots, each of which complies with the requirements of the Ordinance.

4.2 Accessory Uses

Accessory Uses are permitted in each Zoning District when determined by the Administrator that (i) the use is incidental to the permitted primary use, and (ii) the use is consistent with the intent of the Zoning District where it is located. Accessory Uses are not permitted prior to the establishment and operation of the primary use.

4.3 Adult Businesses

All adult businesses must comply with these regulations that are intended to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight, and to protect minors from the objectionable operational characteristics of adult business uses by restricting their proximity to the following protected uses:

- A church, synagogue, mosque, or other place of worship.
- A public or private nursery school or any other public or private school serving one or more of grades K through 12.
- A childcare facility licensed by the Indiana Family and Social Services Administration.
- A public or private park, playground, playing field, sports facility, or fairground.
- A public or private cemetery.
- A public housing facility.
- Gymnasiums, dance studios, theater companies, and other facilities used by children.
- An Agricultural District.
- A Residential District.

A. An adult business must be separated at least 2,000 feet from another adult business. This distance is measured in a straight line from the closest exterior wall of each business disregarding intervening structures.

B. An adult business must be separated at least 2,000 feet from any existing protected use. This distance is measured in a straight line from the closest exterior wall of the adult business to the nearest lot line of the protected use.

C. Any material depicting, describing, or relating to specified sexual activities or specified anatomical areas must not be visible from any public right-of-way.

D. An adult business lawfully operating under these regulations will not be deemed to be in violation of the location restrictions solely because (i) a protected use subsequently locates within the minimum required distance of the adult business, (ii) a business that sells alcoholic beverage subsequently locates within the same building as the adult business, or (iii) property within the minimum required distance of an adult business subsequently becomes residential property.

E. Licensing.

1. A license is required prior to conducting or operating an adult business use. The operator of an adult business use must apply for a license with the Council through the Clerk/Treasurer's office. Applications are made in writing, under oath, in the form prescribed by the Council and must contain the following information:

   a. The name and location of the establishment;

   b. The names and addresses of:

      - The applicants
      - The owners of the establishment. If the owner is a corporation, the names and addresses of the directors and the names and addresses of shareholders owning capital stock. If the owner is a partnership, the names and addresses of the partners;
      - Any owners of the property on which the establishment is located;
      - Any rental agency of the property on which the establishment is located;
      - Any person the applicant wants to receive notice in case of violation or other matters affecting the license;

   c. A written statement identifying the activities to be engaged at the site;

   d. Photographs or drawings of any existing or proposed signs on the exterior of the establishment. The dimensions of each sign is required;

   e. A Certificate of Completion certifying the business complies with the requirements of this Ordinance; and

   f. A certificate from the Fire Chief of the jurisdiction having authority that all applicable fire regulations have been met.

   g. Any additional information required for a complete review of the application.

2. After a complete application has been received, the Administrator will inspect the premises to verify all applicable requirements of law and this Ordinance have been met. Upon passing inspection, the Town issues a license. If the premises fail to pass inspection, the Administrator notifies the applicant in writing stating what failures have been discovered. The notice must also state the procedure if the applicant does not agree with the Administrator's decision which is an appeal directly to the Circuit Court of the county.

3. The Council may permit variances from the regulations of this article that advance the purpose and intent of this article.

4. All licenses are valid for the calendar year January 1 to December 31, or the remaining portion of such calendar year. An annual license fee must be paid according to the fee schedule. Annual license fees may be prorated at the rate of one-twelfth of the annual license fee for the remaining full months of the current calendar year.

5. Application for renewal of a license must be made on or before October 1 of each year and accompanied by the annual license fee. The application must contain any changes in the information required by subsection (1) above that have occurred since the previous application.

6. A license may be transferred to a new owner or operator or to a new location by a license holder by giving written notice to the Council 14 days before the effective day of the transfer, and upon filing the information required in subsection (1) above for the new owner or operator, and upon determination by the Administrator that the new owner or operator or location is qualified under this article. The fee for a licensed transfer must be paid according to the fee schedule.

7. The Administrator has the power to revoke a license for failure to comply with restrictions, requirements and conditions of this article.

F. Definitions

1. ADULT ENTERTAINMENT BUSINESS: An adult entertainment business is any business which includes one or more of the following:

- **ADULT BOOKSTORE**: An establishment having as the majority of its stock or sales books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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

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

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

- **ADULT MINI MOTION PICTURE THEATRE**: An enclosed building with a capacity of more than 5 but less than 50 people, used for presenting films, motion picture, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time

is devoted to the showing of materials which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas of observation by patrons therein.

- **ADULT MOTEL**: A hotel, motel, or similar establishment offering public accommodations for any form of consideration which primarily provides patrons, upon request, with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

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

- **ADULT MOTION PICTURE THEATER**: An enclosed building with a capacity of 50 or more people used for presenting films, motion pictures, video cassettes, slides, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are related to specified sexual activities or specified anatomical areas for observation by patrons.

- Adult Service Establishment**: ALL OR PART OF A BUILDING, PREMISES, STRUCTURE, OR OTHER FACILITY, UNDER COMMON OWNERSHIP OR CONTROL WHICH PROVIDES A MAJORITY OF SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OR SPECIFIED ANATOMICAL AREAS.**

2. **SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED SEXUAL ANATOMICAL AREAS:** Any combination of two or more of the following activities:

- The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

- The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;

- The operation of coin or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices to show images to 5 or fewer people per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

- Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where performances are characterized by an emphasis

upon the depiction or description of specified sexual activities or specified anatomical areas; or,

- The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio.

3. **SPECIFIED ANATOMICAL AREAS**: Any of the following:

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

4. **SPECIFIED SEXUAL ACTIVITIES**: Any of the following:

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse, or sodomy;
- Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
- Flagellation or torture in the context of a sexual relationship;
- Masochism, erotic, or sexually oriented torture, beating or infliction of pain;
- Erotic touching, fondling or other such contact with an animal by a human being; or
- Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in 1 through 6 above.

4.4 Bed and Breakfast

A. A bed and breakfast must be operated according to applicable County Health Department requirements.

B. A bed and breakfast cannot contain more than five guest rooms plus a common area for use by all guests.

C. A bed and breakfast establishment must be located only in a detached single-family dwelling, designed, and constructed for single family use, which containing at least 1,500 square feet of useable floor area. For each guest room more than two, an additional 100 square feet of floor area is required.

D. The bed and breakfast must be the principal residence of the owner, who resides there when the bed and breakfast is in operation.

E. Meals for guests must not be available to members of the public other than the owner's family.

F. There must be at least one parking space provided for each guest room in addition to the parking spaces required to serve the principal residence.

G. Cooking facilities are prohibited in bed and breakfast guest rooms.

H. Exterior refuse storage facilities must be screened from view on all sides by a six-foot solid decorative fence or wall, or by other screening approved by the Administrator.

I. In addition to the site plan required by *CHAPTER 8: PROCESS AND PERMITS*, a floor plan noting the use of each room must be submitted with the application.

4.5 Childcare Facilities

These standards apply to childcare facilities in all zoning districts and do not apply to Childcare Homes.

A. A childcare facility must not be located on a lot with a property line within:

- 1,000 feet of any known business that has a permit for hazardous materials or regulated substances, excluding underground fuel storage tanks;
- 1,000 feet of any known business handling compressed flammable gases more than 1,500 pounds;
- 1,000 feet of any known business handling flammable liquids more than 10,000 gallons.
- 500 feet of another childcare facility.

Separation distance is measured from the property line of the proposed childcare facility to the use, storage, or handling areas for the regulated substances. For businesses containing a childcare facilities on site, the distance is measured from the exterior wall of the childcare facility to the areas containing the regulated substances.

The childcare facilities operator has the burden of proof of demonstrating compliance with the separation requirement.

B. Drop-off and pick-up of children from vehicles is permitted only in driveways, approved parking areas, or the street directly in front of the facility.

C. All outdoor play and activity areas must be enclosed with a fence at least 4½ feet high.

D. All outdoor play and activity areas must be separated from vehicular circulation and parking areas, equipment enclosures, storage areas, and refuse and recycling storage areas.

4.6 Communications Services

A. All cell towers and wireless communications facilities as a primary use of a lot or parcel must comply with the provisions of this article. Approvals granted are not effective until the applicant and Town have a written agreement setting the terms and conditions to occupy and use any public rights-of-way or facilities. Approvals do not confer any exclusive right, privilege, license, or franchise to public rights-of-way or facilities unless specifically established in the written agreement. For the requirements of Small Cell Facilities, refer to *4.15 Small Cell Facilities*. For the requirements for satellite dish antenna greater than 2 feet in diameter, refer to *5.1(G) Accessory Structures – Satellite Dish Antenna*.

B. The following facilities are exempt from the provisions of this article unless they are located within a recognized Historic District:

- A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel where the radio or television antenna is located; with an antenna height not exceeding 25 feet;
- A ground- or building-mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed 35 feet;
- A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 35 feet;
- A ground- or building-mounted receive-only radio or television satellite dish antenna, which does not exceed 24 inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of the dish does not exceed the height of the ridgeline of the primary structure on the parcel;
- All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this title;
- Mobile services providing public information coverage of news events of a temporary nature;
- Handheld devices such as cell phones, business band mobile radios, walkie talkies, cordless telephones, garage door openers and similar devices as determined by the Administrator or designated agent; and
- Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, with heights not exceeding 35 feet.

C. For purposes of *IC 8-1-32-3* and *Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996* as in effect on July 1, 2015, the BZA will exercise the authority to conduct hearings, to make decisions, and to approve the issuance or denial of Improvement Location Permits (except for co-location) under this chapter. The Administrator will exercise the authority to review applications for completeness, within the meaning of *IC 36-7-4-1109*, and to issue Improvement Location Permit's under this chapter.

D. The Administrator reviews the completeness of applications to construct or modify wireless facilities. Within 10 business days of filing, the Administrator will notify the applicant if the application is complete and if a public hearing will be required. If no public hearing is required, the Administrator acts on the request. When a public hearing is required, the BZA conducts the hearing and acts on the request.

E. To be considered complete, the application must contain the information listed below. Applications requesting co-location only are required to provide the information in 1, 2, 3, and 4:

1. A statement that the applicant either provides wireless communications service or owns/provides infrastructure required for such service.

2. The name, business address, and point of contact of the applicant.
3. The location of the proposed or affected wireless support structure or wireless facility.
4. A construction plan conforming with all applicable Building Code requirements.
5. Evidence showing the application complies with the criteria for a special exception.
6. For applications requesting approval for the construction of a new wireless support structure: (i) a construction plan describing the proposed wireless support structure and all equipment and network components, (ii) evidence supporting the proposed location, and (iii) a sworn statement from the individual responsible for the proposed location demonstrating co-location of wireless facilities on an existing wireless support structure is not a viable option because co-location:
   - Would not result in the same wireless service functionality, coverage, and capacity;
   - Is technically infeasible; or
   - Is an economic burden to the applicant.
7. For applications requesting modification of a wireless support structure, a construction plan describing the proposed modifications to the affected wireless support structure and all equipment and network components.
8. Failure by the Administrator to timely notify an applicant of an application's completeness is a nonfinal zoning decision, and the applicant is entitled to expedited judicial review of the nonfinal zoning decision.

F. **Deadlines for Final Action**

1. For applications for co-location only, final action must occur within 45 days of the date the applicant is notified the application is complete. This type of application does not require a public hearing, but the Administrator reviews the application for compliance with applicable code requirements before issuing the Improvement Location Permit.
2. For applications to construct a new wireless support structure or substantially modify a wireless support structure, final action must occur within 90 days of the date the applicant is notified the application is complete, or within 120 days if special exception variance approval is necessary.
3. If an applicant requesting additional time to amend its application agrees to a continuance, the time periods prescribed above are extended for a corresponding amount of time. Failure by the Administrator or BZA to take final action within the required time period is a nonfinal zoning decision, and the applicant is entitled to expedited judicial review of the nonfinal zoning decision.

G. The following provisions apply to all applications submitted under this chapter:

1. The Administrator and BZA must comply with all applicable provisions of Section 332(c)(7)(B) of the *Federal Telecommunications Act of 1996* as in effect on July 1, 2015, and Section 6409(a) of the *Middle Class Tax Relief and Job Creation Act of 2012* as in effect on July 1, 2015.

2. Neither the Administrator nor BZA may require an applicant to submit information about or evaluate an applicant's business decisions regarding the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

3. Neither the Administrator nor BZA may release to the public any records required to be kept confidential under federal or state law, including the trade secrets of applicants, as provided in the *Access to Public Records Act (IC 5-14-3)* and other applicable laws.

4. The BZA must not impose a fall zone requirement larger than the area where the wireless support structure is designed to collapse per the applicant's engineering certification for the structure, unless evidence submitted by a professional engineer demonstrates the applicant's engineering certification is flawed.

5. The Administrator or BZA must not require or impose conditions regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

6. Application fees must be the same or similar to fees for applications for similar types of commercial or industrial development. Fees imposed by a third-party providing review assistance to the Administrator or BZA must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application, and may not include:

   - Travel expenses incurred by the third-party in its review of an application; or
   - Direct payment or reimbursement of third-party fees charged on a contingency basis.

H. All Communication Facilities must meet the following requirements:

1. The height of the antenna support structure cannot exceed 200 feet.

2. The antenna support structure must be set back a minimum of 40 feet from the property line unless the adjoining parcel is zoned or used for a residential use. If the antenna adjoins a residential, the minimum setback equals the height of the support structure.

3. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure cannot be artificially illuminated and cannot display strobe lights.

4. Signs or advertising is prohibited upon an antenna support structure and associated equipment structures.

5. The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment using color and camouflaging architectural treatment.

6. All utility buildings and structures accessory to the antenna support structure must be architecturally designed to blend into the surrounding area.

7. A landscape plan for the communication facility must be submitted with the application and must be comparable to landscaping required for other uses in business or industrial districts.

8. All communication facilities must be designed to accommodate the user's equipment and the equipment of at least 2 additional service providers.

9. A qualified and licensed engineer must approve the design of the antenna support structure and certify its construction complies with the requirements of this article.

10. All applications must include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure must be shared with additional users if the additional user agrees to meet reasonable terms and conditions of shared use.

11. Transmissions from a communication facility cannot interfere with any existing public safety communications.

12. Communication facilities or their related improvements cannot be sited to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species.

13. Communication facilities or their related improvements cannot be sited in a manner that would damage an archaeological site or have an adverse effect on the historic character of a historic or cultural resource.

14. A communication facility cannot be sited so that its presence threatens the health or safety of migratory birds.

15. Potential adverse impacts to nearby public use areas such as parks or trails must be minimized.

I. If a wireless communication facility structure is abandoned or remains unused for a period of 6 months, the owner must remove the structure and all associated facilities from the site. Such removal must be completed within 12 months of the cessation of site operations. If a structure is not removed within the required time, the Administrator may remove the structure and associated facilities. The cost of the removal is the responsibility of the owner of the parcel.

4.7 Confined Feeding Operations

A. Site Plan approval by the Plan Commission is required prior to constructing or operating a new Confined Feeding Operation (CFO) or expanding and existing CFO.

B. **Minimum Setbacks**: A minimum setback of 250 feet is required for all yards. The setback is measured from the property line to the nearest foundation of the CFO.

C. **Minimum Road Frontage**: The minimum road frontage is 150 feet.

D. **Permitted Entrances**: A CFO site may have up to 2 entrances to a State Highway or State Road. The applicant must obtain a driveway permit from the Indiana Department of Transportation prior to construction of the entrance(s). A CFO site is limited to one entrance on streets other than a State Highway or State Road.

E. The following minimum separation distances are required between a confined feeding operation and other uses.

1. School or educational institution – 5,280 feet;

2. Church or religious institution – 2,640 feet;

3. Open legal drain, stream, or river (without a 20-foot filter strip) -- 500 feet;
4. Open legal drain, stream, or river (with a 20-foot filter strip) - 300 feet;
5. Residential subdivision – 2,640 feet;
6. Water well (other than the one servicing the CFO) - 500 feet;
7. High Employment Centers (100+ full-time equivalent employees) – 2,640 feet;
8. Business or commercial use (not otherwise specified above) – 2,640 feet;
9. For a residential dwelling unit not located on the proposed site the applicable separation distances are:

   a. Foundation to Foundation: At least 2,640 feet measured from the foundation of the CFO structure to foundation of the residential dwelling unit. This separation distance may be reduced to not less than 1,320 feet with the use of odor mitigation tactics listed below.

   b. Property line to Property Line: At least 1,320 feet measured from the property line of the CFO parcel to the property line of the parcel containing the residential dwelling unit. This separation distance may be reduced to not less than 660 feet with use of odor mitigation tactics listed below.

   c. Calculation of Separation Reduction: The separation distance may be reduced by using odor mitigation tactics. The reduction is calculated by multiplying the number of mitigation tactics used by 0.125 and then multiplying that product times the required separation distance. The maximum reduction is 50% of the required separation distance.

   d. Odor Mitigation Tactics

      - Deep pit – Minimum 14-month storage pit pumped once per year.
      - Berm and vegetation screens – Combination of berm and vegetation screen around perimeter of site.
      - Dietary program – Diet changed every 21 days to minimize nutrient excretion into pit.
      - Power washing – Animal barns washed and cleaned every 6 months to minimize dust particles that carry odor.
      - Slatted floors – Animals stay clean and reduces manure build up that creates odor.
      - Pit additives – Chemicals or biologicals that reduce omission of odor by reducing pH levels.
      - Solid-liquid separation – Separating urea from solid fecal matter mechanically or with sedimentation basin.
      - Air treatment – Trapping air vented and treating prior to discharge to atmosphere.

- Anaerobic digester – Process by which microorganisms breakdown biodegradable material in the absence of oxygen.

F. **Truck Turnaround**: A cul-de-sac or T-shaped turnaround area must be provided to prevent semi-trailers from backing onto a road. The turnaround area must have an all-weather surface with adequate dimensions for a semi-trailer to turn around on the site.

G. **Clean Record**: The proposed owner of the CFO must not have any violations from the Indiana Department of Environmental Management (IDEM) during the previous 5-year period.

H. **Neighboring Property Owner Waiver**: A landowner, other than the applicant, may waive the required separation distance by executing a written, irrevocable waiver in recordable form acceptable to the Administrator. The waiver must be submitted with the application, create a covenant that runs with the land in perpetuity, and be recorded in the Office of the Morgan County Recorder within 14 days of the approval of the site plan. The applicant is responsible for providing the Administrator a copy of the recorded waiver within 5 days of the recording.

I. Separation distances apply to CFO only. The separation distances in this article apply only to the siting of CFO facilities on the property and do not restrict the rights of the landowner to use, develop, and enjoy the landowner's real estate, other than the land on which the CFO is located. The separation distances cannot be used by the applicant or any other person as a basis to restrict the use, development, or enjoyment of the property.

4.8 Home Occupations

A home occupation is permitted when incidental to the primary use of the premises as a residence. Home occupations must not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties. Home occupations must be of a personal service nature limited to domestic crafts and professional service. Home occupations must not include uses with significant visitors to the home, uses involving animals, nor uses associated with vehicle sales or repair.

A. The operator of the home occupation must be a resident of the dwelling unit.

B. A home occupation must be located within the primary structure. A home occupation cannot be conducted in an accessory building unless a special exception approval is granted by the BZA.

C. A home occupation must not employ anyone other than a member of the immediate family residing in the residence.

D. Exterior alterations changing the residential appearance to a business appearance is prohibited.

E. No more than 25% of the floor area of the dwelling unit may be devoted to the home occupation.

F. Outside storage of machinery, equipment, or materials is prohibited.

G. An additional or separate entrance for the home occupation inconsistent with the residential character of the dwelling is prohibited.

H. No more than one additional off-street parking spaces above the minimum parking requirement are permitted. Parking areas must not encroach into a required minimum setback. An additional driveway to serve the home occupation is prohibited.

I. Display of goods or external evidence of the home occupation is prohibited, except for signs according to *6.4(I)(3).*

J. Only stock in trade or commodities prepared, produced, or created on the premises by the operator of the home occupation, may be kept or sold on the premises.

K. Electrical or mechanical equipment must not interfere with local radio communications and television reception nor cause fluctuation in line voltage off the premises.

4.9 Manufactured Home Parks

Manufactured home parks must be a minimum of 5 acres. Manufactured homes may be permanently occupied when located within a manufactured home park. Manufactured home parks are approved as a Planned Unit Development, require site plan approval, and must be developed in accordance with the requirements of this Article. The following provisions must be incorporated into the PUD ordinance unless otherwise approved by the Town Council.

A. An Improvement Location Permit is required for the placement of any manufactured home.

B. A manufactured home must not be located under overhead electric lines.

C. Manufactured homes must be set onto a permanent foundation and comply with he set-up, utility connection, underfloor space enclosure requirements, and all other applicable requirements of the Monrovia Building Code.

D. Accessory structures for storage on individual sites must meet setback requirements and require an Improvement Location Permit.

E. Driveways must be located for convenient access to service entrances and collection points of buildings.

F. Parking for residents and visitors must be provided on the manufactured home site or in common parking facilities. Parking areas must not interfere with pedestrian walkways.

G. Sidewalks at least 5 feet wide must be provided along at least one side of the street to provide for continuous, safe pedestrian circulation. Sidewalks on both sides of the street are encouraged. Walkways are encouraged in common areas to connect frequently used public facilities and improve circulation throughout the site.

H. Covenants applying to the entire site must be submitted with the PUD and must be recorded prior to issuing an Improvement Location Permit for the site. The covenants must contain the following:

- Each occupant of a manufactured home site must be provided a copy of the recorded covenants.
- The placement or replacement of a manufactured home must comply with the requirements of the PUD and this Ordinance.

- Accessory structures must meet the required setbacks and require an Improvement Location Permit.
- The manufactured home park owner is responsible for ensuring on-going maintenance of all sites and common areas to ensure neat and orderly condition.
- On-street parking of boats, trailers, commercial vehicles, semi-trucks, etc. is prohibited.

4.10 Outdoor Sales Display

These standards to outdoor sales display apply as accessory uses in all zoning districts.

A. Any proposed outdoor sales display must be delineated on an approved site plan and according to the following:

1. The site plan must include the types of merchandise and products, location, landscaping, and other improvements of the outdoor sales display area.
2. Pedestrian circulation areas must not be obstructed.
3. Outdoor sales display areas must be delineated and compatible with the design of the building and the context of the site.
4. Enhanced screening or landscaping ensuring the compatibility of the proposed use with adjoining areas may be required.
5. Approval of an amendment to the site plan is required prior to altering an outdoor sales display area.

B. The following uses are exempt from the outdoor sales display requirements:

1. Automobile dealerships, and other similar uses as determined by the Administrator or Plan Commission.
2. Outdoor sales displays that otherwise comply with the outdoor storage standards below.
3. Merchandise associated with a temporary use or event.

4.11 Outdoor Storage

These standards to outdoor storage apply as accessory uses in all zoning districts.

A. Storage or parking of recreational vehicles and trailers is subject to the following:

1. Recreational vehicles and trailers may be parked or stored within accessory buildings. If parked or stored in the open, only one recreational vehicle or trailer is permitted on the lot. The vehicle or trailer must be stored in the side yard or rear yard without encroaching into any required side yard setback or rear yard setback.
2. Parked or stored recreational vehicles and trailers cannot be occupied or used for living, sleeping, or housekeeping purposes. Connections to gas, electric, water, or sanitary sewer service are prohibited.

3. Recreational vehicles and trailers may not be stored on a right-of-way at any time except for the immediate loading and unloading of the vehicle.

4. Nothing in this ordinance conveys a right to violate a covenant, restriction, or agreement. Property owners should consult their homeowner's association and their real estate title documents to avoid potential violations.

B. Outdoor storage for business uses is only permitted if delineated on an approved site plan and according to the following:

1. A lot's outdoor storage area must not exceed 50% of the gross floor area of the principal building.

2. Outdoor storage areas must be in a side or rear yard immediately adjacent to the principal building and must not encroach onto any required building setback.

3. Outdoor storage areas must be incorporated into the design of the principal building as follows:

- Outdoor storage areas must be completely screened from view from any adjacent property or right-of-way.
- Outdoor storage areas must be screened on all sides at least 7 feet high with a solid wall, fence, or landscaping, or a combination of these elements. A wall or fence must use materials consistent or complementary to the principal building. Chain link fencing is prohibited
- Access into outdoor storage areas must occur from a side or rear yard. Access gates must be opaque and architecturally compatible with the materials used on the principal building.

4. All materials, product, or merchandise stored in an outdoor storage area must be stacked no higher than 12 inches below the top of the wall.

C. Outdoor storage may be permitted in industrial uses, subject to the following standards:

1. Outdoor storage is not permitted in the established front yard or in a yard adjoining a residential district.

2. Outdoor storage areas must be screened as follows:

- Continuous screening by a combination of walls, fencing, and landscaping at least 6 feet high.
- Stored materials must not be stacked higher than 12 inches below the top of the wall or screen. Equipment and vehicles must be stored at their lowest state.

3. Within outdoor storage areas, high-volume travel lanes, and an area 50 feet deep adjacent to the building must be paved with asphalt or concrete. The remainder of the outdoor storage may be finished with stone. Curbing is not required around outdoor storage areas.

4.12 Outdoor Eating Areas

Outdoor cafes and eating areas are subject to these standards.

A. All outdoor eating areas must conform to State and County Health Department regulations and code.

B. Music and other audio devices must be maintained at a level not audible 40 feet from the source or 90 decibels or less when measured 6 feet from source.

C. Outdoor eating areas must not impede pedestrian traffic or force pedestrians into vehicle travel lanes. A 5-foot pedestrian access area must be maintained on the perimeter of the outdoor café and eating area. Approval by the Street Department Director is required if the outdoor eating area is located within, or impacts, a public right-of-way. The pedestrian access area must remain clear of obstructions.

D. Outdoor eating areas used for more than 7 days in a calendar year are deemed permanent. Permanent outdoor cafes and eating areas require site plan approval to ensure compliance with this Ordinance and compatibility with the surrounding area and Zoning District.

4.13 Parking as a Principal Use

Parking as a principal use of property must comply with these regulations.

A. Site Plan. Site plan approval is required. The site plan must indicate:

1. All individual uses to be served by the parking, including the location, use, and number of parking spaces required for each use;

2. The location of buildings, parking areas, and access points on all adjacent properties;

3. The site layout drawn to scale and dimensioned of proposed entrance and exit driveways, accel/decel lanes, parking spaces, setbacks, drainage facilities, structures, buildings, landscaping, and buffer screening; and

4. Location, size, and design of proposed lighting, pavement, and signs.

B. Setbacks and Access. Parking facilities must meet the setback requirements for principal uses.

C. Legal Encumbrance. Parking as a principal use is encumbered by an instrument approved by the Town that links the parking facilities to the uses served. The instrument specifies and binds the time to the anticipated life of the building or use the parking facility serves. The instrument is filed with the improvement location permit files of the Department and recorded in the office of the County Recorder.

D. Changes to Site Plans. Any change to a site plan resulting from conditions of approval must be made to the plans and submitted to the Administrator prior to issuing the permit. Other changes, such as modifying the number of parking spaces, altering the layout, or placing or removing a structure, requires approval of a new site plan. Minor changes, as defined by *8.7(F) Site Plan Review - Changes to Approved Site Plans*, are approved by the Administrator. Changes other than minor changes are approved by the Plan Commission.

4.14 Short-Term Rentals

A. These standards are intended to ensure compatibility between short-term rentals and the residential character of the surrounding neighborhood. Short-term rentals must meet the standards contained in this Article and be operated so the average neighbor, under normal circumstances, is not aware of their existence.

B. The following circumstances do not constitute a short-term rental:

1. Family occupancy: Any member of a family and the family's guests may occupy a dwelling if owned by the family. Family occupancy extends to guest houses or similarly separate dwellings legally located on the same premises as the primary building and used without remuneration to the owner.

2. House sitting: During the temporary absence of the owner and the owner's family, the owner may permit non-owner occupancy without remuneration to the owner.

3. Dwelling sales: Occupancy of up to 90 days after closing by a prior owner after the sale of a dwelling is permitted.

4. Estate representative: Occupancy by a personal representative, trustee, or guardian of the estate, with or without remuneration is permitted.

C. All short-term rentals are subject to the following performance standards:

1. When provided, off-street parking must occur only on designated paved portions of the lot, such as driveways.

2. Rental of the dwelling is done in a manner consistent with the character of the surrounding neighborhood.

3. The owner provides the renter the following information prior to occupancy and posts this information in a conspicuous location within the dwelling:

   a. Notification of the maximum occupancy permitted in the dwelling;

   b. The name and telephone number of the contact person who may be reached any time the dwelling is rented;

   c. Notification and instructions of the parking locations;

   d. A copy of this chapter, as amended; and

   e. Notification that a renter may be cited or fined by the Town, in addition to any other remedies available at law, for violating any provisions of this chapter.

4. The owner's contact person must always be available to accept calls when the dwelling is rented. The contact person must have a key to the dwelling and be capable of being physically present at the dwelling within 3 hours to address issues.

5. The appearance of the dwelling must not conflict with the residential character of the neighborhood. The dwelling must be properly maintained and kept in good repair, so the use does not detract from the general appearance of the neighborhood.

6. Renters must not encroach on neighboring properties.

7. The premises must be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular, weekly schedule.

8. Renters must not create a nuisance. For purposes of this chapter, a nuisance includes, but is not limited to, any activity that violates the Town noise regulations or fireworks regulations.

9. Short-term rentals must not be used to house sex offenders; operate a structured sober living home; manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or operate an adult business as defined in *IC 12-7-2-1.8*.

D. A short-term rental permit is required prior to the use of any property as a short-term rental. Any change in the use or construction of a dwelling resulting in noncompliance with Town or state standards, as determined by the Administrator, will void the short-term rental permit approval.

4.15 Small Cell Facilities

A. Small Cell Facilities must be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire, and emergency services) equipment.

B. If the Administrator determines a wireless provider's activity in the right-of-way creates an imminent risk to public safety, the Administrator may provide written notice to the wireless provider demanding correction of the risk. If the wireless provider fails to address the risk within 24-hours of the notice, the Town may act to address the risk and charge the wireless provider the documented cost of such actions.

C. **Permitted Use.** A wireless provider has the right as a permitted use (subject to review and conditions) to collocate Small Cell Facilities and install, maintain, modify, operate, and replace poles in the right-of-way. Structures and facilities must be installed and maintained to not create a safety hazard, obstruct or hinder the public's safe use of the right-of-way, or obstruct the legal use of the right-of-way by utilities.

D. **Permit Requirements**

1. A permit is required prior to collocating a Small Cell Facility or installing a new, modified, or replacement pole or support structure associated with a Small Cell Facility. The Town may require an applicant to obtain additional permits provided the additional permits do not apply exclusively to Small Cell Facilities. If a wireless provider fails to comply with the permit requirements, the Town, in its sole discretion, may restore the right-of-way to its prior condition and charge the wireless provider the documented cost of restoration, plus a penalty not to exceed $1,000.

2. Within rights-of-way under the control of the Indiana Department of Transportation ("INDOT"), the wireless provider requests the Town's written consent to the wireless provider's application for an INDOT permit. The Town cannot unreasonably withhold their consent.

3. Applications required by this article are filed with the Administrator on forms provided by the Administrator in the number and manner designated. The applicant may designate portions of the application containing proprietary or confidential information by clearly marking each such page as "proprietary" or "confidential." The Town endeavors to protect the designated materials from public disclosure to the fullest extent permitted by State law.

4.16 Solar Energy Conversion Systems as Accessory Uses

A. Solar energy systems are a permitted accessory use in all zoning districts, subject to the requirements of this article. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Ground-mounted systems do not count toward the maximum number of accessory structures permitted.

B. Solar energy systems must meet the following height requirements:

1. Building or roof-mounted solar energy systems cannot exceed the maximum height allowed in the zoning district where the solar energy system is located. For purposes of height measurement, solar energy systems other than building-integrated systems are permitted the same height exceptions as building-mounted mechanical equipment.

2. Ground- or pole-mounted solar energy systems cannot exceed 15 feet in height when oriented at maximum tilt.

3. Solar carports in non-residential districts cannot exceed 20 feet in height.

C. A solar energy system must meet the accessory structure setback for the zoning district where it is located and the requirements below.

1. Roof- or Building-mounted Solar Energy Systems: The collector surface and mounting devices for roof-mounted solar energy systems cannot extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems is allowed to extend beyond the perimeter of the building on a side yard. Solar collectors mounted on the sides of buildings and serving as awnings are considered building-integrated systems and are regulated as awnings.

2. Ground-mounted Solar Energy Systems: Ground-mounted solar energy systems cannot extend into a side or rear yard setback when oriented at minimum design tilt.

D. Solar energy systems in residential districts must minimize visual impacts from the public right-of-way to the extent that doing so does not adversely affect the cost or efficacy of the system, consistent with *IC 36-7-2-8*.

1. Building-integrated Photovoltaic Systems: Building-integrated photovoltaic solar energy systems are allowed even if the system is visible from the public right-of-way. If the building component where the system is integrated meets all required setback, land use, or performance standards for the district where the building is located.

2. Aesthetic Restrictions: Roof-mounted or ground-mounted solar energy systems cannot be restricted for aesthetic reasons if:

   a. The system is not visible from the closest edge of any public right-of-way other than an alley.

   b. Roof-mounted systems on pitched roofs visible from a right-of-way have the same pitch as the roof and are no more than 10 inches above the roof.

   c. Roof-mounted systems on flat roofs visible from a right-of-way are not more than 5 feet above the finished roof. Such systems are exempt from any rooftop equipment or mechanical system screening requirements.

3. Reflectors: Solar energy systems using a reflector to enhance solar production must minimize the glare from the reflector onto adjacent or nearby properties.

E. A ground-mounted system must meet the lot coverage requirements for the zoning district where it is located except:

1. Ground-mounted systems are exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

2. Solar carports in non-residential districts are exempt from lot coverage limitations.

F. Solar energy systems requiring a building permit or Improvement Location Permit must provide a site plan with the permit application.

G. Electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) or equivalent rating.

H. Solar energy systems require approval of local building code officials, consistent with the State of Indiana Building Code. Solar thermal systems must comply with HVAC-related requirements of the Energy Code and applicable Indiana State Plumbing Code requirements. Photovoltaic systems must comply with the Indiana State Electric Code.

I. For grid-tied solar energy systems, the interconnection application must be submitted to the utility prior to applying for required Town permits. Off-grid systems are exempt from this interconnection application requirement.

4.17 Solar Energy Conversion Systems as Primary Uses

The Town permits the development of commercial- and large-scale solar energy systems where they present few land use conflicts with current and future development patterns, and they meet the requirements below.

A. **Site Design**

1. Setbacks: Large-scale solar arrays must meet the following setback requirements:

a. The setback from a non-participating landowner's property line must meet the setback for principal buildings or structures for the district where the system is located.

b. Setbacks between parcels participating in the project may be waived upon agreement of the landowners.

c. Setbacks from roadways: 50 feet for arterial streets and 40 feet for all other streets.

d. Setbacks from residential dwellings: 150 feet from any existing residential dwelling unit of a non-participating landowner. Setbacks from participating landowner dwelling units must meet building setbacks or required yards for the district where the project is located.

e. The setback distance is measured from the edge of the solar energy system array, excluding security fencing, screening, or berming.

f. Setbacks may be reduced by up to 50%, but in no case be less than 30 feet, if the array has a landscape buffer that screens the array from view.

2. Screening: Large-scale solar energy systems must be screened from existing residential dwellings. A landscape plan showing the type and extent of proposed screening is required as part of the site plan application. The screening must be consistent with the Town's buffer landscaping standards used when for land uses requiring screening.

3. Height: Large-scale solar energy systems cannot exceed a height of 20 feet.

4. Ground cover and buffer areas: Large-scale ground-mounted solar energy systems must comply with the following standards. The Town may require additional site-specific conditions.

a. The ground under and around solar panels and within the buffer areas must be planted, established, and maintained in perennial vegetated ground cover.

b. To the maximum extent feasible for the site conditions, the ground cover should be a diverse seed mix of native species specific to the local area. The applicant should seek guidance from a Landscape Architect, the Soil and Water Conservation District office, or the Indiana Native Plant Society.

c. The owner/operator must maintain the ground cover removing invasive or noxious plant species identified by the Indiana Invasive Species Council without harming perennial vegetation.

d. Solar energy systems proposing to install, establish, and maintain pollinator-friendly vegetative cover must demonstrate the quality of their habitat by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern ecosystems, soils, and habitat.

e. Projects certified and maintained as pollinator-friendly compliant are exempt from landscaping requirements and post-construction stormwater management controls that may be otherwise required under the Town's development regulations, unless required due to written commitments or conditions of approval by the Plan Commission or the BZA.

5. Foundations: The application for building permits must include a certification by a qualified engineer that the design of the solar panel racking, and support is within accepted professional standards, given local soil and climate conditions.

6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings must be buried underground. Power and communication lines between the project and the point of interconnection with the transmission system may be overhead.

7. Barbed wire or woven wire fencing are not permitted as perimeter fencing for the site. Wildlife-friendly fencing designs that include clearance at the bottom of the fence are preferred. Alternative fencing can be used if the site is incorporating agrivoltaics.

B. Large-scale solar projects are subject to the Town's stormwater management, erosion, and sediment control provisions and Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. Solar collectors are not considered impervious surfaces if the project complies with ground cover standards described in this article.

C. Large-scale solar projects must comply with all applicable local, state, and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended, and the National Electric Code, as amended.

D. **Site Plan Required**. Site Plan approval is required for large-scale solar projects. The site plan must show the locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Town. The site plan should show all zoning districts and overlay districts.

E. **Decommissioning**. A decommissioning plan is required to ensure that facilities are properly removed after their useful life.

1. Decommissioning of the system occurs if the project does not produce power for 12 consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances causing the delay in the start of decommissioning.

2. The decommissioning plan identifies provisions for removing all structures and foundations to a depth of 48", restoring soil and vegetation, and assurances that financial resources will be available to fully decommission the site.

3. The Plan Commission or Administrator may require the posting of a bond, letter of credit, or other financial surety to ensure proper decommissioning.

4.18 Temporary Uses, Events and Structures

All Temporary Uses, Events and Structures must comply with this chapter.

A. Unless otherwise provided, temporary uses, events and structures require a Temporary Uses, permit as set forth in *8.19 Temporary Use and Events Permits*. Street Department Director approval is required for activities within the right-of-way.

B. The following events are exempt from the provisions of this chapter:

- Events hosted on an individual homeowner's property (e.g., garage sales, estate sales, private parties).
- Town sponsored events as approved by the Council.
- Events held on public park property; however, rules and policies established by the Town Council apply.
- Non-incorporated children's stands, such as a lemonade stand.

C. General Standards.

1. The Administrator may limit the location for traffic flow or public safety reasons.
2. All temporary structures must meet the setbacks for the Zoning District where they are being installed.
3. Goods and display materials must be stored inside a structure during non-event hours.
4. The required parking for the primary use must not be negatively impacted by the temporary use or event. Additional parking may be required if the temporary use or event increases the need for parking.
5. Temporary uses and events must not impede pedestrian traffic nor force pedestrians into vehicle traffic lanes.
6. All equipment, materials, goods, poles, wires, and other items associated with the use or event must be removed within 2 days of the conclusion of the temporary use or event.
7. All temporary events must conform to all State and County Health Department regulations and codes.

D. The Administrator will issue a temporary improvement location permit, according to applicable provisions of this chapter, for a temporary construction trailer or office structure only when used in conjunction with construction work taking place on the site. A trailer or structure used for this purpose must be removed within 30 days of the completion of construction work or the issuance of a certificate of occupancy, whichever is earlier.

4.19 Wind Energy Conversion Systems as Accessory Uses

A. Wind energy conversion systems (WECS) are a permitted accessory use in all zoning districts, subject to the requirements of this article. Wind energy conversion systems do not count toward the maximum number of accessory structures permitted. Most of the energy produced by an accessory WECS should be consumed only on the property where it is located.

B. As accessory uses WECS must be:

1. Installed on a certified tubular free-standing tower, a lattice tower, or a monopole tower. Towers may be guyed or self-supporting.

2. Filtered, shielded, or otherwise designed and constructed to not cause electro-magnetic interference.
3. Grounded to protect against lightning strikes.
4. Designed with automatic over speed control to render the system inoperable when winds are blowing at higher speeds than the machine's capability.
5. Equipped with a redundant breaking system, including both aerodynamic over speed controls and mechanical breaks. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not a sufficient braking system for over speed protection.

C. The WECS owner and operator must make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

D. A WECS must be setback from property lines at least 120% of the total height of the WECS.

E. A WECS must comply with the maximum height limitation for the zoning district where it is located.

F. WECS must be white, light gray, or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes must be matte or non-reflective and meet Federal Aviation Administration color requirements. No advertising or signage is allowed on a WECS.

G. A WECS requires an Improvement Location Permit. The permit application includes a site plan and a description of the project addressing: the number and type of turbines, generating capacity, tower design and height, blade arc diameter, total height, means of connection with the electrical grid, potential equipment manufacturers, and all related accessory structures. The manufacturer's engineer or another qualified professional engineer must certify that the turbine, foundation, and tower design are within accepted professional standards given local soil and climate conditions.

H. Electric WECS components must have an Underwriters Laboratory (UL) or equivalent listing.

I. Wind energy conversion systems require approval of local building code officials, consistent with the State of Indiana Building Code.

J. For grid-tied WECS, the interconnection application must be submitted to the utility prior to applying for required Town permits. The WECS must be designed to meet the utility's requirements for interconnection and operation. Automatic and a manual controls that render the system inoperable in case of loss of utility power is required. Off-grid systems are exempt from these requirements.

4.20 Wind Energy Conversion as a Primary Use

The Town permits the development of commercial Wind Energy Conversion Systems (WECS) where they present few land use conflicts with current and future development patterns.

A. As a primary use WECS must meet the requirements below.

1. WECS must conform to all industry standards. The applicant must submit certificates the wind turbine manufacturers have obtained from Underwriters Laboratories or an equivalent third party.

2. WECS must be:
   a. Installed on a certified tubular free-standing tower, a lattice tower, or a monopole tower. Towers may be guyed or self-supporting.
   b. Filtered, shielded, or otherwise designed and constructed to not cause electro-magnetic interference.
   c. Grounded to protect against lightning strikes.
   d. Designed with automatic over speed control to render the system inoperable when winds are blowing at higher speeds than the machine's capability.
   e. Equipped with a redundant breaking system, including both aerodynamic over speed controls and mechanical breaks. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not a sufficient braking system for over speed protection.
   f. Designed with and automatic and manual control that will render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution grid.
   g. Designed to meet the requirements for interconnection and operation as mandated by the utility managing the electrical grid where the WECS is connecting. All structures, substations, feeder lines, facilities, and accessory equipment must comply with the National Electrical Code and operate per the electrical utility's service regulations applicable to WECS.
3. Outside of a primary structure, the sound pressure levels from a WECS component must not exceed 32 decibels on the "A" weighted scale. This level may only be exceeded during short-term events such as utility outages or severe windstorms.
4. The WECS owner and operator must make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.
5. All lighting, including lighting intensity and frequency of strobe, must adhere to but not exceed the requirements established by the Federal Aviation Administration (FAA) permits and regulations. Except for lighting required by the FAA, lighting must be shielded so that no glare extends beyond the WECS.
6. At least 20 feet of clearance is required between the ground and the lowest point of the arc of any protruding blades utilized on a WECS. This minimum clearance may be increased to provide additional clearance where oversized vehicles may travel.
7. The maximum tower height and maximum total height cannot exceed the maximum height permitted by the FAA.
8. Wind turbines must be setback from property lines and rights-of-way at least 120% of the total height of the structure. A minimum separation of 2,640 feet is required between a wind turbine and any non-applicant primary building. No new structure may be constructed within 800 feet of a wind turbine unless this requirement is waived by the Plan Commission upon a determination

that the structure will not affect the WECS performance. Accessory structures associated with the WECS must meet the setbacks for primary structures for the zoning district where they are located.

9. WECS must be white, light gray, or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes must be matte or non-reflective and meet Federal Aviation Administration color requirements. No advertising or signage is allowed on a WECS.

10. For all guyed towers, visible and reflective objects (such as plastic sleeves, reflectors, or tape) are required on the guy wire anchor points and along the outer- and innermost guy wires to a height at least 8 feet above the finish grade.

B. WECS are subject to the Town's stormwater management, erosion, and sediment control provisions and Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements and all applicable local, state, and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended, and the National Electric Code, as amended.

C. **Site Plan Approval Required**. A WECS requires site plan approval by the Plan Commission. In addition to the site plan requirements of *8.7 Site Plan Review*, the application must include a description of the project addressing: the number and type of turbines, generating capacity, tower design and height, blade arc diameter, total height, means of connection with the electrical grid, potential equipment manufacturers, and all related accessory structures. The site plan must show the location of all underground utility lines associated with the WECS project. The manufacturer's engineer or another qualified professional engineer must certify that the turbine, foundation, and tower design are within accepted professional standards given local soil and climate conditions. If there is an existing WECS within one mile of the proposed WECS, a description of the potential impacts on the existing WECS and wind resources on adjacent properties is required.

D. Several WECS projects may be submitted as a single application and reviewed under joint proceedings, including notices, hearings, reviews, and approvals.

E. **Modification**. Any physical modification to a WECS that alters the mechanical load, mechanical load path, or major electrical components requires new site plan approval prior to making any physical modifications. Like-kind replacements are considered maintenance and do not require site plan approval.

F. **Decommissioning**. A decommissioning plan is required to ensure that facilities are properly removed after their useful life.

11. Decommissioning of the system occurs if the project does not produce power for 12 consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances causing the delay in the start of decommissioning.

12. The decommissioning plan identifies provisions for removing all structures and foundations to a depth of 48", restoring soil and vegetation, and assurances that financial resources will be available to fully decommission the site.

13. The Plan Commission or Administrator may require the posting of a bond, letter of credit, or other financial surety to ensure proper decommissioning.

Chapter Five
Design & Maintenance

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5.1 Accessory Structures

A. Accessory buildings are permitted in all Zoning Districts. No more than one accessory building, including a detached private garage, is permitted in any residential district. The maximum ground floor area of an accessory building is the lesser of the ground floor area of the principal building or 1,000 square feet.

B. Accessory buildings must be constructed on the same lot as their principal building.

C. Accessory buildings for residential uses must be setback at least 10 feet behind the front facade of the principal building.

D. An accessory building 200 square feet or smaller must be a minimum of 3 feet from the side and rear lot lines and located outside of all easements. An accessory building over 200 square feet must meet the minimum side, street side, and rear yard building setback lines of the Zoning District, except as otherwise established by this chapter.

E. Accessory buildings must not be constructed until the construction of the principal building on the same lot has begun. Accessory buildings cannot be occupied or utilized unless the principal building is first legally occupied for a permitted use within the applicable Zoning District. The construction of an accessory building must be completed:

1. Within one year of the issuance of a building permit, if such permit is obtained individually; or
2. Within one year of the completion of construction of the principal building if the accessory building's building permit is obtained as part of the building permit for the principal building.

F. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions which may impose greater restrictions than are found in this Ordinance. This ordinance does not abrogate any private covenants that may apply to property. Likewise, approval of any addition or improvement pursuant to private covenants does not act as a waiver of any requirements contained in this Ordinance.

G. **Satellite Dish Antenna**: These regulations apply to satellite dish antenna and other satellite reception devices greater than 2 feet in diameter.

1. <u>General Purposes</u>

a. These regulations are designed to promote the public health and safety by providing criteria for the placement of these antenna. This ensures that all installations limits endangerment of life and property on the site and surrounding properties due to collapse or destruction.

b. These regulations are also designed to decrease the potential for urban blight in residential neighborhoods generated by guy wires, poles, cables, and other appurtenances.

c. These regulations allow satellite dish antenna and other satellite reception devices exist in a manner that: (1) does not unreasonably delay or prevent the installation, maintenance, or use of the antenna; (2) does not unreasonably increase the cost of installation, maintenance or use of the antenna; or (3) preclude reception of an acceptable quality signal.

2. General Requirements

   a. A satellite receiver antenna 2 feet in diameter or less may be installed in any location in accordance with the provisions of *IC 36-7-4-201.1*.

   b. Satellite dish antenna greater than 2 feet in diameter may be erected in a residential district after an improvement location permit is obtained, provided the following criteria are met.

      - The satellite dish antenna is ground mounted.
      - The diameter does not exceed 10 feet.
      - The height does not exceed 12 feet.
      - It is located between the rear building line of the principal structure and the required rear yard setback line. In case of a corner lot, the antenna must not be located within the street side yard.

   c. Satellite dish antenna may be erected in any non-residential zoning district provided:

      - The diameter must not exceed 12 feet.
      - The height of a ground-mounted antenna must not exceed 25 feet.
      - The height of a roof-mounted antenna cannot exceed 15 feet.
      - A roof-mounted antenna must not exceed the maximum height requirement of the zoning district. A roof mounted satellite dish antenna must be located at least 10 feet behind the front roofline of the structure.
      - A ground-mounted antenna must comply with the yard setback requirements of the district. Antenna must not be in a front yard or open space.

   d. Satellite dish antennas must be installed and maintained in compliance with all applicable building and electrical codes and are subject to the following standards:

      - Satellite dish antennae must be solid in color.
      - Not more than one antenna greater than two feet in diameter is allowed on any lot unless shown on an approved site plan.
      - No advertising, logos, or corporate symbols are permitted on any satellite dish antenna greater than 2 feet in diameter.

H. **Amateur Radio Standards**: Individual amateur transmitting and receiving antennae and associated support structures owned or operated by licensed amateur radio operators are permitted as accessory structures according to these provisions.

   1. Amateur Radio Club and repeater station antennae and support structures are permitted to the height necessary to maintain reliable communications.

2. Antenna structures of amateur radio operators licensed by the Federal Communication Commission may not exceed 75 feet above grade. The height is measured vertically and includes the height of the building where the antenna support structure is mounted.

3. Antennae may be located above the antenna support structure as necessary for effective radio communications.

4. Upon the Federal Communication Commission licensed operator's cessation of ownership or leasehold rights in the antenna support structure, or on loss of the operator's federal amateur radio license (whichever occurs first), the operator must safely remove all antenna support structures within 30 days at no expense to the Town. If the operator fails or refuses to remove the antenna support structure, the owner of the subject lot is responsible for the removal of all such structures. Failure to remove antenna support structures is a violation of this Ordinance and subject to enforcement (*9.12 Enforcement Options*).

5. On residential lots, antenna support structures must be located between the rear building line of the principal structure and the required rear yard setback line. For a corner lot, the antenna cannot be located within the street side yard.

6. Nothing in this section affects any existing antenna support structure utilized by any federally licensed amateur radio operator constructed and in place before the passage of this Ordinance.

I. **Swimming Pools and Hot Tubs**: In addition to conforming to the regulations for accessory uses and structures above, all permanent swimming pools and hot tubs must meet the following requirements:

1. Swimming pools cannot be installed without first being issued an Improvement Location Permit according to *8.16 Improvement Location Permits*.

2. Swimming pools or hot tubs cannot be in any front, side, or rear yard setback or in front of the front building line of a principal use.

3. Swimming pools or hot tubs cannot be constructed unless adequate distance from overhead electrical wires is provided according to the current National Safety Code and National Electrical Code.

4. All swimming pools and hot tubs must be included in the calculation of maximum lot coverage.

5. All swimming pool construction, including associated decking, fencing, and means of access must conform with the regulations set forth in *675 IAC 20-4*.

J. **Screening of Receptacles and Loading Areas**: These standards apply to all garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas and other similar facilities in all Zoning Districts; however, these standards do not apply to single-family dwellings:

1. Garbage containers, trash receptacles, pallet storage areas, trash compactors, recycling areas, loading areas and other similar facilities must be completely and permanently screened from view of rights-of-way and where possible, adjoining properties.

2. Enclosures cannot be in an established front yard or in any required side or rear yard.

3. The enclosure must be solid on all sides and not less than 6 feet in height above grade or 2 feet above the receptacle, whichever is greater.
4. Enclosures must be constructed of materials that match or complement the principal building.
5. Enclosures must have opaque gates. The gates cannot be oriented towards residential properties or rights-of-way, where possible.
6. Trash enclosures should provide convenient pedestrian access for daily waste disposal. Such access should be provided without swinging or moveable doors.
7. Gates and doors on enclosures must be kept closed when not in use.
8. Landscaping must be provided around enclosures in accordance with *6.1 Landscape Standards*.

K. **Temporary Construction Buildings**: The standards of this Ordinance do not prevent the use of a temporary construction building to be utilized for the storage of tools, materials, and other equipment during the period of construction.

L. **Carports**: Carports must be consistent in design, appearance, and materials with the principal building.

5.2 Building Standards

A. Every building erected must be located on a lot and in accordance with this Ordinance.

B. A lot used for single-family residential purposes must have only one principal building devoted to residential use, except as otherwise permitted in this ordinance.

C. A lot used for multifamily purposes may have more than one principal building devoted to residential use.

D. A lot in a non-residential district may have more than one principal building devoted to non-residential uses.

5.3 Fence Standards

These standards apply to fences in all Zoning Districts.

A. Fences cannot be erected or altered in a manner that obstructs the vision of a vehicle driver (*5.9 Vision Clearance*). Fences may be built directly along lot lines; however, fences must not encroach into rights-of-way, nor into easements prohibiting the installation of fences (e.g., drainage and utility easements).

B. Height Limitations:

1. Fence height is measured from the top of the fence to the finish grade adjacent to the fence. Any fence placed upon mound, berm, or masonry wall is measured from the top of the fence to the finish grade at the base of the mound, berm, or wall.
2. Fences located within a required side, street side, or rear yard of a residential lot cannot exceed 6 feet in height.

3. Fences located within a required or established front yard of a residential lot cannot exceed 42 inches in height.

4. Open wire mesh fences surrounding sports facilities, such as tennis courts and baseball diamond backstops, may be erected to a height of 16 feet.

5. Fences enclosing an institutional, business, or industrial property, may consist of an open mesh fence not to exceed 10 feet unless otherwise restricted by this Ordinance.

6. Fences for agricultural uses are exempt from these height limitations.

C. Opaque fences must be installed so the finished side of the fence is facing outward (e.g., toward the lot line). Fences on a lot line in which two or more property owners share in the expense of the fence are exempt from this provision.

D. Fences for screening of permitted outdoor storage or display areas must also comply with *4.10 Outdoor Display* and *4.11 Outdoor Storage*.

E. On lots within a residential subdivision abutting or adjacent to ponds, fences cannot exceed 4 feet in height except that the first 10 feet from the rear corner of the residence may be up to 6 feet in height. Discretion will be given to the impact the proposed fence would have on the use and enjoyment of the pond. Fencing cannot be constructed within 25 feet of the shoreline of any pond.

F. Property owners should refer to any applicable Declaration of Covenants, Conditions, and Restrictions, which may impose greater restrictions than listed in this chapter. This ordinance does not abrogate any private covenants that may apply to property.

G. Chain link fencing is prohibited in all Zoning Districts except industrial districts. Barbed wire and razor wire are prohibited in all districts.

H. Fences must be maintained in good condition and operating order.

I. In all Zoning Districts, temporary fences for safety and construction are permitted and are exempted from the standards of this chapter.

5.4 Height Standards

A structure must not exceed the height limits established and specified in the Zoning District in which the structure is located except as otherwise provided in this Article.

In all Zoning Districts, spires, church steeples, chimneys, cooling towers, stacks, tanks, water towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

5.5 Lot Standards

A. Lots must meet the area and width requirements for the lot's Zoning District.

B. All Lots must abut on a street, private street, or alley and must have a minimum lot frontage as set forth by the Zoning District.

5.6 Performance Standards

The following performance standards apply to all industrial uses.

A. **Smoke**. Uses in the Light Industrial District must not emit more than 10 smoke units per hour per stack or smoke more than Ringelmann No. 2. However, once during any 24-hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that period it may emit smoke up to and including Ringelmann No. 3.

   Uses in the Heavy Industrial District must not emit more than 30 smoke units per hour per stack or smoke more than Ringelmann No. 2. However, once during any 24-hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that period it may emit smoke up to and Including Ringelmann No. 3.

B. **Odor**. No industrial use may release an odor detectable at the lot line.

C. **Toxic Materials**. Gases or fumes toxic to persons or injurious to property must not escape beyond the building in which they occur.

D. **Glare and Heat**. An industrial use must not cause heat at the property line so intense as to be a public nuisance or hazard. Glare must not be seen from any public street or residential area.

E. **Vibration**. Vibration created or maintained by an industrial use must not be noticeable beyond the lot lines of the tract on which it is located.

F. **Noise and Sound**. The sound level of any industrial use must not exceed 70 decibels at the lot line of any non-industrial district. Noise must be muffled to not be objectionable due to intermittence, frequency, or shrillness. Background noises produced by sources not under the control of the industrial use, such as the operation of motor vehicles, are exempt from this standard.

G. The performance standards above do not apply to:

   - Site construction, maintenance, repair, or alterations of buildings or other improvements on or within the lot lines; and
   - The operation of motor vehicles; and
   - Safety or emergency warning signals or alarms.

H. Any industrial use must conform to any applicable state and federal government regulations. Where the requirements of this ordinance are more restrictive, they take precedence. All relevant federal and state permits or approvals are required prior to issuance of an Improvement Location Permit.

5.7 Property Maintenance Standards

This chapter applies to all Zoning Districts.

A. All land and exterior areas under roof but not enclosed must be maintained free from:

   1. Accumulation of garbage, debris, or blight, including graffiti, tires, broken glass, or anything posing a hazard to public health;
   2. Tarps, plastic sheeting, or similar materials used as screening, fencing, or wall covering;

3. Abandoned vehicles or inoperable vehicle parts, visible from a right-of-way, except a single inoperable vehicle undergoing minor repair work, not to exceed 72 hours; or lawful commercial activities involving vehicles as allowed by this Ordinance;

4. Commercial appliances, machinery, freezers, refrigerators, or other household items;

5. Any object or landscaping that interferes with the use of any sidewalk, street, alley, highway, or visibility of a traffic light or sign in the Town;

6. Landscaping visible from public property that is substantially dead, damaged, or characterized by uncontrolled growth;

7. Anything posing an imminent hazard to public health and safety;

8. Any unprotected well or excavation more than 2 feet deep;

9. Any wall or fence missing blocks, boards, or other material, or is otherwise deteriorated to constitute a hazard to people or property; and

10. Graffiti visible from a public area or right-of-way.

These standards exclude: items kept in covered bins or receptacles; a lawfully established junkyard; any neatly stored materials used in the development of property; and items stored or kept in enclosed trailers or vehicles.

These standards do not apply to the orderly storage of materials in side and rear yards provided:

- The storage does not exceed 10% of the area of the yard, and
- The storage does not exceed the height of any fence or wall enclosing the storage area.

B. All premises must be kept free from rodent infestation and other noxious pests.

C. All premises must prevent the accumulation of stagnant water.

D. All fences and walls must be safe, structurally sound, and uniform in color, structure, and design. They must not constitute a hazard or be in disrepair. Repair of an existing fence or wall must be made with the same or similar materials.

E. Occupied buildings must have an adequate number of garbage receptacles maintained in clean condition and good repair. The owner or occupant must arrange for the removal of garbage from the premises.

F. Vacant lots or land subject to enforcement action for dumping must be secured to prevent future dumping.

G. Unenclosed or unsecured excavations, septic tanks, cesspools, and similar conditions must be fully restored to a safe, serviceable condition, or filled with clean fill. Excavations must be maintained in a secure manner to prevent a hazard to public health and safety.

H. Buildings or structures determined to be unsafe or dangerous as defined in the Building Code must be abated in accordance with the provisions of that code.

I. Vacant structures and premises must be maintained and monitored including:

1. Maintenance of the exterior of the building and landscaping with regular removal of all exterior trash, debris, and graffiti; and

2. Prevention of reoccurring criminal activity on the premises. Unsecured buildings and structures must be secured in the following manner:

   - Doorways and windows must be boarded up using 5/8" or thicker exterior grade plywood, fastened by tamper-proof screws or one-way bolts;
   - All boarding must be painted to match the dominant exterior color of the elevation of the structure; and
   - For commercial buildings, opaque window coverings may be allowed by the Administrator in lieu of boarding provided all windows are maintained and if broken or cracked, are replaced within 48 hours. The Administrator may revoke the use of this alternative when the owner or responsible party fails to maintain the within the specified period.

3. If, after 5 business days from when notice provided, the owner fails to install barricades, the Administrator is authorized to barricade the building or structure. All costs associated with this work will be recovered from the property owner.

5.8 Setback Standards

These standards apply in all Zoning Districts.

A. The measurement of any building setback line or building separation is the shortest distance between the building façade and the lot line or right-of-way line, whichever is closest. Where there is no right-of-way line, the building setback line is measured from the building façade to the edge of pavement or the access easement line, whichever is closest. The front yard setback for mew lots is measured from the lot line abutting the open space to the building façade.

B. The minimum building setback lines and minimum building separation requirements are as set forth in this Ordinance (see also ***CHAPTER 2: ZONING DISTRICTS***).

C. If a minimum building separation requirement is not provided, the minimum building separation requirement is the district's minimum side yard building setback.

D. Where 25% or more of the lots in a block frontage are occupied by buildings, then the average building setback line of buildings on that block determines the location of the building setback line for the block frontage in lieu of the building setback lines contained in this Ordinance.

E. Building setback lines established in a recorded subdivision establish the setback of buildings in such subdivisions, except when such building setback lines may be less restrictive than provided in this Ordinance.

F. On through lots, the front yard is established by the existing principal buildings in the block.

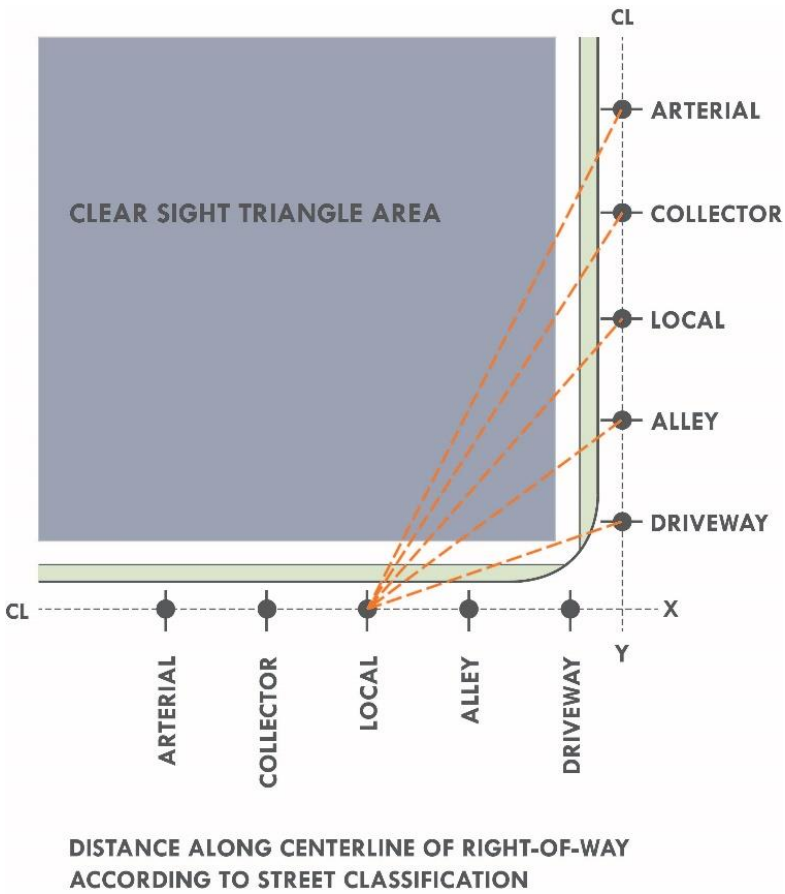
G. All improvements are subject to *5.9 Vision Clearance Standards*, unless specifically exempted.

5.9 Vision Clearance Standards

Unless otherwise approved in writing by the Administrator, no sign, fence, wall, landscaping, utility, or other improvement obstructing sight lines between 3 and 9 feet above a street are permitted on a corner lot, within the triangular area formed by the right-of-way lines and a line connecting points:

Street Classification	Distance from Intersection
Driveway	15 feet
Alley	20 feet
Local	25 feet
Minor Collector	30 feet
Major Collector	40 feet

For rounded lot lines, the distances are measured from the point at which the right-of-way lines would intersect if they were not rounded at the corner.



5.10 Yard Standards

A. Buildings must not be erected, reconstructed, or structurally altered to encroach upon or reduce the yards, lot area, minimum living area, or lot coverage provisions established for the use and the Zoning District or Overlay District in which such building is located.

B. One-half of an alley abutting the rear or side yard may be included in the required rear or side yard of a lot, respectively, if the alley has not been developed for carrying traffic; however, such alley area must not be included for loading berths.

C. The yard width and depth of required yards are measured as the shortest horizontal distance from a lot line to the required building setback line. In the case of a standard applying to an established yard, the yard width and depth are measured as the shortest horizontal distance (e.g., ninety degrees) from a lot line to the nearest outside wall of a building or structure.

D. All required Yards must be maintained as open space and landscaped with grass, trees, shrubs, or in combination with other suitable groundcover materials in compliance with *6.1 Landscape Standards*, except as otherwise improved in accordance with this Ordinance (e.g., Parking Areas).

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6.1 Landscape Standards

A. Purpose and Intent

This article establishes regulations for the preservation of natural features and minimum standards for the provision, installation, and maintenance of landscape materials. These regulations are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourage the preservation of natural areas.

B. Applicability

These regulations apply to development in all zoning districts except for detached single-family and two-family dwellings not located in a subdivision. Plantings and landscaping features required by this Ordinance are subject to inspection to verify continued compliance with these regulations.

C. Landscape Plan Review

1. Landscape Plan Required. A landscape plan must be submitted as a part of all site plan and permit applications unless the Administrator determines compliance with the provisions of these regulations can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with these regulations can be demonstrated in the combined materials.

2. Landscape plans must include the following information:

   a. Existing natural and man-made landscape features and proposed buildings and structures including all existing trees (8-inch caliper or greater) located in portions of the site that will be built upon or otherwise altered. Trees must be labeled "To Be Removed" or "To Be Saved" on the site plan.

   b. Measures to protect existing trees to be saved must be noted on the plans.

   c. All existing or proposed utilities and easements to ensure the landscaping is not affecting or interfering with utilities.

   d. All landscaped areas and plants listed in a table by common and scientific name including quantities and size at planting. Anticipated mature height and spread is shown on the plan with circles indicating anticipated plant size at maturity.

   e. Calculations for the proposed landscaping showing how the plan complies with these regulations.

   f. Contours shown at two-foot intervals.

3. Review. Landscaping plans are subject to Plan Commission or Administrator review and approval.

4. Modifications. The Plan Commission or Administrator may modify the requirements of this section under any of the following circumstances:

   a. Existing vegetation or topographic features make compliance with regulations unnecessarily difficult to achieve.

b. The application of these regulations will result in a significant loss of existing vegetation, or natural or cultural features.

c. Modification of these requirements will clearly result in a superior design that could not be otherwise achieved.

5. Additional Conditions. The Plan Commission or Administrator may impose conditions on landscaping as part of site plan review.

6. Performance Guarantee. To ensure that all landscaping is installed as shown on the plan and in conformance with the requirements of this chapter, the Plan Commission or Administrator may require the applicant to provide a financial guarantee, as provided in *7.33 Surety Standards*.

D. Landscaping General Requirements

1. Required Plant Materials. Tree and shrub species used to meet the requirements of these regulations must be from the *Approved Plant List*. Plants listed on the *Prohibited Plant List* cannot be used to fulfill any requirement of these regulations. All plant material must be hardy to central Indiana, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock (ANSI Z60.1-2004). The Administrator may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and are equally hardy.

2. Minimum Living Materials. Within required landscaping areas, a minimum of 60% of the surface area must be covered by living materials, not gravel, stone, or other non-living materials.

3. Soil Condition and Planting Beds

   a. Landscaping required by this Ordinance must be planted in uncompacted soil at least 2 feet in depth.

   b. Stone mulch is not permitted in required landscape areas or planting bed except as part of a stormwater best management practice in accordance with the Stormwater Specifications Manual.

   c. Landscaped areas must be protected from vehicular encroachment by curbs or wheel stops. Curbs must be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.

   Minimum Plant Sizes at Installation. Unless otherwise specifically noted, the minimum plant size at the time of installation of landscaping required by this Ordinance is according to Table 6-1:

Table 6-1 – Minimum Plant Material Sizes

PLANT MATERIAL TYPE (ASNS TYPES)	MINIMUM SIZE
Deciduous/ Overstory Shade Tree (Type 1 or Type 2) Single Trunk	2 in. caliper
Multi-Trunk	10 ft. in height
Evergreen/Coniferous Tree	6 ft. in height
Ornamental/ Understory Tree Single Trunk	1.5 in. caliper
Ornamental/ Understory Tree Multi-trunk	6 ft. in height
Large Shrub – Deciduous (Type 2 or 3)	24 in. in height
Large Shrub – Evergreens (Types 4, 5 or 6)	30 in. in height
Small Shrub – Deciduous (Type 1)	18 in. in height
Small Shrub – Evergreens (Type 1, 2 or 3)	24 in. in spread
Ground cover	3 in. in height

4. Plant Material Spacing. Except for buffer yard plantings, trees and shrubs cannot be placed closer than 3 feet to any lot line. A minimum 5-foot clear area around fire hydrants, valve vaults, hose bibs, manholes, and fire department connections must be provided. Plant materials may be grouped but must be located within the landscape area to which they will be credited. The Administrator may authorize adjustments to these spacing requirements when necessary due to topography, drainage, utilities, or obstructions, provided the total amount of required landscaping is not reduced.

5. Species Variation. No one species of tree may make up more than 35% of the total number of trees. No one species of shrub may make up more than 35% of the total number of shrubs.

6. Protection of Vision Clearance Areas. All landscaping must comply with *5.9 Vision Clearance Standards*.

7. Easements. Trees must be: (a) located outside drainage and utility easements that would otherwise prohibit the required landscaping and (b) located to reduce interference with the infrastructure located within the easements unless an alternative plan is approved by the Plan Commission or Administrator. Trees may be clustered or grouped to attain creative site design and/or accommodate utility infrastructure.

8. Existing Vegetation Credit and Bonus

   a. If existing vegetation meets the intent of these regulations, preserved vegetation may be credited for landscape materials required by this Article. Credit will not be given for existing vegetation listed on the *Prohibited Plant List.*

   b. Existing vegetation used to meet a requirement of this chapter must be protected during construction by a fence erected 1 foot beyond the drip line of the vegetation. Materials must not be placed within this protected area.

   c. Existing vegetation may be credited only one time towards any one buffer, screen, or other landscape area requirement.

d. Existing vegetation must be located within the required landscape area to which it will be credited.

e. Existing vegetation used for credit must have their location, species, caliper, and drip line indicated on the landscape plan.

f. The amount of credit earned by preserving existing trees is based upon the size of the tree. The minimum width of the surrounding landscape area must meet the criteria of Table 6-2.

g. If an existing tree used to meet the requirements of this Article is removed or dies, replacement trees must be planted per Table 6.2. If the site cannot accommodate the number of replacement trees required, the Administrator may authorize an alternate location for the planting of the replacement trees within the Town as close to the site as feasible.

Table 6-2 – Tree Preservation Credits

Existing Tree Size (inches)	Minimum Width of Surrounding Landscape Area (feet)	Number of Trees Credited	Number of trees to be planted to replace an existing tree
Over 36 DBH	15	10	10
24 to 36 DBH	15	8	8
12 to 24 DBH	10	6	6
8 to 12 DBH	8	4	4
4 to 8	5	2	4
2.5 to 4	5	1	2

9. Native Vegetation and Natural Landscaping Areas.

a. Growing native vegetation including ferns, grasses, sedges, rushes, forbs, shrubs and trees is permitted in lieu of turfgrass lawn. Natural landscape areas are permitted if designed to control, direct, and maintain the growth of natural vegetation, primarily native, and may include the detention and infiltration of stormwater runoff in the natural landscape area.

b. Natural landscaping areas must not be located within 2 feet of a front lot line, or within 4 feet of any other lot line, except where the natural landscaping is separated from adjacent lots by fencing or continuous shrub growth 3 feet or more in height, or where the natural landscaping area abuts another permitted natural landscaping area on an abutting lot.

c. Where a natural landscaping area is installed or preserved, a sign should be installed indicating that the area is a natural landscape area and generally not mowed.

10. Rain Gardens, Bioswales and Storm Water Management Features. Areas included in rain gardens or vegetated site features created to meet stormwater management requirements may be counted towards these landscape regulations. Where rain gardens or vegetated site features are installed, a sign must be installed indicating the area should not be mowed.

11. Retention and Detention Facilities. Landscaping must be provided around the perimeter of all retention and detention basins. Such landscaping may consist of trees, shrubs, and emergent plantings in a quantity, species, and arrangement that maintains an ecologically functional environment. Tall plantings in the aquatic bench are desirable to keep waterfowl from the site.

Retention and detention basins should be designed to resemble natural landforms, whenever possible. Such landscaping must be integrated with the littoral zone of emergent vegetation around the pond perimeter with the safety bench. Trees, shrubs, and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the normal water line. Vegetation must be established on all side slopes to prevent erosion. A stormwater management easement and maintenance agreement is required for each facility, clearly marking inlet/outlet structures and easements for inflow/outflow piping. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.

12. Alternative Landscaping. The Plan Commission or Administrator may approve an alternate landscape plan that does not meet the specific requirements stated in this Article if the Plan Commission or Administrator determines the alternative plan:

    a. Is consistent with the purposes of this chapter;

    b. Does not include invasive vegetation;

    c. Does not include a reduction of tree planting requirements;

    d. Provides equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and

    e. Provides equal or superior visual appearance of the property when viewed from the street;

13. Installation and Delay of Installation Due to Season

    a. Landscaping material used to meet the requirements of this Ordinance must be installed in accordance with the planting procedures established by the ANSI A300 Tree Care Operations: Standard Practices for Tree, Shrub and Other Woody Plant Maintenance.

    b. Landscaping material must be installed prior to issuing a Certificate of Occupancy. The Administrator may authorize a delay in installation up to 120 days due to periods of adverse weather, availability of plant material, or conflicts between construction scheduling and proper planting conditions. As a condition of authorizing a delay in installation, a surety or other guarantee, may be required, in a form acceptable to the Town, in the estimated amount of the installation. During any delay in installation, site management must comply with all applicable provisions for sediment and erosion control.

14. Maintenance

    a. All landscaping required by this Ordinance must be maintained. Dead, missing, or damaged landscaping, or landscaping that supports less than 50% healthy leaf growth or shows dead branches over at least 50% of the normal branching pattern must be replaced with healthy, live plants by the end of the growing season to maintain compliance with this Ordinance.

    b. The owner is responsible for the maintenance, repair, and replacement of all required landscaping, screening, and curbing.

    c. Fences, walls, and other barriers must be maintained in good repair. All barriers that are damaged, broken, or with failing paint must be repaired, replaced or refinished.

d. Tree topping is prohibited. Tree topping is the practice of removing whole tops of trees, large branches, or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader.

E. Landscape Buffers

1. General Standards

   a. A buffer zone is required along common property lines between abutting land uses for the conditions described below.

   b. A buffer area is not required along a public right-of-way.

   c. If the adjacent property is undeveloped, the Plan Commission may allow the installation of the buffer to be deferred until the adjacent property is developed. A performance guarantee is required to ensure the buffer is installed when the adjoining property is developed. (*7.33 Surety Standards*)

   d. Except for access drives or private streets, determined by the Plan Commission or Administrator to be necessary to provide safe access to a property, a building, structure, or parking lot cannot encroach into a required buffer area.

2. Commercial, Institutional, or Mixed-Use Abutting Residential**.** Where a commercial district or mixed-use district abuts a residential district, a landscape buffer must be provided using either Option 1 or Option 2 below (*Figure 6-6*).

   a. **Option 1.** A landscape buffer area at least 15 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs, and trees. Parking or impervious surfaces are prohibited in the buffer area. One shade or evergreen tree and 3 large shrubs must be provided for every 25 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts on residential uses.

   b. **Option 2.** An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall must be provided with 1 shade tree provided for every 35 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use must be at least as finished in appearance as the side facing the commercial or institutional use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence or wall and the property line.

3. Industrial Abutting Residential**.** Where an industrial district, building or project abuts a residential district or lots used for any use listed as a residential use on the *Permitted Use Table*, a landscape buffer must be provided using either Option 1 or Option 2 below (*Figure 6-7*).

   a. **Option 1.** A landscape buffer area at least 15 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs and trees. Parking or impervious surfaces are prohibited in the buffer area. One evergreen tree and 4 large shrubs must be provided for every 25 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts on residential uses.

b. **Option 2.** An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall must be provided with 1 shade tree provided for every 35 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use must be at least as finished in appearance as the side facing the industrial use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence or wall and the property line.

4. **Industrial Abutting Commercial or Institutional.** Where an industrial district, building or project abuts a commercial or institutional use, a landscape buffer must be provided by using either Option 1 or Option 2 below (*Figure 6-8*).

   a. **Option 1.** A landscape buffer area at least 10 feet wide must be provided by the proposed development along the shared border. The buffer area must consist of natural landscape materials such as grasses, ground cover, shrubs, and trees. Parking or impervious surface areas are prohibited in the buffer area. One shade or evergreen tree and 4 large shrubs must be provided for every 30 linear feet of lot line. Plant spacing should be designed to minimize sound, light, and noise impacts.

   b. **Option 2.** An opaque wall, berm, fence or dense (50% opacity) vegetative screen at least 6 feet tall must be provided with 1 shade tree provided for every 40 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use must be at least as finished in appearance as the side facing the industrial use. The fence or wall must be placed at least 3 feet inside the property line of the proposed development and 3 shrubs per 25 linear feet of lot line must be provided between the fence and wall and the property line.

F. Street Frontage Landscaping

1. The front yard and street side yard must be landscaped with at least 1 shade tree per 50 feet of street frontage (*Figure 6-1*) and must be planted within 25 feet of the right-of- way. If overhead electric distribution lines are present, ornamental trees with a maximum mature height of 15 feet must be planted at a rate of at least 1 ornamental tree per 25 feet of street frontage. (*Figure 6-2*)

   For lots with a front yard less than 5 feet deep or where the sidewalk extends from the back of curb to the lot line, tree strips may be installed in the right-of-way to accommodate the required frontage trees (*Figure 6-3* and *Figure 6-4*). For tree strips adjacent to sidewalks measuring 5 feet wide or less, the tree strip opening must be covered with a tree grate or surrounded by a fence or wall at least 18 inches in height. The opening in a tree grate for the trunk must be expandable or otherwise accommodate the mature diameter of the tree. Trees must be selected from the ***6.1(J) Town of Monrovia Street Tree List***.

2. All planting in the public right-of-way may be counted toward fulfilling the requirements of this chapter.

3. On lots adjacent to a landscaped median in the right-of-way, 50% of the vegetation in the median that meets a street frontage and front yard landscaping requirement may be credited towards the landscaping requirements of this section.

4. Where the rear yard of a residential lot abuts or is within 50' of an existing public right-of-way, perimeter landscaping must be provided within a landscape area at least 15' wide abutting the

right of way planted with a minimum of 2 shade trees, 4 evergreen trees, and 20 shrubs per 100 lineal feet.

5. Where the rear yard of an non-residential lot abuts or is within 50' of an existing public right-of-way perimeter landscaping must be provided within a landscape area at least 10' wide abutting the right-of-way planted with a minimum of 3 shade trees, 4 evergreen trees, and 25 shrubs per 100 lineal feet. This requirement also applies where the street side yard of a non-residential lot adjoins an outdoor storage area located on the lot.

G. Parking Lot Landscaping

Parking lots must provide at least the following landscaping unless otherwise required by this Ordinance. (*Figure 6.5*)

1. Street Frontage Landscaping. In addition to required Street Frontage Landscaping, where a parking lot is within 50' of a street a landscape area at least 5' wide must be provided between the parking lot and the streets planted with 5 medium-sized shrubs per 25 linear feet of landscape area provided. If an opaque fence or wall is installed, the shrub requirement is reduced to 2 small shrubs per 25 linear feet planted on the street side of the fence or wall.

2. Interior Landscaping. Any parking lot with 20 or more parking spaces must provide interior landscaping. A landscape island at least 160 square feet in area must be provided per 20 parking spaces or fraction thereof. The islands should be distributed evenly throughout the parking lot with no more than 20 parking spaces in a row between islands. Landscape islands must be at least 8' wide and planted with one shade tree per 160 square feet of interior landscape area. Trees must be planted at least 3' from the edge of the curb or pavement.

H. Screening

1. Applicability. Screening is required around all trash enclosures, staging, or loading/unloading areas, and outdoor storage areas. Screening is required, even if the surrounding area or adjacent properties are not developed.

2. Requirements

   a. Unless otherwise permitted in accordance with this section, a screen consists of a solid, sight-obscuring fence or wall meeting the following specifications:

      i. At least 6 feet high.

      ii. Enclosed on all sides and not contain openings, other than an access gate, which always remains closed when not being used. A screen around a staging or loading/unloading area may provide an opening that does not contain an access gate.

      iii. Constructed of masonry, treated wood or other material approved by the Plan Commission or Administrator and must be durable, weather resistant, rust proof and easily maintained.

      iv. A trash dumpster and gates are protected by bollards or other means to prevent vehicle damage.

b. If approved by the Plan Commission or Administrator, a screen may consist of berms and/or landscaping as a substitute for a fence or wall. The alternate design must provide the same degree, or enhanced screening as required by this section.

I. Landscape Images

Figure 6-1: Street Frontage Landscaping Placed in Front Yard

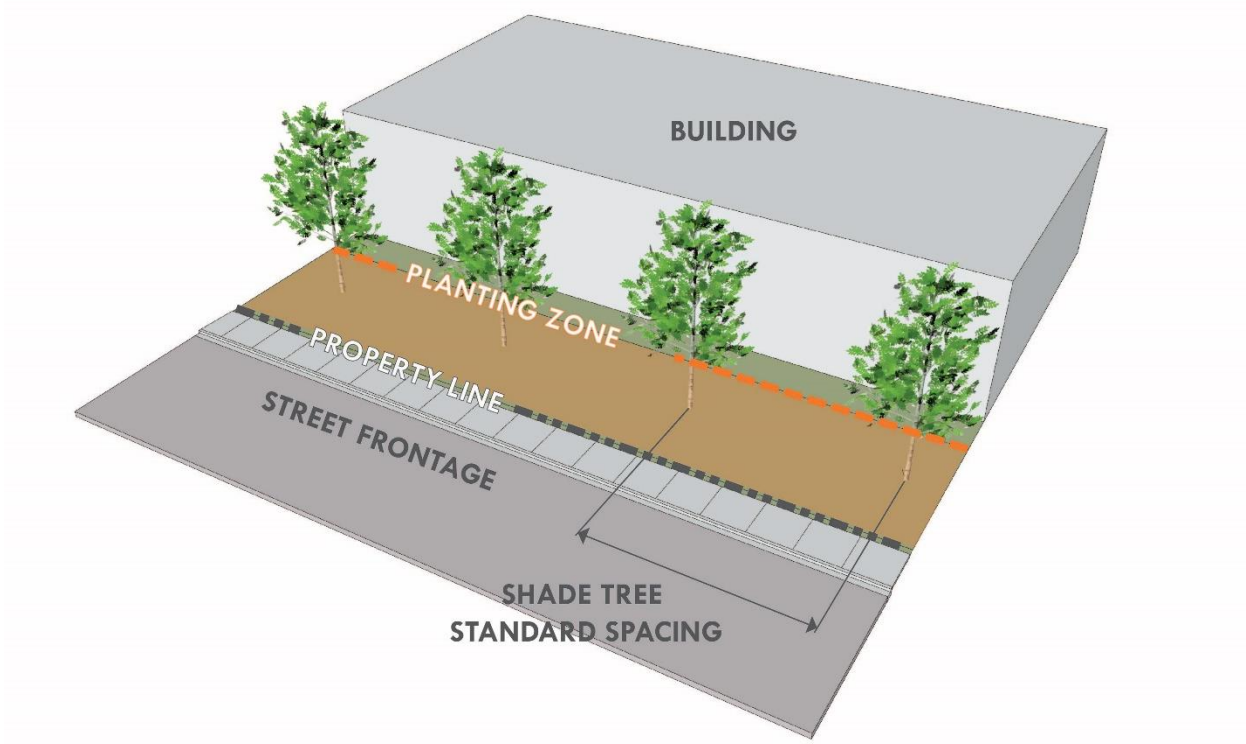


Figure 6-2: Street Frontage Landscaping Placed in Front Yard when Overhead Power Lines are Present

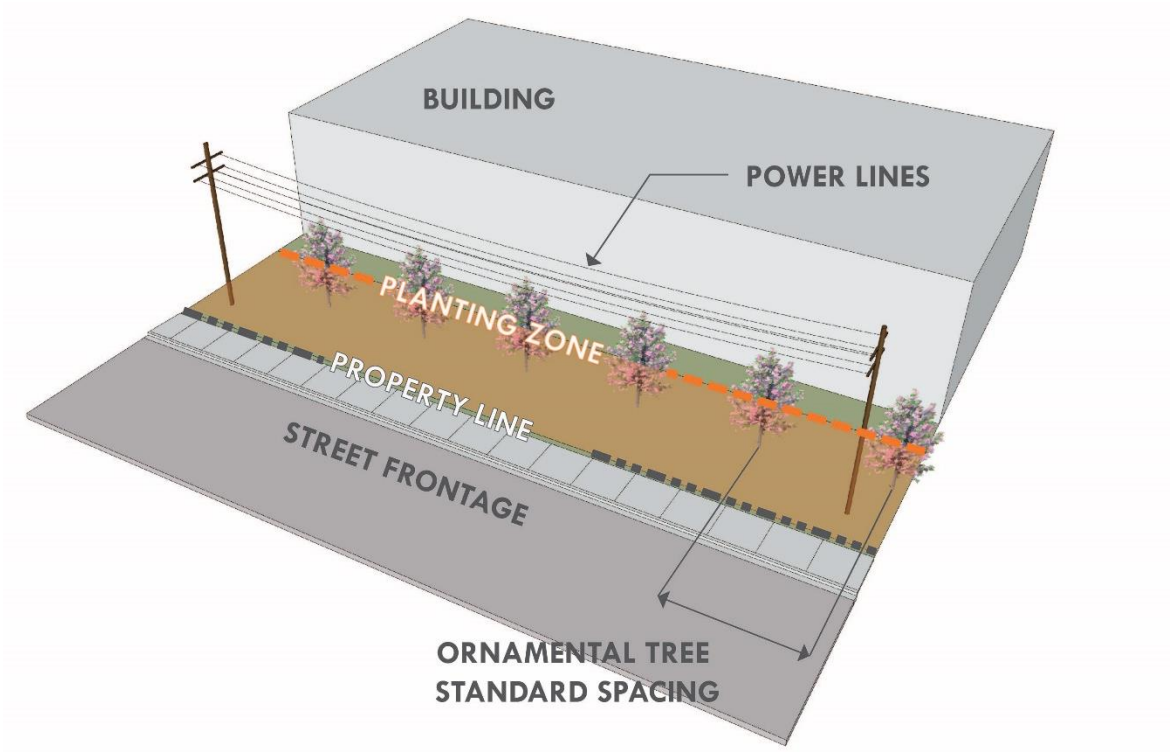


Figure 6-3: Street Frontage Landscaping in Tree Strip

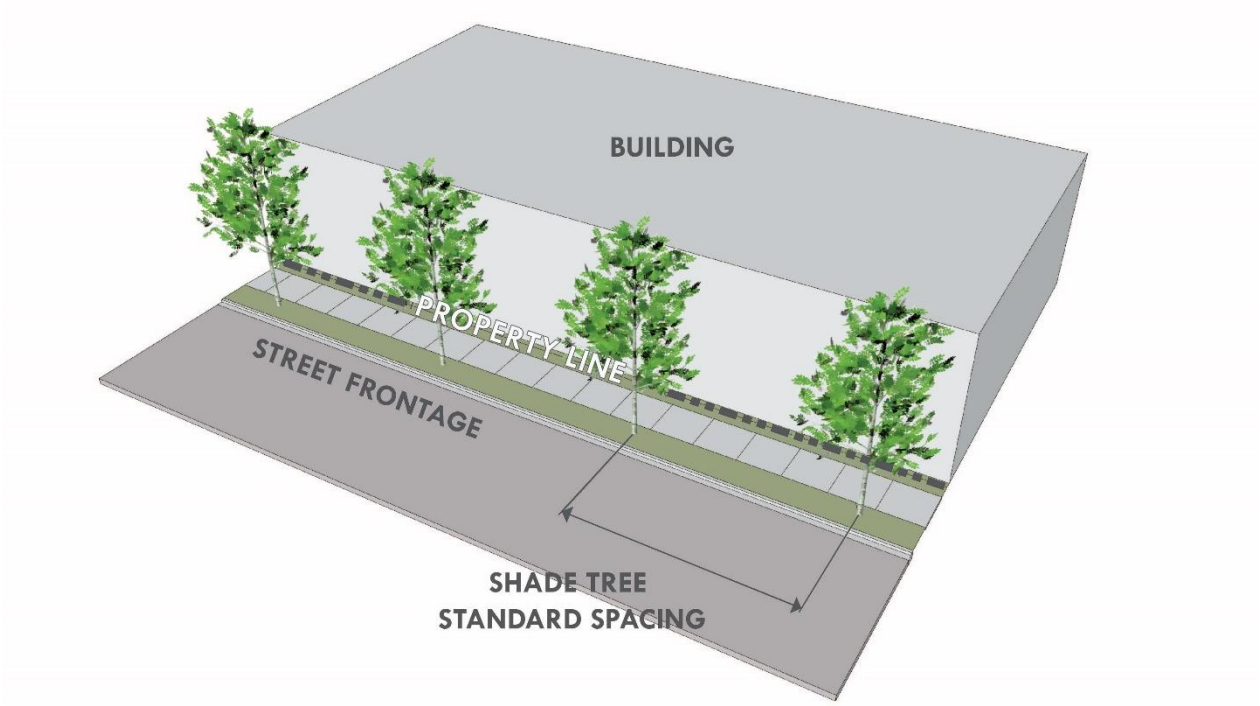


Figure 6-4: Street Frontage Landscaping in Tree Strip when Overhead Power Lines are Present

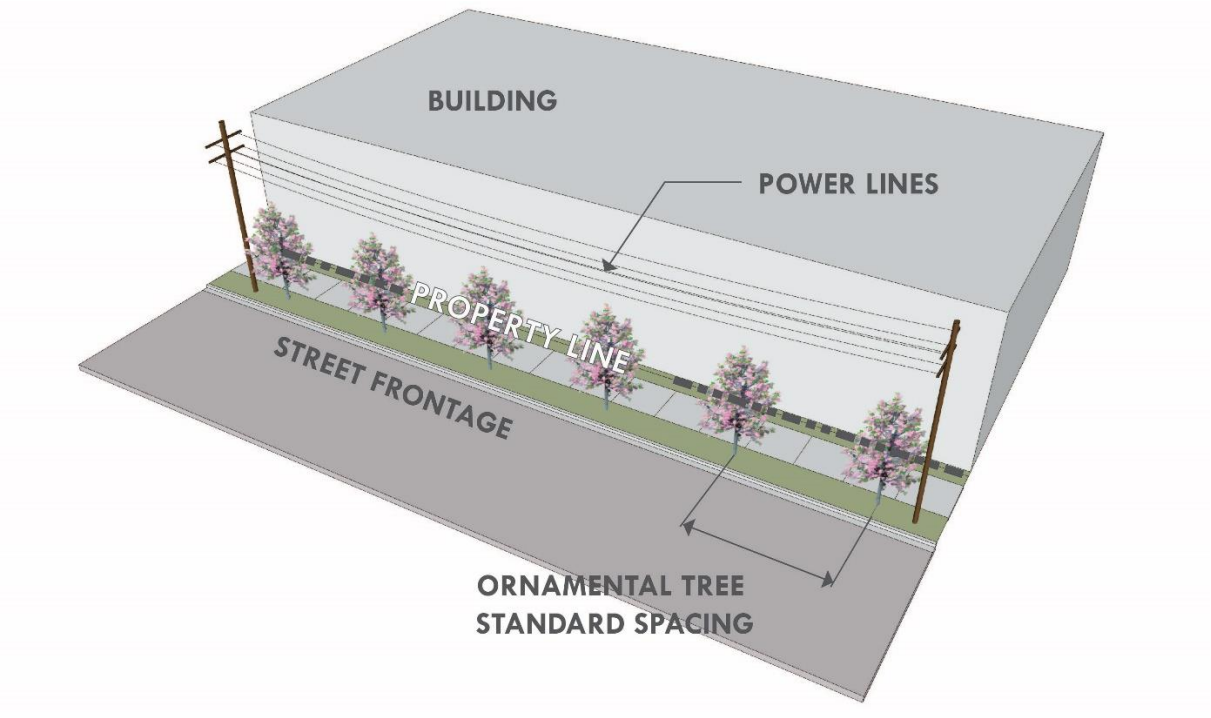


Figure 6-5: Parking Lot Landscaping

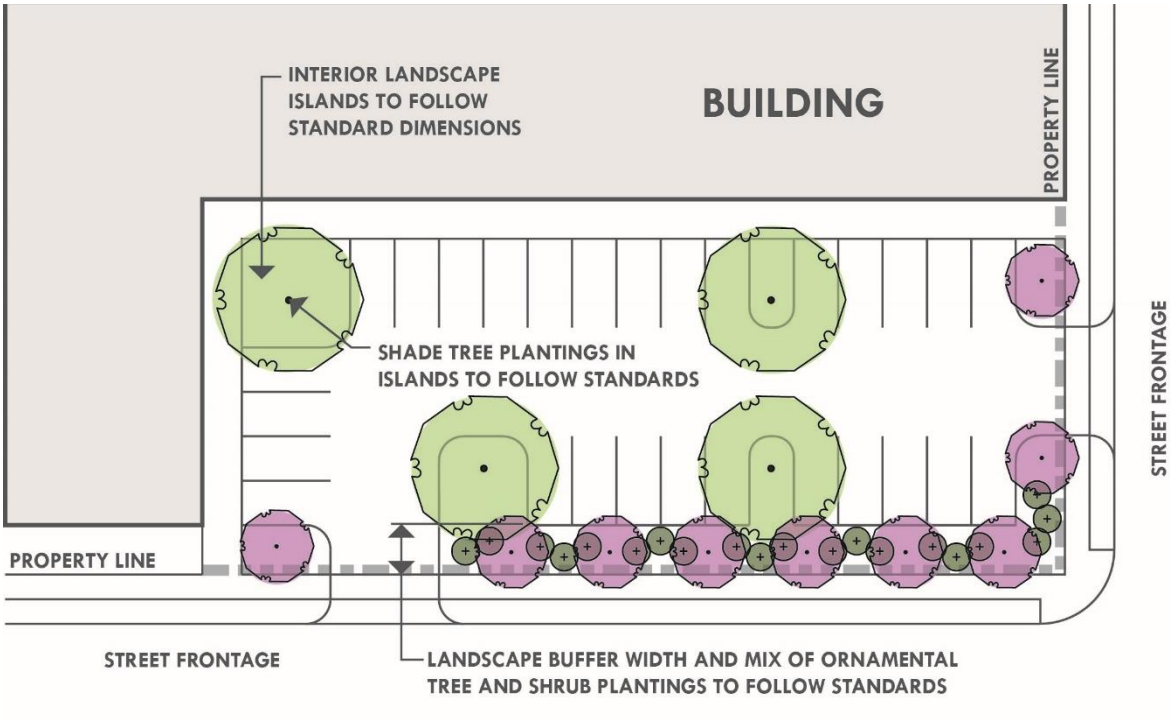


Figure 6-6: Landscape Buffer – Commercial, Institutional, or Mixed Use abutting Residential

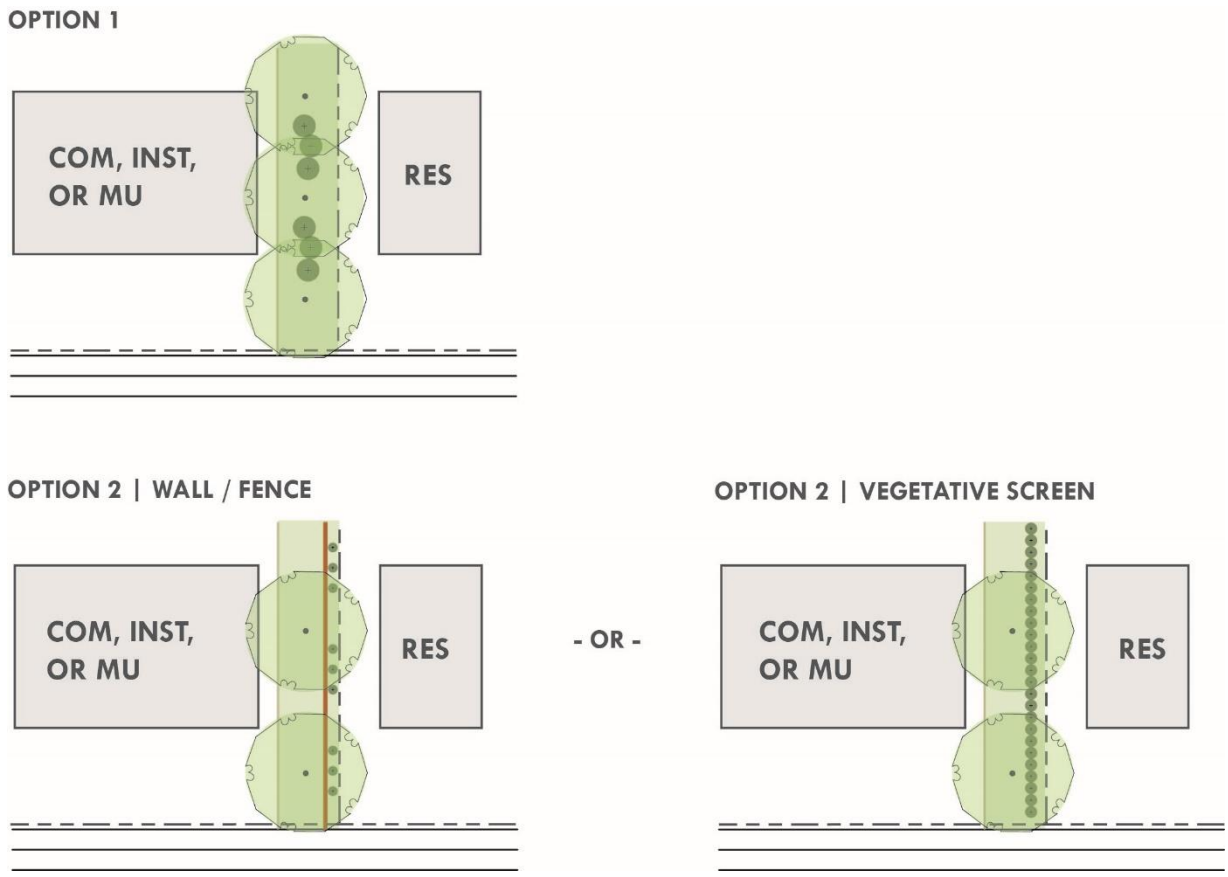


Figure 6-7: Landscape Buffer – Industrial abutting Residential

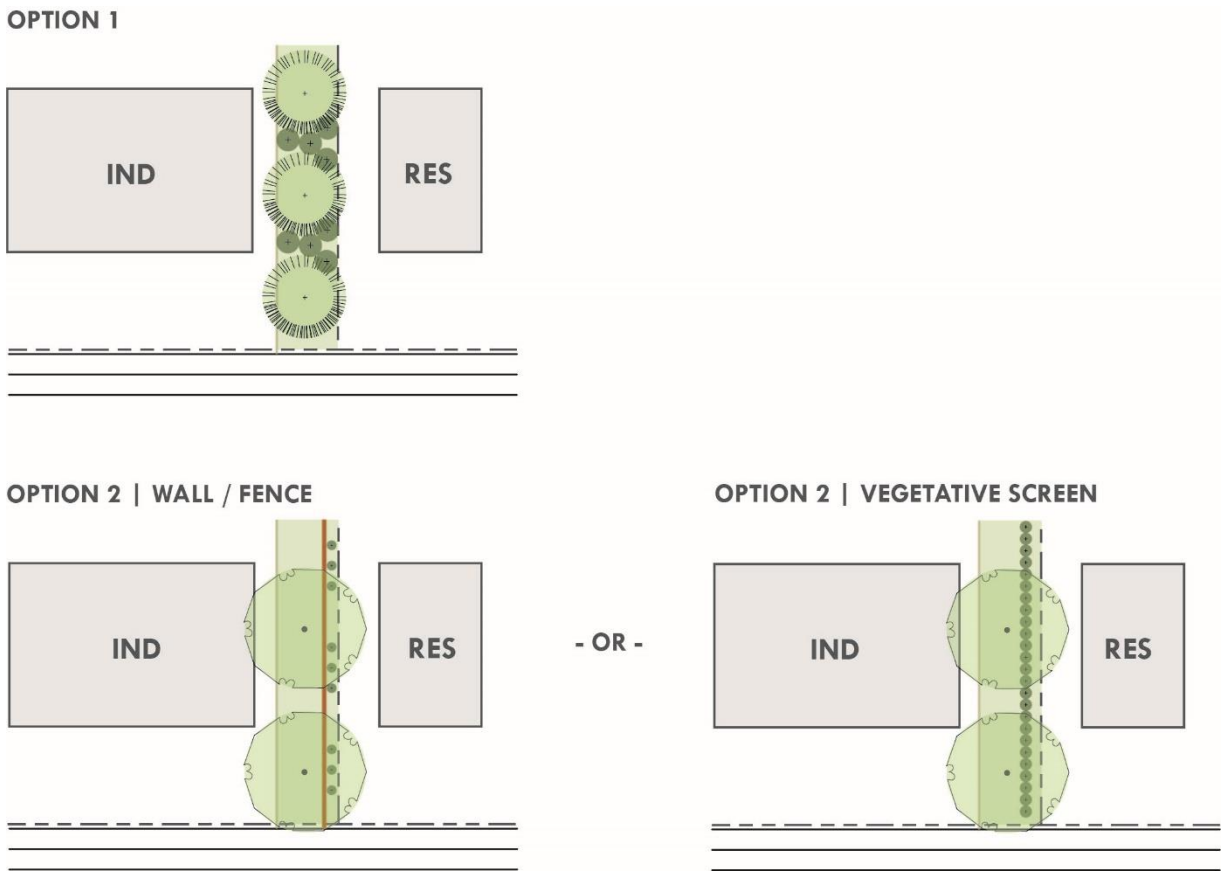
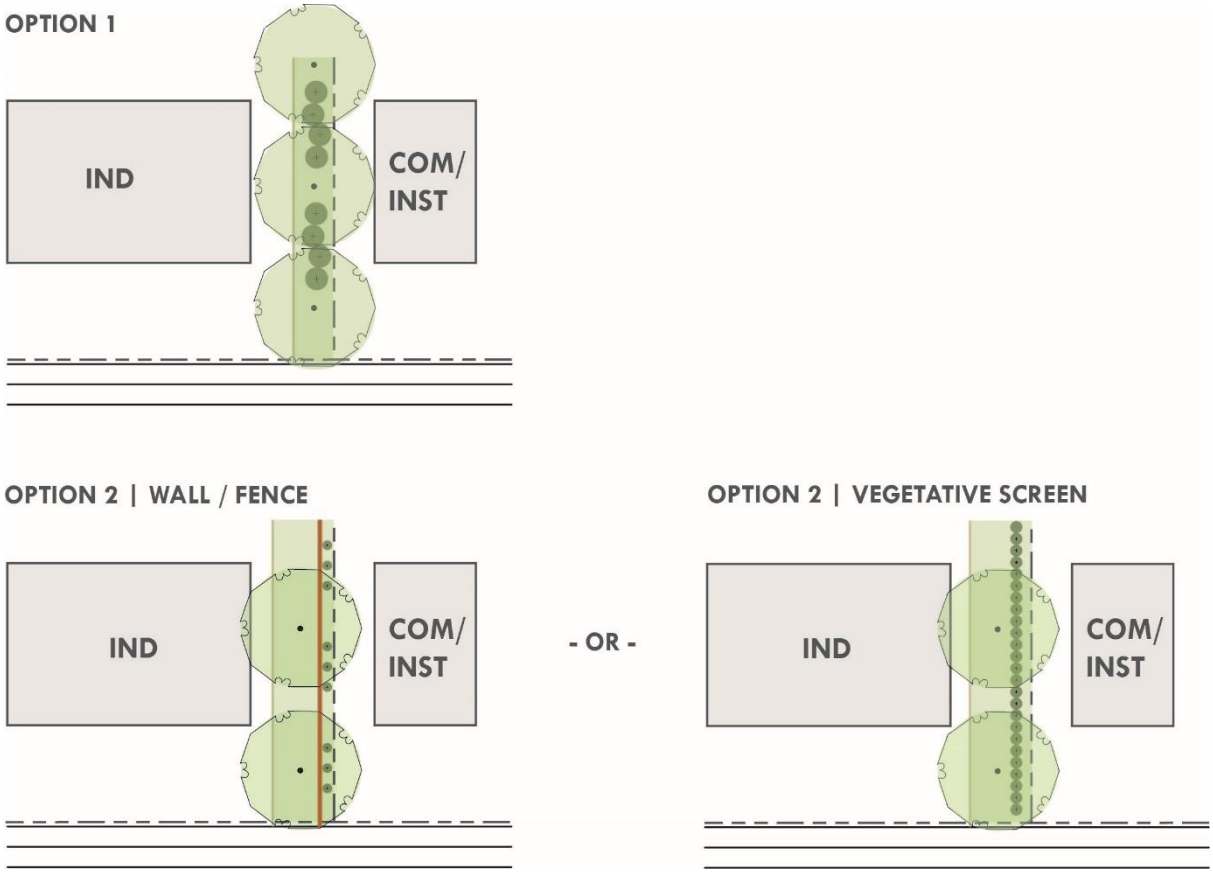


Figure 6-8: Landscape Buffer – Industrial abutting Commercial or Institutional



J. Town of Monrovia Street Tree List

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Under Utility Lines
Acer griseum	Paperbark Maple	25’	35’	No	Yes
Acer nigrum/saccharum subsp. Nigrum	Black Maple	90’	25’	Yes	
Acer rubrum	Red Maple	90’	70’	Yes	
Acer saccharum	Sugar Maple	75’	50’	Yes	
Acer x freemanii	Freeman Maple/Hybrid Red Maple	60’	40’	Yes	
Amelanchier arborea	Downy Serviceberry	25’	20’	No	Yes
Amelanchier x grandiflora ‘Autumn Brilliance’	Autumn Brilliance Serviceberry	25’	25’	No	Yes
Carpinus betulus ‘Fastigiata’	Common Hornbeam	40’	30’	No	
Carpinus caroliniana	American Hornbeam	30’	30’	Yes	Yes
Celtis occidentalis	Hackberry	80’	60’	Yes	
Cercis canadensis	Eastern Redbud	30’	20’	Yes	Yes
Cornus mas	Cornelian Cherry Dogwood	25’	20’	No	Yes
Crataegus phaenopyrum	Washington Hawthorn	30’	30’	No	
Crataegus virids	Green Hawthorn	35’	35’	Yes	
Ginkgo biloba	Ginkgo (male)	80’	40’	No	
Gleditsia triancanthos var. inermis	Thornless Honeylocust	80’	50’	Yes	
Gymnocladus diocus	Kentucky Coffeetree	100’	40’	Yes	
Liquidambar styraciflua	Sweetgum	60’	40’	Yes	
Liriodendron tulipfera	Tulip Tree	150’	50’	Yes	
Maackia amurensis	Amur Maackia	30’	30’	No	
Malus coronaria	Wild Sweet Crabapple	25’	25’	Yes	
Ostrya virginiana	Hophornbeam	45’	40’	Yes	
Platanus acerifolia	Columbia London Planetree	80’	65’	No	
Quercus alba	White Oak	100’	90’	Yes	
Quercus bicolor	Swamp White Oak	90’	70’	Yes	
Quercus imbricaria	Shingle Oak	60’	50’	Yes	
Quercus robur f. fastigiata	English Oak	60’	20’	Yes	
Quercus rubra	Northern Red Oak	70’	60’	Yes	
Syringa reticulata	Ivory Silk Japanese Tree Lilac	25’	15’	No	Yes
Tilia cordata	Littleleaf Linden	50’	40’	No	
Tilia tomentosa	Silver Linden	50’	40’	No	

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Under Utility Lines
Ulmus alata	Winged Elm	50’	40’	Yes	
Ulmus americana ‘New Harmony’	New Harmony American Elm	70’	60’	No	
Ulmus americana ‘Princeton’, ‘Valley Forge’, ‘New Harmony’	Princeton American Elm	70’	60’	No	
Ulmus americana ‘Valley Forge’	Valley Forge American Elm	70’	60’	No	
Zelkova serrata	Japanese Zelkova	80’	75’	No	

6.2 Lighting

A. Purpose and Intent

The purpose of this Article is to provide minimum standards for effective, economical, and attractive outdoor lighting.

- It is the intent of this chapter to:
- Discourage excessive lighting.
- Minimize glare and light trespass
- Create a safe environment in hours of darkness.
- Regulate the type of light fixtures, lamps, and standards.

B. Applicability

These regulations apply to all newly installed or relocated outdoor lighting.

C. Exceptions

The following are exempt from the regulations of this Article.

- All hazard warning lighting required by Federal and State regulatory agencies.
- All temporary emergency lighting required by local law enforcement, emergency service and utility departments.
- All traffic control and directional lighting.
- All underwater lighting used for the illumination of swimming pools and water features.
- All lighting for temporary festivals and carnivals (see *4.18 Temporary Uses, Events, and Structures*).
- All low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.

Outdoor light fixtures permitted prior to the adoption of these regulations are exempt from the shielding requirements of this Article. When an outdoor light fixture becomes inoperable, the replacement light fixture must comply with the standards of this Article.

D. Prohibitions

The following actions are prohibited:

1. The use of any mercury vapor lamp or low-pressure sodium lamp.
2. The use of laser source light or other similar high-intensity light for outdoor advertising.
3. The operation of searchlights and floodlights for advertising purposes.
4. The use of any lighting source on towers is prohibited except as required by the Federal Aviation Administration.

E. General Lighting Standards

1. All light fixtures must be fully shielded and direct light downward. Internally illuminated signs or electronic signage is exempt from this standard.

2. Lighting sources must be directed away from reflective surfaces to minimize glare upon adjacent lots and rights-of-way.
3. Lighting sources must be positioned in such a manner as to direct light away from adjacent lots and rights-of-way. Internally illuminated signs or electronic signage is exempt from this standard.
4. Light pole height must not exceed 25 feet. Light fixtures in parking facilities must be designed and located to confine emitted light to the parking facility.
5. Light fixtures must meet Town Building Code requirements.
6. The color temperature of any outdoor light source must not exceed 3500 Kelvin. Outdoor light sources used exclusively for colorful decorative illumination of certain building façade or landscape features are exempt from this requirement.

F. Multifamily Residential, Business and Industrial Standards

The following standards apply to all uses except single-family and two-family residential dwellings:

1. All light fixtures must be positioned so that no light emitting surface is visible from a residential lot or right-of-way when viewed at ground level. Internally illuminated signs or electronic signage is exempt from this standard.
2. Light meter readings must not exceed 0.1 foot-candles at the lot lines of any residential use and 0.3 foot-candles at the lot lines of any non-residential use.
3. Lights on poles, stands, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
4. Canopy structures must have lights with diffusers which are recessed, and which do not extend below the surface of the canopy.
5. Lighting under awnings and canopies must only illuminate a front building façade, a sign under an awning or canopy, or the sidewalk, but must not illuminate the awning or canopy itself.
6. Non-residential parking facility lighting must be turned off or dimmed by at least 30% within 30 minutes of the last business closing until 30 minutes before the first business opens.
7. Outdoor sports or recreational facilities must not be illuminated after 11:00 p.m., except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
8. The off-street parking areas and service facility areas for multifamily residential uses must have sufficient lighting facilities located and adjusted so the glare or beam is directed away from any adjoining property, street, or multifamily dwelling window.

G. Sign Lighting

1. Light fixtures used to illuminate an outdoor advertising sign, other than a monument sign or an internally illuminated sign, must be mounted on top of or above the sign structure and must comply with the shielding requirements of this Article.
2. Light fixtures used to illuminate ground mounted or monument signs may be illuminated with a ground mounted or bottom mounted light fixture, provided the light fixture is fully shielded and all light output is directed onto the sign surface.

3. Lamps used for the internal illumination of wall signs must be turned off within 30 minutes of the last business closing until 30 minutes before the first business opens.

H. Lighting Plans

A lighting plan for proposed outdoor lighting must include:

1. A site plan indicating the location of all existing and proposed lighting structures, supports and light fixtures.
2. A graphic and textual description of all existing and proposed lighting fixtures. The description may include cut sheets and illustrations by the manufacturer, lamp types, wattages, and lumen outputs.
3. A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram. Lighting levels must be depicted at ten-foot intervals or less.
4. The iso foot-candle diagram must plot foot-candle increments of 0.5 foot-candle or less.
5. Photometric data depicting the angle of cut off of light emissions.
6. Any other information the Administrator determines necessary to ensure compliance with the provisions of this Article.

6.3 Parking

A. Purpose and Intent

The intent of this article is to promote public health, safety, and welfare by requiring parking and loading facilities for uses to minimize conflict between vehicles and pedestrians.

B. Applicability

Parking spaces and loading berths conforming to the standards of this chapter must be provided for all land uses.

C. Loading Berths

Off-street loading berths are subject to the requirements set by the Administrator according to the following guidelines. Exceptions may be granted by the Administrator. Additional berths may also be required to serve the needs of the proposed business or industry. Loading berths are not required for businesses demonstrating they do not ship or receive large quantities of goods by truck delivery. A loading berth must be at least 12 feet wide and 35 feet long and 14 feet high.

Business and professional offices, medical facilities, schools, hotels, clubs and similar businesses must provide 1 loading berth for each 100,000 square feet of space or fraction thereof.

Industrial manufacturing and warehousing uses must provide 1 loading berth for each 40,000 square feet or fraction thereof.

Other business uses must provide loading berths based upon the size of the building as follows:

- 5,000 sq. ft. to 10,000 sq. ft. --- 1 loading berth
- 10,001 sq. ft. to 25,000 sq. ft. --- 2 loading berths
- Over 25,000 sq. ft.--- 1 additional loading berth for each 25,000 sq. ft. or fraction thereof.

Space used for loading berths cannot be used to satisfy parking space requirements.

Loading berths are prohibited on building facades facing public streets. They should be located on the rear of the building when possible.

D. Site Access and Circulation

Proposed site access locations must provide safe and efficient movement of vehicles and pedestrians with enough stacking so vehicles do not obstruct the right-of-way.

Circulation patterns must minimize conflicts between vehicular and pedestrian traffic and create safe and efficient movement of both in and around the site.

Site access approval by an agency other than the Town does not require the Plan Commission nor Administrator to approve the access point.

E. Stacking Requirements for Drive-Through Facilities

The following requirements apply to uses with drive-through facilities.

1. Drive-through lanes and required stacking spaces must not interfere with parking space maneuvering aisles, parking drive aisles, loading spaces, internal site circulation, designated fire lanes or site access points.

2. Drive-through lanes and stacking spaces must be designed to prevent vehicles from stacking in the right-of-way (*Figure 6-10*).
3. No stacking space may occupy any portion of a right-of-way.
4. A stacking space does not constitute a parking space.
5. All drive-through and stacking lanes must be delineated with pavement markings or otherwise distinctly delineated, as approved by the Administrator.
6. A stacking space must be at least 8 feet wide and 20 feet long with direct forward access to a service window or station of a drive-through facility.
7. A lane at least 8 feet wide lane parallel to a drive-through lane must be provided around the drive-through facility to allow vehicles to exit the drive-through lane and circumvent the stacking lane. This lane may be part of the site's overall circulation plan. If an applicant demonstrates strict compliance with this requirement is impracticable or would result in a less desirable site design, the Administrator may waive this requirement.
8. Below are the minimum number of required stacking spaces, excluding the position at the service window or ordering station.
   - Fast food restaurant: 7 stacking spaces
   - Financial institutions, pharmacies, takeout and deli-style restaurant with drive-through: 3 stacking spaces per service window
   - All other facilities: 2 stacking spaces per service window

   If an applicant demonstrates strict compliance with a requirement is impracticable or would result in a less desirable site design, the Administrator may waive the requirement.

F. Off-street Vehicle Parking

Buildings or structures to be erected or substantially altered requiring off-street parking spaces must provide such spaces in accordance with these regulations.

1. Required off-street parking facilities are solely for the parking of passenger vehicles of patrons, occupants, or employees during business hours.
2. Parking spaces must be located on the same lot as the use served. Parking spaces within 500 feet walking distance of the main entrance to the use served may count toward the required parking.
3. When calculating the number of required parking spaces, any fraction less than 0.5 may be disregarded and any fraction 0.5 or greater must be counted as 1 parking space.
4. Off-street parking spaces must be at least 9 feet wide and 18 feet long with a vertical clearance of 7 feet. Parallel parking spaces must be at least 8 feet wide and 22 feet long. Parking spaces are exclusive of access drives, aisles, ramps, columns, and work area.
5. Each required parking space must open directly upon an aisle or drive providing safe and efficient access to the parking space. Parking spaces cannot open directly upon a lane or stacking space designated to serve a drive-through.

6. Tandem Parking Spaces. Off-Street parking spaces for multifamily uses may utilize tandem parking spaces. A tandem parking space is a parking space provided in front of a garage which is reserved for use by the person renting the garage.

7. The minimum aisle width for angled parking must be as follows:

Angle of Parking Space	Minimum Aisle Width
30 degree	14 feet
45 degree	18 feet
90 degree	24 feet

See also *Figure 6-11*

8. Surfacing and Curbs

   a. Public parking facilities and loading berths must be paved with a hard, dust-proof surface in accordance with the Town's Construction Standards.

   b. A stormwater system, designed in accordance with applicable Town Construction Standards, must be installed for all parking facilities.

   c. Curbs and gutters built per the Town's Construction Standards are required around the perimeter of all parking facilities and landscape islands within the parking facilities.

   d. The Administrator may provide a waiver to these requirements if the best management practices of the stormwater system recommend against installing curbing or alternative surfacing (for example, to allow bioswales and porous paving).

9. Pavement markings and traffic control devices must conform to the requirements of the Indiana Manual of Uniform Traffic Control Devices, latest revision.

10. Lights must be installed to adequately illuminate the parking facility. Lights must be shielded to minimize glare onto adjacent property and meet the requirements of *6.2 Lighting*.

G. Programs and Incentives to Reduce Parking Requirements

This section identifies options to reduce required parking compromising the availability of needed parking facilities.

1. Credit for On-Street Parking. Wherever on-street parking is provided in the improvement of a street, credit toward off-street parking requirements may be granted for every parking space provided. On-street parking is subject to approval by the Administrator and specifically not permitted in the following areas:

   a. Within 20 feet of a corner.

   b. Within 5 feet of each side of a driveway or alley.

   c. Within a fire hydrant zone or other emergency access zone.

2. Shared Parking

   a. Groups of users requiring parking spaces may create a shared parking facility if all the criteria below are met. Approval by the Plan Commission or Administrator is required.

b. Off-site, off-street parking facilities are within 600 feet of the property.

c. The shared parking spaces provide at least 80% of the cumulative minimum off-street parking spaces required for each use.

d. Safe and convenient pedestrian uses must be provided between the parking facilities and uses.

e. Interior vehicle access must connect the properties sharing the parking facilities.

f. A written reciprocal parking agreement or similar document with a minimum duration of 20 years, signed by all property owners involved is required. It must include provisions for: easements (if applicable), maintenance, snow removal, ownership, and liability. The agreement must be recorded in the County Recorder's office with a copy provided to the Department. When the reciprocal parking agreement expires or terminates, the uses for which the parking was provided are considered non-conforming. Continuation or expansion of the uses is prohibited unless the use is brought into compliance with the parking regulations of this chapter.

3. Parking Reduction. Parking minimums may be reduced by the Plan Commission or Administrator where parking demand is demonstrated to be lower than the requirements shown on the *Use Table*, and the following are met:

a. For a single building or use:

i. Convenient municipal off-street parking or on-street spaces are located adjacent to the subject property,

ii. Walk-in trade is reasonable due to pedestrian connections to adjacent residential neighborhoods or employment centers; or

iii. A parking study, prepared by a qualified traffic engineer or parking expert, demonstrates another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment.

b. Mixed Occupancy or Multiple Buildings:

i. There is a high proportion of multipurpose visits.

ii. Uses have peak parking demands during differing times of the day or days of the week. Parking facilities at a place of worship may be used to meet up to 50 percent of the off-street parking required for theaters, stadiums, other places of public assembly, retail stores, personal services establishments, office buildings, and industrial facilities within 600 feet of the place of worship. Distance is measured from the nearest point of public entrance to the nearest point of the parking lot.

4. Deferred Parking. When development of a site will occur in phases, the Plan Commission or Administrator may defer some of the required parking until it is needed if:

a. A site plan shows all required parking but identifies those spaces that will not be constructed until needed.

b. Any area designated for deferred parking must be maintained in a landscaped appearance. Parking lot landscaping required for the deferred spaces can be installed when the deferred parking area is constructed.

c. Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Town based on actual parking needs.

H. Heavy Truck Parking Standards

The following standards apply for the circulation and parking of heavy trucks, semi-trucks, buses, and similar vehicles with two or more rear axles:

1. The site design must allow heavy trucks to enter and leave the site without backing onto the right-of-way.
2. Heavy truck parking facilities must be at least 10 feet from the front lot line or street side lot line.
3. Heavy truck parking and circulation areas must be paved with a hard, dust-proof surface in accordance with the Town's Construction Standards.
4. A stormwater system, designed in accordance with applicable Town standards, must be installed for all parking facilities.
5. Where a heavy truck parking facility is located within 50 feet of a front lot line or street side lot line a 6-foot-high decorative wall the full length of the lot line is required. The wall does not need to be provided at entrances and exits and where the principal building is constructed within 50 feet of the lot line.

I. Parking Ratios for Vehicles

1. Off-street vehicular parking spaces must be provided within the minimum rates indicated on the Parking Requirements Table. The maximum spaces allowed do not include accessible spaces required by the Americans with Disabilities Act. Parking requirements may be met by providing on-site parking spaces or providing off-site parking spaces in a shared parking facility or a combination of the two.
2. The Administrator determines the parking requirement for uses not listed on the Permitted Use Table. The applicant must provide information including, but not be limited to:
   - Types of use,
   - Number of employees by use,
   - Building design capacity,
   - Square feet of sales area and service area,
   - Parking spaces provided on-site,
   - Parking spaces provided elsewhere, and
   - Hours of operation.
3. Where the application identifies multiple uses on the premises, the minimum standards apply to each use. Shared parking provisions may allow a reduced number of parking spaces when the uses need parking at different times (*6.3(G)(2) Shared Parking*).

4. For the purposes of parking calculations, the gross area of any parking garage within a building is not included in the gross floor area of the building.
5. Parking is not required for accessory uses unless specifically stated on the Permitted Use Table or in an applicable use limitation.

J. Parking Images

Figure 6-10: Stacking Requirements

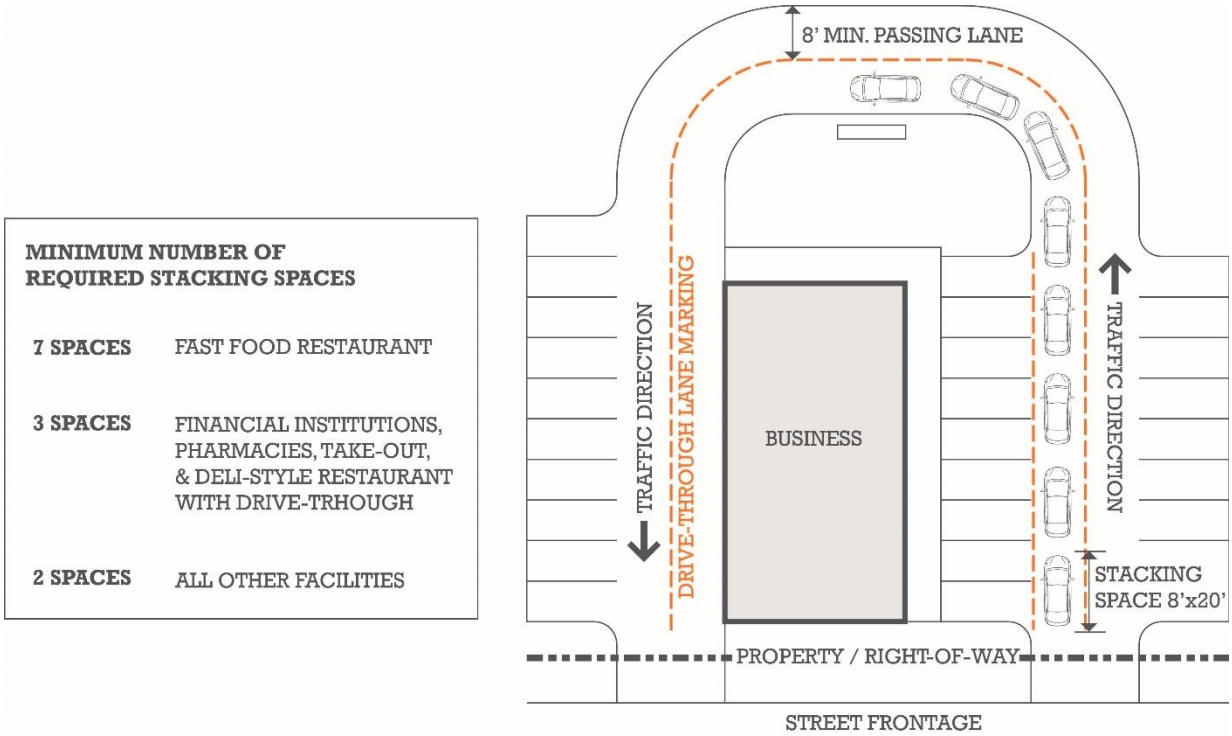
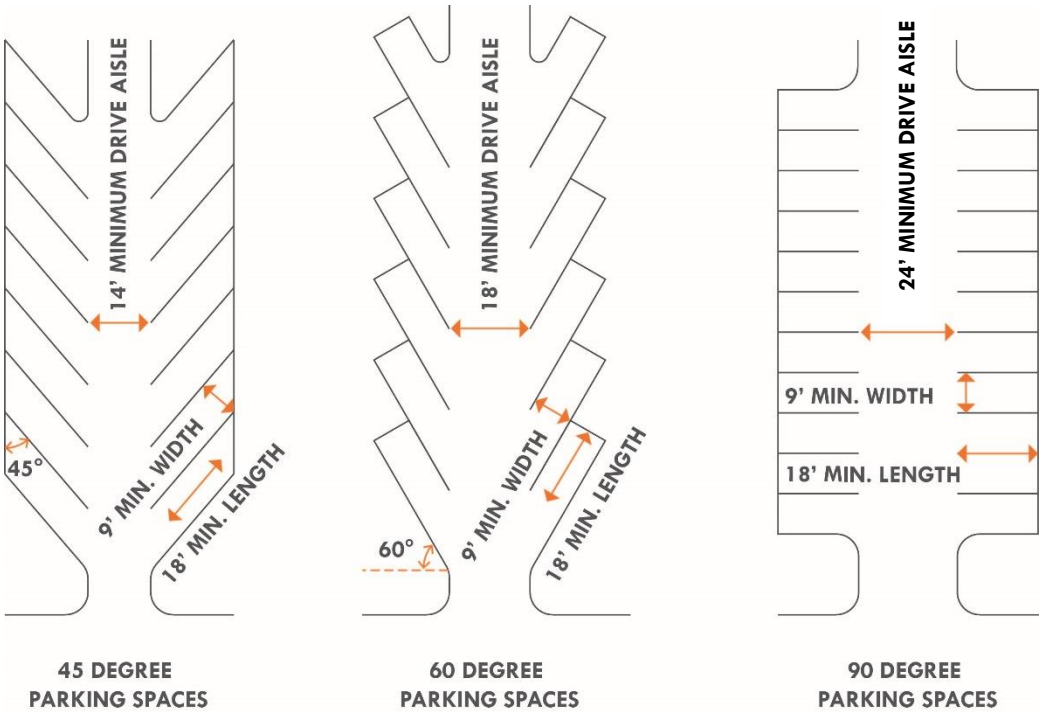


Figure 6-11: Dimensions for Parking



6.4 Signage

A. Purpose and Intent

The purpose of this article is to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs, especially the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety.

A **Sign** is any structure, fixture, placard, announcement, declaration, devise, demonstration, or insignia used for direction, information, identification or to draw attention to, advertise or promote any business, product, goods, activity, services, or any interest.

B. Exempt Signs

The following signs are exempt from this article:

- Government signs, including signs erected by the Town for government purposes.
- Signs located entirely inside the premises of a building or enclosed space, other than window signs.
- Signs on a vehicle, other than an unlawful vehicle sign.
- Signs protected by state statute.
- Traffic control device signs.

C. Prohibited Signs

The following signs are prohibited unless protected by state statute, or otherwise allowed in this article:

- Abandoned signs
- Signs that are animated, blink, flash, move, rotate, or have scrolling text
- Balloon or inflatable signs
- Billboards or off-premise advertising signs
- Pole signs
- Reflective signs
- Signs attached to or painted on trees or natural features
- Signs within the right-of-way
- Signs installed, attached to, or painted on fences
- Signs or sign support structures obstructing a means of egress, including any fire escape, window, door opening, stairway, exit, walkway, any utility access, or fire department connection
- Signs interfering with any opening required for ventilation
- Signs resembling traffic control device signs
- Signs with exposed raceways
- Snipe or bandit signs

- Unlawful vehicle signs

D. Sign Plans and Sign Program

1. **Comprehensive Sign Programs**. A comprehensive sign program is required for all projects consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments. A comprehensive sign program provides design compatibility for all signs and integrates sign design with the architecture of the buildings. The comprehensive sign program must set design standards including, but not limited to: sign types, placement, size, design, colors, materials, textures, and method of illumination, as well as provide for the safe navigation for vehicles and pedestrians. If a sign subject to the comprehensive sign program complies with all the requirements of this Article, it may be approved by the Administrator. In determining approval, the Administrator must not base any approval on the message content of a sign.

2. **Master Sign Plans**. The Plan Commission may approve a master sign plan as an alternative to the requirements set forth in *6.4(H)Permanent Sign Types* for the following uses and developments:

   - Multiple-tenant commercial, office, or employment uses.
   - A multiple-building complex for a single commercial or employment use in a project exceeding 40 net acres.
   - Stand-alone office/employment buildings exceeding 100,000 square feet.
   - Indoor or outdoor entertainment and recreation uses.
   - Auto malls.
   - Hospitals.
   - Hotels and commercial lodging having at least 150 guest rooms and a full-service restaurant or conference and meeting rooms.
   - Regional retail shopping malls.

   a. Conditions. The Plan Commission may attach conditions as necessary to assure the signs covered by the master sign plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Plan Commission must not base any condition on the message content of a sign.

   b. Evaluation Criteria. Master sign plans are evaluated on the following criteria:

      i. Placement. Signs must be placed where they are visible and legible. Consideration is given to a sign's location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and angles. Wall signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers where tenants have little or no visibility from the street.

      ii. Quantity. The number of signs approved within any development must be sufficient for internal traffic and navigation for vehicles and pedestrians.

      iii. Size. Signs must be no larger than necessary for visibility and legibility. A master sign plan must not contain a freestanding sign exceeding any maximum height standard permitted

by this Article by more than 50%. A master sign plan must not contain a wall sign exceeding any maximum sign area standard permitted by this Article by more than 25%.

iv. Design Features and Materials. Sign design themes and materials must be compatible with the architecture, colors, and materials of the project.

v. Development Standards. The Plan Commission may not reduce any sign development standard to less than 50% of any minimum standard, nor increase any sign development standard by more than 100% of the maximum standard. The Plan Commission must not base any decision on the message content of a sign.

vi. Amendments. The Administrator may approve minor amendments to a master sign plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

E. Review of Sign Applications for Permanent Signs

Applications for permanent signs are considered by the Plan Commission, except for those applications subject to approval by the Administrator. Approval for a permanent sign may be by:

- A comprehensive sign program; or
- A master sign plan; or
- A separate design review application approved by the Administrator.

F. General Provisions for Signs

The following general provisions for signs apply to this Article and to all lawful conforming and nonconforming signs, unless otherwise indicated.

1. **Viewpoint Neutrality**. Unless stated to the contrary in this Article, no sign or sign structure is subject to any limitation based upon the viewpoint of the message contained on the sign or displayed on the sign structure. It is the policy of the Town to regulate signs to not favor commercial speech over noncommercial speech. The Town does not regulate protected noncommercial speech by message content. Within this Article, distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to noncommercial messages.

2. **Substitution of Noncommercial Speech for Commercial Speech.** Noncommercial copy may replace the commercial copy of a sign. The noncommercial copy may occupy all or part of the entire sign face provided there is no change in the sign structure. The **Sign Face** is the surface of a sign upon, against or through which the message of the sign is exhibited. The **Sign Structure** is any structure including supports, uprights, bracing, and framework which supports the sign

3. **Discretionary Approval**. When a sign permit or other approval is subject to discretion, consideration is given to the following:

   a. The location and placement of the sign will not endanger motorists;

   b. The sign will not interfere with the prominent view of a structure or façade of historical or architectural significance;

c. The sign will not obstruct views of users or adjacent buildings to side yards, front yards or open space;

d. The sign will not adversely impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, or courtyard.

e. The sign is compatible with existing neighborhood building heights;

f. The sign's lighting will not cause hazardous or unsafe driving conditions;

4. **Consent of Legal Owner of Property.** Except as required by state law, no sign may be displayed without the consent of the legal owner of the property where the sign is mounted or displayed.

5. **Signs on Public Property.** Except as required by state law or otherwise permitted by this Article, a sign installed or placed on public property is deemed illegal, forfeited to the public, and subject to confiscation. In addition to other remedies in this Ordinance, the Town has the right to recover the cost of removal and disposal of the sign from the owner or person placing such sign.

6. **Placement of Signs**

a. An encroachment permit from the Town is required prior to installing a permanent sign projecting into or over the public right-of-way.

b. The lowest portion of any sign extending over an area intended for pedestrian use must be at least 8 feet above finished grade.

c. The lowest portion of any sign extending over an area intended for vehicular use must be at least 14 feet above the finished grade.

d. Any sign placed on a sidewalk or other public right-of-way must comply with this Article and applicable provisions of the Americans with Disability Act.

e. Signs are prohibited within sight visibility triangles, except for appropriately placed traffic control device signs.

7. **Flagpoles.** Each premises in a residential district containing a principal structure may install one flagpole. There is no limit to the number of flags that may be displayed per flagpole. Each premises less than ½ acre containing a nonresidential use may install one flagpole. Each premises over 1/2 acre in size containing a nonresidential use may install up to 3 flagpoles. For each additional acre, up to 2 additional flagpoles may be installed. Up to 2 flags may be displayed per flagpole. Flagpoles must be depicted on the site plan or approved administratively as part of a sign plan. A flagpole must not exceed 1.5 times the maximum building height for the district or 50 feet whichever is lower. An improvement location permit is required for flagpoles on nonresidential properties and flagpoles exceeding a height of 30 feet on residential properties.

8. **Flag Brackets and Stanchions.** For each principal structure on a parcel, up to 2 flag brackets or stanchions may be attached or placed for the display of flags.

9. **Measurement of Sign Area.** The area of a sign is measured or calculated as follows (***Figure 6-12***):

   a. Background panel signs. Sign copy on a panel or area distinctively colored or constructed as a background is measured as the area contained within the sum of the geometric shapes enclosing both the sign copy and the background.

   b. Background surface signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall or building surface, that is not altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest geometric shapes enclosing each word, graphic or discrete visual element in the total sign.

   c. Illuminated background signs. The area of a sign with copy on an illuminated surface is measured as the entire illuminated surface containing sign copy.

   d. Double-faced signs. If a sign has 2 display faces, and the interior angle between the 2 faces is 30 degrees or less, the sign area is one sign face only. If the 2 faces are different sizes, the larger sign face is used. If the sign has 2 display faces and the interior angle between the 2 faces is greater than 30 degrees, then the sign area is the sum of the areas of the 2 sign faces.

   e. Multi-faced signs. If a sign has 3 or more faces, the sign area is equal to 50% of the aggregate area of all sign faces.

10. **Measurement of Sign Height.** The height of a freestanding sign is measured as the vertical distance from the average finished grade below the sign to the top edge of the highest portion of the sign (***Figure 6-13***). The finished grade cannot be altered for the purpose of increasing the height of the sign. The maximum height limit excludes architectural embellishments less than 36 inches at the base of the sign and less than 18 inches at the top of the sign. For the purposes of this section, average finished grade below the sign is the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property; or (c) the grade of the land at the principal entrance to the lot.

11. Signs must provide at least 6 feet horizontal clearance and 12 feet overhead clearance from electrical conductors and from communications equipment or lines. Signs and their supporting structures must not interfere with surface and underground utilities or drainage systems.

12. The Administrator or Building Commissioner may order the repair of signs declared a nuisance, and, with or without notice, may remove a structurally unsafe sign if it presents an immediate peril to the public health or safety.

13. Replacement of a tenant sign panel containing the same design as the original on an approved sign structure with removable panels does not require a permit. Any tenant panel that is vacant or missing must be replaced within 30 days.

14. When a tenant vacates a building suite, the fascia of the wall sign band must be repaired to its surrounding texture and color within 45 days of sign removal.

15. Signs at bus shelters are permitted. Standards for these signs are determined in accordance with bus shelter design requirements established by the Town Engineer.

G. Temporary Signs

Unless otherwise provided below, temporary signs must meet the criteria below. A temporary sign may be displayed as a ground sign, wall sign, or a window sign.

1. **General Criteria for Temporary Signs**. A temporary sign is unlawful unless it meets the criteria established for the Zoning District where it is located as described in *Table 6-3*. The general criteria and limitations in this section do not apply to A-Frame and T-Frame signs, banner signs, flying banner signs, flags and umbrella signs.

2. **A-Frame Signs and T-Frame Signs**. An **A-Frame Sign** is a portable, stand-alone sign comprised of two separate panels or faces joined at the top and spread apart at the bottom to form a base upon which the sign stands. A **T-Frame Sign** is a portable, stand-alone sign comprised of one single double-sided panel joined at the bottom to a base that is spread apart upon which the sign stands. A-Frame signs and T-Frame signs are unlawful unless they meet the criteria and limitations set forth in *Table 6-4*.

   a. A-Frame signs and T-Frame signs are permitted in all Zoning Districts but may be placed in single-family residential districts only in conjunction with non-residential uses.

   b. A-Frame Signs and T-Frame Signs must be located adjacent to the parcel or business advertised, supported by a base sufficient to withstand wind gusts, and maintained in good condition.

   c. A-Frame Signs and T-Frame Signs must be placed at grade level and not in medians, across the street from the business being advertised, or on multi-use pathways.

   d. The purchase and placement of A-Frame signs and T-Frame signs is not a substantial capital investment in the advertised business. Modification of the regulations resulting in further restriction or prohibition makes the signs illegal nonconforming signs that must comply with the new regulations.

3. **Banner Signs.** A **Banner Sign** is sign of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame. Banner signs are permitted in all Zoning Districts but may be placed in single-family residential districts only in conjunction with non-residential uses. Banner signs must meet the criteria and limitations in *Table 6-4*.

4. **Flying Banner Signs.** A **Flying Banner** is a portable, stand-alone sign comprised of light fabric that moves with the wind and can turn 360° and is supported by a pole structure and a base. Flying banner signs must meet the criteria and limitations in *Table 6-4*.

   a. Flying banner signs are permitted in all Zoning Districts but may be placed in single-family residential districts only in conjunction with non-residential uses.

   b. Flying banner signs must be located adjacent to the parcel or business advertised, supported by a base sufficient to withstand wind gusts, and maintained in a professional manner.

   c. Flying banner signs must be placed at grade level and must not be placed in medians, across the street from the business being advertised on multi-use pathways.

5. **Sign Walkers.** A **Sign Walker** is a person waving "sales theme signs" with arrows at entrances to major highways or at corners of high traffic intersections directing customers to a sale. Also

called sign twirlers, sign holders, human billboards. Sign walkers are permitted in all Zoning Districts. Sign walkers must comply with state law and meet the following criteria and limitations:

a. Sign walkers must be located:

- At grade level.
- 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
- 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.
- Sign walkers must yield right-of-way to pedestrians, bicycles, and others on the sidewalks.

b. Sign walkers must not be located:

- In medians.
- In parking aisles or stalls.
- In driving lanes or driveways.
- On multi-use pathways.
- Where less than 4 feet clear passage is provided on a sidewalk or pathway.
- On fences, planters, other signs, vehicles, utility facilities, or any structure.
- Within 20 feet from any other sign walker.
- In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.

c. The sign must be displayed only when the business is open to conduct business and held, worn, or balanced at all times.

6. **Flags.** A **Flag** is any fabric or bunting containing colors, patterns, or symbols. Unless otherwise required by state law or specified in this Article, no more than 2 flags may be displayed on a flagpole, from a flag bracket, or on a flag stanchion. The sign area of a flag displaying a commercial message is 24 square feet. In determining the sign area of a flag, only one side of the flag is counted. Flags on residential or nonresidential parcels may be externally illuminated. A sign permit is not required for a flag.

7. **Umbrella Signs.** An **Umbrella Sign** is a sign painted, installed, attached, applied to, or located directly on an umbrella, including name brands and symbols. For each table in an outside seating area for a licensed business establishment, one umbrella sign per umbrella is allowed. An umbrella sign is 8 feet in height. An umbrella having an umbrella sign must be securely mounted. A sign permit is not required for an umbrella sign. Umbrella signs do not count toward the maximum sign area for any use.

8. **Temporary Residential Subdivision Signs.** Temporary residential subdivision signs are permitted in single-family residential districts for each builder in a recorded subdivision plat. Temporary residential subdivision signs must meet the criteria and limitations set forth in the *Table 6-4*.

9. **Offsite Temporary Signs on Private Property.** Offsite temporary signs are permitted in all Zoning Districts on unimproved lots or parcels of 10 acres or more subject to criteria and limitations set forth in *Table 6-4*.

H. Permanent Sign Lighting and Changing Message Displays

The following general criteria and limitations for lighting and changing message displays must apply to permanent signs.

1. **General Lighting Standards**. The illumination of signs must meet all regulations of the lighting standards in *6.2 Lighting*.
   a. Except for changing message displays and marquee signs, any flashing, blinking, reflective, animated, or rotating lights, or signs with intermittent or varying intensity of illumination are prohibited.
   b. Exposed light sources are prohibited except for marquee signs. Light sources must be shielded to prevent light trespass onto adjacent properties.
   c. Exposed neon tube type illumination can only be used in Commercial Districts, subject to administrative approval of a comprehensive sign program or master sign plan. Exposed neon tubing must be appropriately sized. Exposed neon tube type illumination is prohibited in all other Zoning Districts.
2. **Sign Illumination**
   a. Permanent Sign on a Parcel in a Residential District. Except for an identification sign at the entrance of a residential subdivision, a permanent sign located on a parcel in a residential district cannot be separately or specially illuminated, unless otherwise specified in this Article.
   b. Permanent Sign on a Parcel in a Nonresidential District. A permanent sign on a parcel in a nonresidential district may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this Article.
   c. Internal illumination. Outdoor internally illuminated signs must be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.
   d. External Indirect Illumination. Externally lit signs must be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign must not be visible from the adjacent public rights-of-way and residential properties.
   e. Illumination of Signs adjacent to Single Family Residential Uses. Signs located within 50 feet of a single-family district cannot be internally illuminated.
3. **Manual Changing Message Displays.** One-half the area of a freestanding monument or marquee sign may be a manual changing message display, subject to the criteria and limitations of this Article.
4. **Electronic Changing Message Displays.** An **Electronic Changeable Message Sign** is the portion of a sign where copy and images may be changed electronically, including a sign with a fixed or changing display/message composed of a series of lights that is changed through

electronic means. The entire sign face of a freestanding monument, tower sign, and freeway sign may be an electronic changing message display if located within a Zoning District where allowed and subject to the following operational limitations below.

5. For non-residential uses in residential districts, 1/2 of the sign face of a freestanding monument sign may be an electronic changing message display, subject to the operation limitations below.
   a. Display. An electronic changing message display may be in full color.
   b. Minimum Display Time. An electronic changing message display must not change more than once every 8 seconds.
   c. Transition Method. An electronic changing message display must change by an instant change method.
   d. Illumination Levels. An electronic changing message display must incorporate automatic dimming technology that adjusts to ambient light conditions. Displays must have a brightness level no greater than 0.3-foot candles above ambient light conditions.
   e. Maintenance. An electronic changing message display that ceases to operate in its normal programmed manner must be repaired or disconnected within 48 hours of the initial malfunction.

I. Permanent Sign Types

The following types of permanent signs are allowed in one or more Zoning Districts, as more specifically set forth below (*Figure 6.14*).

1. **Street Address Signs**
   a. Each single-family dwelling unit must be clearly identified by a street address for first responders to locate the dwelling unit. The street address sign may not exceed 3 square feet in sign area.
   b. Each multifamily dwelling unit must be clearly identified by a street address sign for first responders to locate the unit. The street address sign may be externally illuminated. The street address sign or unit and building identification signs may not exceed 6 square feet in sign area.
   c. Each location of a business or non-residential use must be clearly identified by a street address for first responders to locate. The street address sign may be externally or internally illuminated. The street address sign may not exceed 6 square feet in sign area.
2. **Unit and Building Identification Signs**
   a. Each multifamily dwelling unit must be clearly identified by a unit and building identification sign for first responders to locate unit, unless the unit or building has a street address sign that is specific to that unit. The unit and building identification sign may be externally illuminated and may not exceed 6 square feet in sign area.
   b. Each location of a business or non-residential use must be identified by a unit and building identification sign for first responders to locate the unit. The unit and building identification sign may be externally illuminated and may not exceed 6 square feet in sign area.
3. **Wall Signs in Residential Uses**

A **Wall Sign** is any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

a. Each single-family dwelling unit may have one permanent wall or ground sign not exceeding 3 square feet in size and not exceeding 2 feet in height if placed as a ground sign. This sign is allowed in addition to the required street address sign for a single-family dwelling unit.

b. Each individual dwelling unit in a multifamily building may have one permanent wall or ground sign not exceeding 3 square feet in size and not exceeding 2 feet in height if placed as a ground sign.

4. **Wall Signs in Non-Residential Uses**

Wall signs in non-residential uses must meet the following requirements:

a. Design. Wall signs must fit proportionally with building massing and architectural features of the elevation.

b. Length. The length of a wall sign cannot exceed 80% of the horizontal length of the exterior building elevation of a tenant suite.

c. Height. The height of a wall sign cannot exceed 80% of the vertical dimension of the sign band or wall space on which the sign is placed.

d. Placement. Wall signs must maintain a minimum clearance between the top of the sign and the top of the parapet wall equal to half of the vertical dimension of the largest letter in the sign. Top floor signage located on multi-story buildings may span floor plates.

e. Wall Signs on building elevations a residential district must:

- Not be illuminated;
- Not exceed 16 square feet in sign area; and
- Be installed no higher than 14 feet above grade.

f. Wall Sign Area: Buildings One-Story in Height. Wall signs on a building one-story in height must conform to the following criteria:

i. Each tenant suite is permitted a wall sign with a minimum sign area of 32 square feet, and the wall sign is permitted on any exterior wall of the tenant or user suite.

ii. Each tenant suite is limited to a wall sign with a sign area no greater than the total sign allowance area defined below for: (i) the longest building elevation of the tenant or user suite facing the street, or (ii) the length of the building elevation of the tenant suite where its principal entrance is located.

iii. For buildings set back 75 feet or less from the right-of-way, the sign allowance area is 1 square foot of sign area for each lineal foot of the building elevation adjacent to the tenant suite. For buildings set back more than 75 feet from the right-of-way, the sign allowance area is 1.5 square feet of sign area for each lineal foot of building elevation adjacent to the tenant suite.

iv. Buildings with at least two building elevations facing streets and/or main private circulation drives are permitted a sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than two elevations if the maximum allowance is not exceeded. In no event can the double sign allowance area be used on a single elevation.

v. Approval is required through a comprehensive sign program and/or a master sign plan if the building is a multi-tenant building or otherwise meets the criteria for review and approval set forth in this Article under such a program or plan.

g. Wall Sign Area: Buildings Two Stories in Height. Wall signs on multiple floors of a building two stories in height must conform to the following criteria.

i. Individual tenant signs located on the first floor of a building two stories in height are subject to the same criteria as tenant signs for a building one-story in height, as set forth above.

ii. Individual tenant signs and building signs located on the second floor of a building two stories in height cannot exceed 75 square feet in sign area. Individual tenant signs and any building signs may be placed on any approved sign band or wall space on the second floor. The maximum wall sign area, including all tenant signs and building signs, must not exceed 50% of the lineal building elevation on the second floor.

iii. Buildings with at least two building elevations facing streets and/or main private circulation drives are permitted sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than two elevations if the maximum allowance is not exceeded. The sign allowance area cannot be used on a single elevation.

iv. Approval is required through either a comprehensive sign program or a master sign plan.

h. Wall Sign Area: Buildings Three or More Stories in Height. Wall signs located on buildings 3 or more stories in height are limited to the first floor and top floor and must conform to the following criteria.

i. Individual tenant signs located on the first floor are subject to the same criteria as tenant signs for a building one story in height, as set forth above in ***6.4(I)(f) - Wall Sign Area: Buildings One-Story in Height***.

ii. The sign area for a wall sign on the top floor is not counted against the sign allowance area of a wall sign on the first floor. Wall signs located on the top floor are limited to either: (a) one building sign and one tenant sign, or (b) two tenant signs. A wall sign located on the top floor must adhere to the criteria contained in *Table 6-6: Top Floor Sign Area and Height Standards for On-Premise Wall Signs*. The maximum sign area for a wall sign on the top floor cannot be increased through a comprehensive sign program or master sign plan.

iii. Buildings with two building elevations facing streets and/or main private circulation drives are permitted a sign allowance area for each building area facing a street or circulation drive. Signs may be located on more than 2 elevations if the maximum allowance is not exceeded. The sign allowance area cannot be used on a single elevation.

iv. Approval is required through either a comprehensive sign program or a master sign plan.

5. **Wall Signs for Non-Residential Uses in Residential Zoning Districts**

Wall signs for non-residential uses in residential districts must meet the following requirements:

a. Design. Wall signs must fit proportionally with building massing and architectural features of the elevation.

b. Length. The length of a wall sign must not exceed 80% of the horizontal length of the exterior building elevation of a tenant suite.

c. Height. The height of a wall sign must not exceed 80% of the vertical dimension of the sign band or wall space on which the sign is placed.

d. Placement. Wall signs must maintain a minimum clearance between the top of the sign and the top of the parapet wall equal to half of the vertical dimension of the largest letter in the sign. Top floor signage located on multi-story buildings may span floor plates.

e. Wall Signs on building elevations abutting a residential district must:

- Not be illuminated;
- Not exceed 16 square feet in area; and
- Be installed no higher than 14 feet above grade.

f. Wall Sign Area: Buildings One or More Stories in Height. Wall signs must only be located on one floor of a single-story or multi-story building and must meet the following criteria:

i. Each tenant suite is permitted a wall sign with a minimum sign area of 32 square feet on any exterior wall of the tenant suite on the first floor of the one-story building.

ii. Each tenant suite is limited to a total wall sign area no greater than the total sign allowance area, defined below for (i) the longest building elevation of the tenant suite facing the street, or (ii) the length of the building elevation of the tenant suite where the principal business entrance is located.

iii. For buildings set back 75 feet or less from the right-of-way, the sign allowance area is 1 square foot of sign area for each lineal foot of the building elevation adjacent to the tenant suite. For buildings set back more than 75 feet from the right-of-way, the sign allowance area is 1.5 square feet of sign area for each lineal foot of building elevation adjacent to the tenant suite.

iv. A tenant suite with two or more building elevations facing streets and/or main private circulation drives is permitted a sign allowance area for each building area facing a street or circulation drive. The sign allowance cannot be used on a single elevation.

v. If the top floor of a multi-story building is chosen for the allowable wall signs, the top floor wall signs are limited to either (i) one building sign and one tenant sign, or (ii) two tenant signs. A wall sign on the top floor must adhere to the criteria contained in *Table 6-6: Top Floor Sign Area and Height Standards for On-Premise Wall Signs*. The maximum sign area for a wall sign on the top floor cannot be increased through a comprehensive sign program or master sign plan.

vi. Approval is required through a comprehensive sign program or master sign plan.

6. **Painted Wall Signs.** In business districts, painted wall signs are permitted on any exterior building wall of the tenant suite. The sign area of a painted wall sign must be included in the sign allowance area. Painted wall signs may be indirectly illuminated with lighting fixtures that are decorative and architecturally compatible with the building.
7. **Wall Signs at Entrances to Non-Residential Tenant Offices or Suites.** Each non-residential tenant suite may have one permanent wall sign not to exceed 3 square feet in area. This allowed sign is in addition to any required street address sign and unit and building identification sign.
8. **Wall Signs at Entrances to Restaurants.** In addition to any other wall sign allowance, a restaurant is allowed one wall sign installed within 10 feet of its main entrance. The wall sign is 6 square feet in area and 6 feet in height. The wall sign may be internally or externally illuminated.
9. **Wall Signs at Service and Delivery Entrances.** In addition to any other wall sign allowance, a service or delivery entrance is allowed one permanent wall sign installed within 10 feet of its entrance. The wall sign is 6 square feet in area and 6 feet in height. The wall sign may be internally or externally illuminated.
10. **Window Signs.** A **Window Sign** is any sign that is placed inside a window or upon the windowpanes or glass either inside or outside the building and is visible from the exterior of the structure. Window signs are permitted in all Zoning Districts but may be placed in single-family residential districts only in conjunction with non-residential uses as a permanent wall sign. The window sign cannot cover more than 25% of the window area. Window signs may be internally illuminated. A sign permit is not required for a window sign.
11. **Door Signs.** Door signs are permitted provided that the door sign does not cover more than 25% of the door area. Door signs must not be illuminated. A sign permit is not required for a door sign.
12. **Wall-Mounted Cabinet Signs.** A **Cabinet Sign** is a three-dimensional enclosed structure which includes all messages and copy with a single or double sign faces. Permanent wall-mounted cabinet signs are allowed in non-residential districts and must be stylized in shape to reflect the shape of the image printed on the sign face or the molded sign face, with embossed sign copy or sign copy in relief. This provision does not apply to canopy signs for service islands regulated below in ***6.4(I)(25)– Canopy Signs for Service Islands***. This provision does apply to projecting signs and projecting roof signs.
13. **Projecting Signs.** A **Projecting Sign** is a double-faced sign attached to a building or wall and extending perpendicular to the face of the building or wall not more than 48 inches. In business districts, permanent projecting signs are allowed when affixed to the exterior building wall of the tenant suite. Projecting signs must be located at the customer entry area of the tenant suite if illumination elements are incorporated. The allowable sign area must be included in the maximum sign area allowed in *6.4(F) – General Provisions for Signs* and when combined with any other sign area, must not exceed the maximum sign area. Projecting signs may be internally or indirectly illuminated. Lighting fixtures must be decorative and architecturally compatible with the building. Projecting signs must be stylized in shape to reflect the shape of the image printed on the sign face. Fixtures used to affix the projecting sign to building walls must be decorative and architecturally compatible with the building.

14. **Projecting Roof Signs.** In business districts, permanent projecting roof signs are allowed subject to the same criteria set forth above for projecting signs. However, the height of a projecting roof signs must not exceed the height of a roofline or parapet by more than 25% of the overall height of the sign. The Plan Commission may approve heights greater than the 25% through a comprehensive sign program, master sign plan, or a design review application, when the proposed plan or application demonstrates that the projecting roof sign is incorporated into the building's architecture. A projecting roof sign incorporated into the building's architecture must not exceed the height of the building's roofline or parapet by more than 30% of the overall sign height.

15. **Suspended Signs.** A **Suspended Sign** is suspended from a roof overhang of a covered porch or walkway, which identifies the tenant of the adjoining space. In business districts, one permanent suspended sign is allowed for each permitted tenant building elevation. The sign area cannot exceed 6 square feet. The size of the suspended signs is not included in the maximum sign area set forth in *6.4(F) – General Provisions for Signs*. Suspended signs may be indirectly illuminated. Lighting fixtures must be decorative and architecturally compatible with the building.

16. **Drive-Through Lane Signs.** A **Drive-Through Lane Sign** is oriented to occupants of vehicles using a drive-through lane at an establishment offering transactions through a window, with or without ordering capability. No more than 2 drive-through lane signs are allowed for each drive-through lane serving a business establishment. The signs may be either a wall mounted sign or a ground sign. The signs must be no larger than 50 square feet and 7 feet high. A drive-through ground sign must be constructed with a solid base.

17. **Freestanding Sign: Monument Signs**. A **Freestanding Sign** is erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall, or fence. A **Monument Sign** is not attached to or painted on a building, but which is mounted on a wall or structure and permanently attached to the ground. Permanently attached means that the supporting structure of the sign is attached to the ground by a concrete foundation. Monument sign structure bears no visible freestanding poles.

    a. For a nonresidential use in a residential district, one onsite monument sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional monument sign is permitted for each additional 300 feet of street frontage. The maximum size of a monument sign is 32 square feet and 8 feet high. Monument signs must be set back at least 3 feet from the right-of-way.

    b. In Business, Industrial, and Mixed-use Districts, one onsite monument sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One additional monument sign is permitted for each additional 300 feet of street frontage. The height of a monument sign must be no greater than 12 feet to the top of design embellishments, and the sign face must be located between 2 feet and 10 feet above grade with design embellishments added to the top, sides, or bottom of the sign. The maximum area of a monument sign is 60 square feet. Monument signs must be set back a minimum of 3 feet from the right- of-way. Monument signs must maintain a minimum spacing of 100 feet from any other monument sign on the same street frontage.

18. **Freestanding Sign: Tower Signs.** A **Tower Sign** is a freestanding sign greater than 8 feet and not more than 15 feet in height. In Business Districts for retail centers exceeding 40 acres, and

in the Industrial and Mixed-use Districts for sites that abut a freeway and exceed 40 acres, one onsite tower sign is permitted for each 500 feet of street frontage, provided the total number of all freestanding signs, including monument signs, must not exceed one sign per 300 feet of street frontage. The maximum sign area of a tower sign is 80 square feet. The maximum sign area of a tower sign may be increased by an additional 20 square feet for the identification of tenants or occupants of suites 5,000 square feet or less. Tower signs must be set back a minimum of 3 feet from the right-of-way. Tower signs must maintain a minimum spacing of 300 feet from any other freestanding sign on the same street frontage.

19. **Freestanding Sign: Onsite Traffic Directional Signs.** In the Business, Industrial, and Mixed-use Districts, **Onsite Traffic Directional Signs** are permitted as necessary to assist in movement of vehicular traffic on a property for the safety of pedestrian and vehicle traffic. The maximum sign area of an onsite traffic directional sign is 3 square feet, and the maximum height of onsite traffic directional sign is 4 feet. Onsite traffic directional signs are not counted as part of a maximum or total sign area for any use.

20. **Freestanding Sign: Residential Subdivision Entry Signs.** A **Development Gateway and Entry Sign** is placed at the street entrance to a single family subdivision, multiple family development, planned unit development, office park or similar consolidated development, identifying the name of the subdivision or development. A residential subdivision entry sign at the principal entries to residential subdivisions may have one entry sign on each side of the street, each with a maximum sign area of 25 square feet and a maximum height is 8 feet. This sign must be set back a minimum of 3 feet behind the right-of-way. This sign may be internally or indirectly illuminated. The residential subdivision entry sign must be incorporated into the design of an entry wall, which must be architecturally compatible with other subdivision improvements. These signs require approval by the Plan Commission as part of the subdivision site plan. Residential subdivision entry sign structures added following the initial development of the subdivision are approved by the Administrator.

21. **Freestanding Sign: Multifamily Complex Entry Signs.** A multifamily complex entry sign at the principal entries to a multifamily complex may have one entry sign on each side of the street each with a maximum sign area of 32 square feet and the maximum height of 8 feet. This sign must be set back a minimum of 3 feet behind the right-of-way. This sign may be internally or indirectly illuminated. A multifamily complex entry sign structure must be architecturally compatible with the complex and must be approved administratively.

22. **Freestanding Sign: Directory Sign.** A **Directory Sign** shows the locations of tenants in a multi-tenant commercial, office, or employment complex, or tenants in a multi-family residential project. In the Business, Industrial, and Mixed-use Districts, one directory sign is permitted for every 4 commercial tenants or uses. This sign has a maximum sign area of 40 square feet and a maximum height of 8 feet. A directory sign must be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial development and there is a cross-access between the properties. A directory sign must only be installed onsite within landscape islands or pedestrian areas.

23. **Awning Signs.** An **Awning Sign** is painted, installed, attached, applied to, or located directly on an awning. In Business Districts, an awning sign may be located on the valance of an awning.

Graphics must be permanently affixed to the awning and may be silkscreened, painted, cutout lettering, heat color transfer, pressure sensitive vinyl films, sewn applique signs, etc. An awning sign may be indirectly illuminated or backlit. An awning sign must not obstruct sidewalks, accessible paths of travel, or the visibility of other signs. Lighting fixtures must be decorative and architecturally compatible with the building.

24. **Marquee Signs.** A **Marquee Sign** is painted, installed, attached, applied to, or located directly on a permanent structure attached to, supported by, or projecting from a building for the purpose of protecting openings from the elements, providing shade, or architectural embellishment, such as the canopy over the entrance to a theater. In Business Districts, a marquee sign may be located on a marquee that is approved by the Plan Commission as part of a site plan application, a comprehensive sign program, or master sign plan. A marquee sign must only be located at the primary entrance of the tenant suite to which it is appurtenant. The colors, materials, and design of a marquee sign must complement the design of the building it serves. A marquee sign may be internally or indirectly illuminated. Marquee signs must not be visible from adjacent residential properties. A marquee sign may include a manual changing message display. Sign copy must be changed manually. Electronic or mechanical sign copy change is prohibited. A marquee sign must not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures must be decorative and architecturally compatible with the building.

25. **Canopy Signs for Service Islands.** A **Canopy Sign** is mounted permanently on or under a service island canopy. Each service island can have up to 2 canopy signs per service island. The maximum sign area of a canopy sign is 12 square feet. No part of the sign must project from a canopy wall by more than 6 inches. A canopy sign must be vertically centered on the face of the canopy. The height cannot exceed 80% of the vertical dimension of the canopy wall. The sign area of a canopy sign does not count against the maximum sign area allowed for wall signs on the parcel.

26. **Historic Markers.** A **Historic Marker** commemorates a historic person or event, or identifying a historic place, structure, or object. One historic marker per parcel is allowed. The maximum sign area of a historic marker is 6 square feet.

J. Permitted Permanent Signs by Zoning District

The permanent sign types allowed by Zoning District and the applicable permitting plan, program, or other review process are set forth below in *Table 6.6: Permitted Permanent Signs by Zoning District*. Refer to each sign type for criteria and limitations as specified in *6.4(I): Permanent Sign Types*.

K. Sign Maintenance

Maintaining legal signs is allowed without a permit. Sign maintenance is the replacement or repair of a part of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs. Any sign or component which is damaged and constitutes a danger to public safety must be promptly repaired or replaced. Surface materials and components must be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs must be maintained in good operating condition including prompt removal and replacement of all defective lamps, damaged electrical wiring, and malfunctioning control devices and related circuitry.

L. Nonconforming Signs

1. If a nonconforming sign becomes an abandoned sign, it must be removed after notice to the property owner, unless the property owner establishes sufficient facts to refute the presumption of abandonment. An **Abandoned Sign** is a sign that is not operated or maintained for a period of 180 calendar days or longer. The following conditions are considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign advertising a business no longer doing business on the parcel where the sign is located. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.
2. If a property or development is expanded or modified to add new signage, all nonconforming signs must be removed or rebuilt to comply with the provisions of this chapter.
3. Sign faces may be replaced on non-conforming signs.
4. Changes to a property that add or alters existing signage is prohibited until all non-conforming signs are removed or rebuilt in conformance with this Article. Existing signage not conforming to the restrictions on cabinet signs or raceways need not be brought into conformance if demonstrated to the Administrator that the signage permitted by this chapter is not structurally feasible.

M. Sign Violations

1. **Requirement of Permit**. Unless specifically exempted, it is unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the Town without first obtaining a sign permit in according to the provisions of this chapter.
2. **Requirement of Compliance**. Signs must be installed, placed, or maintained in the Town only in compliance with this Article. Signs maintained contrary to the provisions of this Article are declared to be nuisances and may be abated as provided by law. The responsibility for compliance with this Article rests upon the sign owner, the permit holder, and parties holding the present right of possession and control of the property where a sign is located, mounted, or installed, and the legal owner of the lot or parcel, even if the sign was installed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control. Signs not in compliance with this Article are subject to enforcement proceedings as specified in *CHAPTER 8 – ADMINISTRATION*.

N. Sign Regulation Tables

Table 6-3: Temporary Signs: General Criteria and Limitations

Standard	Residential Districts	Non-Residential Districts
Maximum Number of Signs Per Parcel	4[1]	4
Maximum Sign Area	6 sq. ft.	32 sq. ft.
Sign Height Maximum for a Freestanding Sign[2]	4 ft.	6 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign[3])	6 ft.	15 ft.
Minimum Setback/ Distance from Right of Way[4]	10 ft.	10 ft.
Minimum Spacing from any Other Sign (temporary sign or permanent sign)2	15 ft.	15 ft.
Permit Required	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No
Permission of Owner Required	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No
Allowed on Public Sidewalk / Right of Way[5]	No	No
Duration Allowed After Conclusion of an Event if Sign Pertained to an Event	3 days	3 days[6]
Lighting or Illumination Allowed	No	No
Movement Allowed	No	No

Notes:

1. In Single-Family Residential Districts, each Single-Family Residential Use with at least one principal structure may place up to 6 offsite temporary signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). The signs must be displayed only during the hours the single-family residence is open for public inspection.
2. Not applicable to signs displayed on flagpoles.
3. Window Signs cannot cover more than 25% of the first-floor window area.
4. Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.
5. Government signs displaying government speech are exempt from regulation under this chapter.
6. Temporary signs advertising the grand opening of a business or other enterprise may be placed no more than two weeks prior to the date of the grand opening and must be removed within two weeks of the grand opening.

Table 6-4: Temporary Signs

Standard	A-Frame and T-Frame Signs	Banner Signs	Flying Banner Signs
Maximum Number of Signs	4 per business[1]	1	4 per business[1]
Maximum Sign Area	N/A	40 SF per side for occupancies up to 5,000 SF; 80 SF per side for occupancies 5,000 SF to 15,000 SF; 120 SF per side for occupancies 15,000 SF to 50,000 SF; or 180 SF per side for occupancies greater than 50,000 SF	12 SF
Maximum Width	31 inches	N/A	N/A
Maximum Height	45 inches	8 feet if displayed as a freestanding sign	15 feet
Minimum Setback/ Distance from Roadway[3]	5 feet	3 feet if displayed as a ground sign	4 feet from edge of curb or a distance equal to the height of the sign, whichever is greater
Maximum Width of Public Sidewalk the Sign May Obstruct	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance	0 feet	No more than 1/3 of the width of a public sidewalk and must provide at least 4 feet of sidewalk clearance
Maximum Distance of Sign from Premises[2]	10 feet	N/A	N/A
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	30 feet
Minimum Spacing from any Other Sign (temporary sign or permanent sign)[4]	20 feet	15 feet	20 feet
Duration	Only during hours when business is open	No more than 120 days per year, aggregate	Only during hours when business is open
Allowed on Public Sidewalk / Right-of-Way	Yes	No	Yes
Permission of Owner Required	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No
Lighting or Illumination Allowed	No	No	No
Permit Required	No	Yes	No
Movement Allowed	No	No	Yes
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No

Table 6-5: Temporary Residential Subdivision Signs

Standard	Principal Entries	Model Homes	Perimeter Subdivision Open Space	Offsite Temporary Signs on Private Property
Maximum Number of Signs	1 per entry	1 or more	1 per street frontage	1
Maximum Sign Area	32 SF[5]	96 SF[5]	32 SF[5]	32 SF
Maximum Width	N/A	N/A	N/A	N/A
Maximum Height	8 feet	12 feet	8 feet	8 feet
Minimum Setback/ Distance from Roadway[3]	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	10 feet (5 feet if less than 32 SF)	10 feet
Maximum Width of Public Sidewalk the Sign May Obstruct	0 feet	0 feet	0 feet	0 feet
Maximum Distance of Sign from Premises[2]	N/A	N/A	N/A	N/A
Minimum Distance from an Access Drive or Street Intersection	N/A	N/A	N/A	N/A
Minimum Spacing from any Other Sign (temporary sign or permanent sign)[4]	N/A	N/A	N/A	100 feet
Duration	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	3 years or until the model home is permanently closed, whichever is first	1 year
Allowed on Public Sidewalk / Right-of-Way	No	No	No	No
Permission of Owner Required	Yes	Yes	Yes	Yes
Allowed within a Sight Visibility Triangle	No	No	No	No
Lighting or Illumination Allowed	No	No	No	No
Permit Required	Yes	Yes	Yes	Yes
Movement Allowed	No	No	No	No
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No	No	No	No

Notes:

1. The combined total number of A-Frame, T-Frame, and flying banner signs cannot exceed 4 per business.
2. Signs may be allowed at the perimeter of a multiple-tenant commercial/office complex or employment park, but only pursuant to an approved sign plan.
3. Setbacks do not apply to a banner sign displayed on a wall, a wall sign, or signs affixed to a temporary construction fence.
4. Not applicable to signs displayed on flagpoles.
5. The maximum aggregate sign area of all temporary residential subdivision signs is 256 SF.

Table 6-6: Top Floor Sign Area and Height Standards for On-Premise Wall Signs

Facing Street Type	Sign Height (Feet) from Finish Floor Level to Top of Sign*	Maximum Allowable Size of Sign Face (Sq. Ft.)	Maximum Letter Height (Inches)
Local	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	12
Minor Collector	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	15
Major Collector	40+	Per Code; or 1% of the area of the elevation to which it is attached, whichever is greater	21

*Unless approved signage spans floor plates

Table 6-7: Permitted Permanent Signs by Zoning District

Sign Type	Residential Districts	Nonresidential Uses in Residential Districts	Business and Institutional Districts	Agricultural and Industrial Districts
1. Street Address Signs	Yes	Yes	Yes	Yes
2. Unit and Building Identification Signs	Yes	Yes	Yes	Yes
3. Wall Signs at Entrances to Dwelling Units	Yes	Yes	Yes	Yes
4. Painted Wall Signs	No	No	Yes	No
5. Wall Signs at Entrances to Non-residential Tenant Offices and Suites	No	No	Yes	Yes
6. Wall Signs at Entrances to Restaurants	No	No	Yes	Yes
7. Wall Signs at Service and Delivery Entrances	No	No	Yes	Yes
8. Window Signs	No	Yes	Yes	Yes
9. Door Signs	Yes	Yes	Yes	Yes
10. Wall-Mounted Cabinet Signs	No	No	Yes	Yes
11. Projecting Signs	No	No	Yes	No
12. Projecting Roof Signs	No	No	Yes	No
13. Suspended Signs	No	No	Yes	No
14. Drive-Through Lane Signs	No	No	Yes	Yes
15. Freestanding Sign: Monument Signs	No	Yes	Yes	Yes
16. Freestanding Sign: Tower Signs	No	No	Yes	Yes
17. Freestanding Sign: Freeway Signs	No	No	Yes	Yes
18. Freestanding Sign: Onsite Traffic Signs	No	No	Yes	Yes
19. Freestanding Sign: Residential Subdivision Entry Signs	Yes	No	No	No
20. Freestanding Sign: Multifamily Complex Entry Signs	Yes	No	Yes	No
21. Freestanding Sign: Directory Signs	No	No	Yes	Yes
22. Awning Signs	No	No	Yes	No
23. Umbrella Signs	No	No	Yes	No
24. Canopy Signs for Service Islands	No	No	Yes	Yes
25. Historic Markers	Yes	Yes	Yes	Yes
Yes = Allowed	No = Prohibited			

O. Sign Images

Figure 6-12: Sign Area

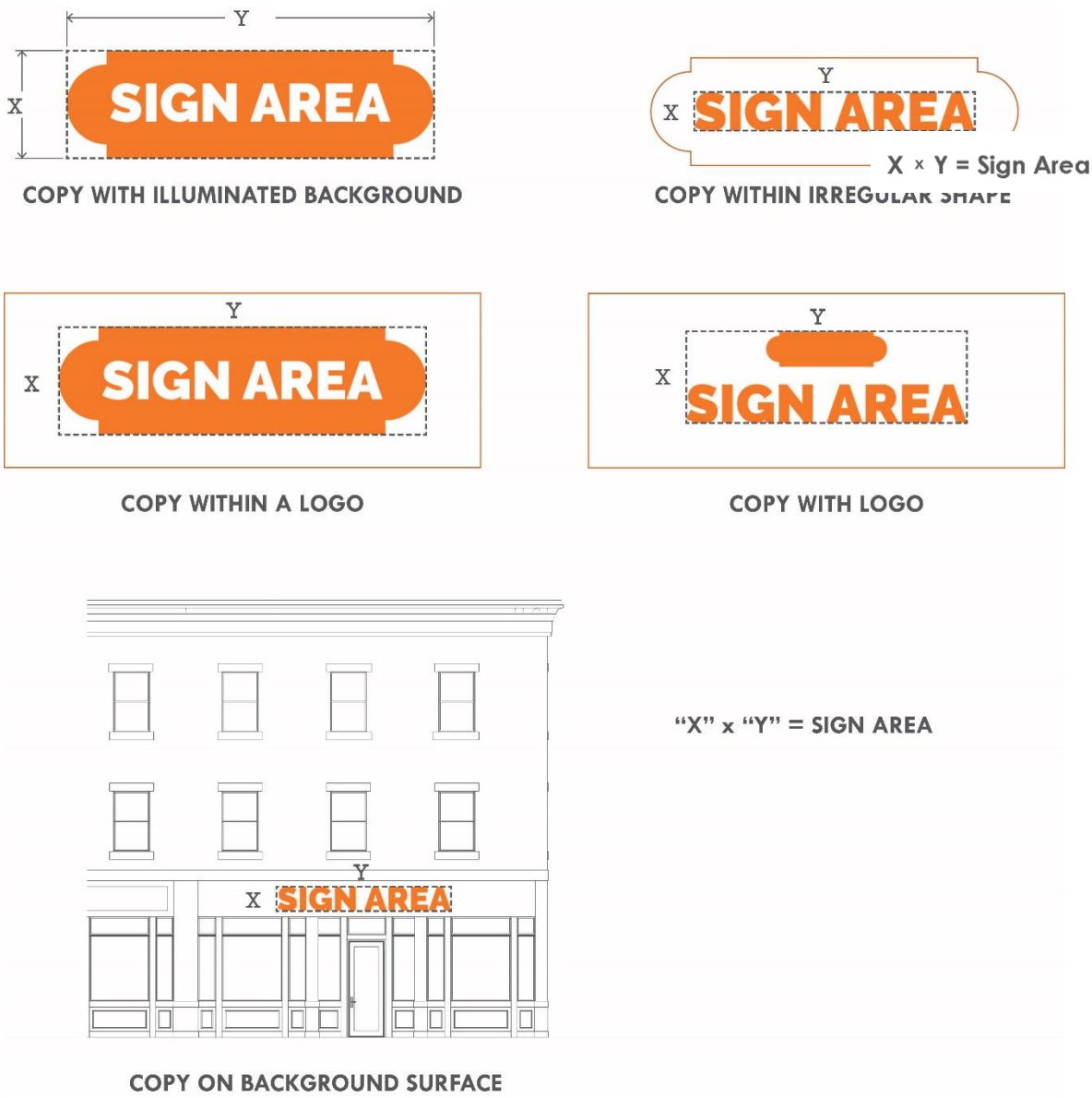


Figure 6-13: Sign Height

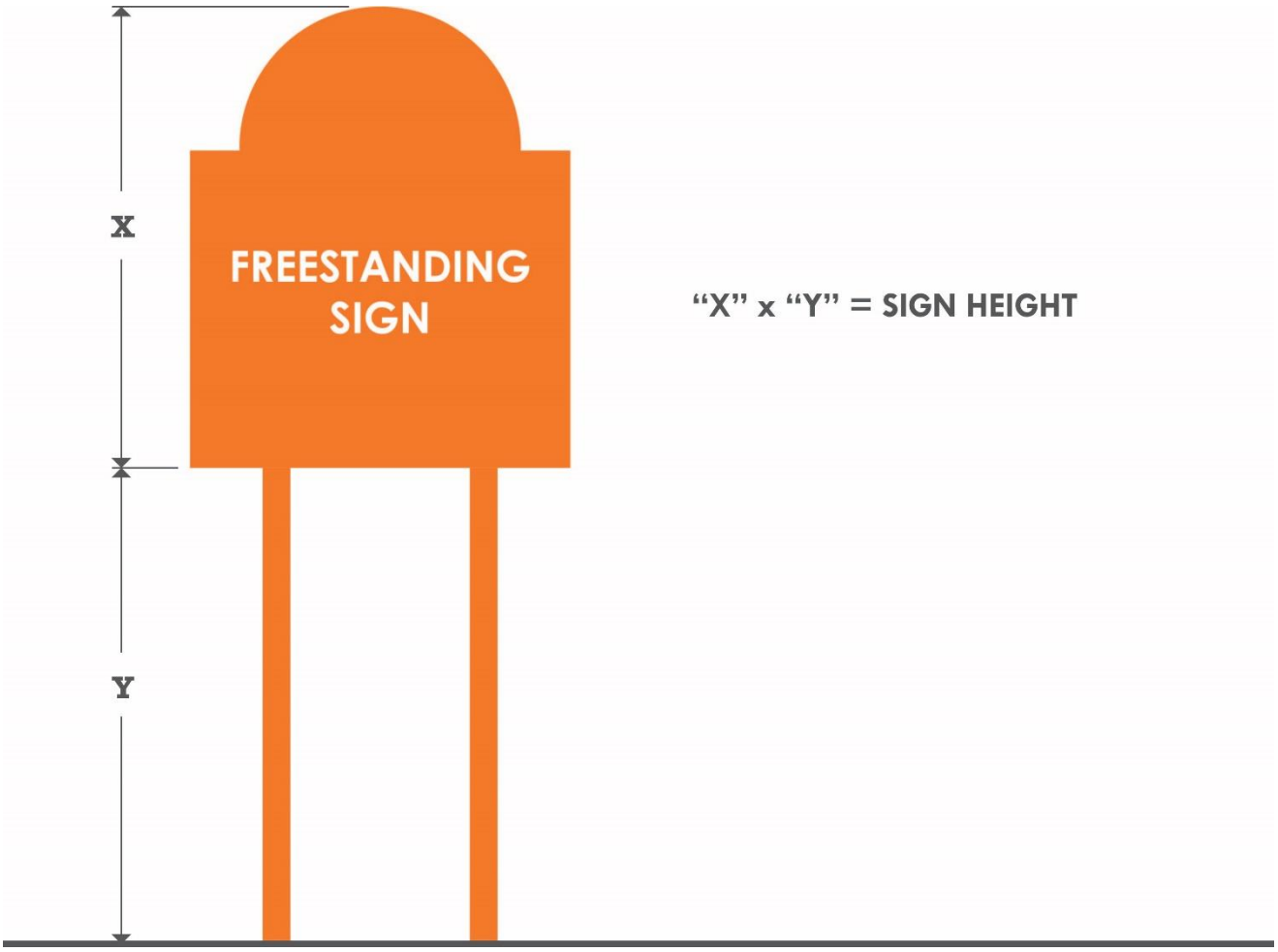


Figure 6-14: Sign Types

SIGN
BUSINESS
SIGN
BUSINESS
SIGN
SIGN
SIGN

Chapter Seven
Subdivision Regulations

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7.1 Establishment of Controls

Subdivision plats, replats, amendments or corrections to a recorded plat cannot be recorded until approved according to this Chapter. All subdivisions must comply with the lot requirements and setbacks for the zoning district according to *CHAPTER 2 – ZONING DISTRICTS*. Approval must be in writing on the plat by the Administrator. Amendments or corrections to a recorded plat must be cited as an addendum to the approved plat.

7.2 Subdivision Types

This article establishes the process for subdividing land to ensure conformity to the standards of this Chapter. Subdivision applications will generally be considered favorably by the Plan Commission and Administrator. There are two types of subdivisions: minor subdivisions and major subdivisions. Subdivisions of all types are permitted in all zoning districts except in the AG Agriculture District where major subdivisions are prohibited.

A. **Minor Subdivisions**. A minor subdivision results in three or fewer lots (including the parent parcel) and does not involve the creation of new interior streets, adjustments to design standards, or the creation of common areas. A minor subdivision within the AG Agriculture District is permitted if it complies with the requirements of *7.17 Minor Subdivisions in the Agriculture District*.

B. **Major Subdivisions**. A major subdivision is any subdivision other than a minor subdivision.

7.3 Approval Process Overview

A. The approval process varies based upon the type of subdivision.

1. Minor Subdivision. Approval of a minor subdivision is a one-step process involving the approval of a secondary plat. The approval or disapproval of a minor subdivision is delegated to the Plan Commission. This type of subdivision may be used one time for the subdividing of a parent parcel. Additional subdivisions of a parent parcel require approval as a major subdivision. Subdivisions creating a substantial increase in impervious surface must go through the major subdivision process due to the stormwater improvements that will be required.

2. Major Subdivision. Approval of a major subdivision is a two-step process including the approval of a primary plat and a secondary plat. The approval or disapproval of a primary plat is delegated to the Plan Commission. After a primary plat approval, a property is eligible for secondary plat approval. The approval or disapproval of a secondary plat is delegated to the Administrator.

B. **Requirement for Site Plan Approval**. Primary plat approval will not be granted unless a site plan addressing the entire parent parcel is approved prior to or simultaneously with the primary plat. Secondary plat approval will not be granted unless a detailed site plan is approved prior to or simultaneously with the secondary plat.

7.4 Sketch Plan Review Procedure

A. **Purpose**. The sketch plan review helps minimize development planning costs, avoid misinterpretation, identify required approvals, discuss checkpoint agency and technical reviews, identify the need for modifications or variances, and ensure compliance with the requirements of this Ordinance.

B. **Application Requirements**. Sketch plan review is required for major subdivisions and recommended for the other types of subdivisions. The applicant files: (1) an application provided on forms provided by the Department, (2) a sketch plan, (3) all applicable fees, and (4) any supplemental information required by the Administrator.

C. **Review Process**. The Administrator reviews the application for completeness and sends a copy to the Town Engineer for review. The Administrator may send the application to other members of the Technical Advisory Committee for their review and comment. Within 20 days of the submittal, the Administrator reviews the proposal, assembles comments from the Town Engineer and other reviewers, and meets with the applicant to discuss the proposed subdivision and possible modifications required to comply with the requirements of this Ordinance.

7.5 Sketch Plan Submittal Requirements

A. The Sketch Plan must include:

1. Location of the property, name of the subdivision, lot, section, township, range and county, graphic scale, north arrow, and date.

2. Name, address, and telephone number of the owner and the professionals responsible for the design of the subdivision, its public improvements, and surveys. If the application is made by an owner's authorized agent, a consent form signed by the owner and notarized must accompany the application.

3. Citation of the last instrument conveying title to each parcel of property involved in the proposed subdivision.

4. Location of property lines drawn at a scale of no more than 1" = 100', existing easements, pipelines, transmission lines, burial grounds, railroad rights-of-ways, water courses, floodplains, floodway, wetlands and boundaries of wooded areas, and individual trees 8" or more in diameter within areas to be impacted by site disturbing activities.

5. Location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.

6. Names of adjoining property owners abutting any perimeter boundary of the subdivision.

7. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within and adjacent to the tract.

8. Existing permanent buildings and utility poles on or adjacent to the site and utility easements.

9. Topography at two-foot contour intervals unless otherwise approved by the Administrator.

10. The approximate location and widths of proposed streets.

11. The approximate location, dimensions, and areas of proposed lots and parcels proposed to be set aside for parks or other common areas.

12. Preliminary designs for water, sanitary, and storm water systems.

B. **Supplemental Information**

1. Existing covenants or zoning commitments recorded on the property.

2. Whenever a sketch plan covers only a part of an applicant's contiguous property, the applicant submits a plan showing the proposed subdivision and the future street and infrastructure layout for the remaining property.

3. A vicinity map showing streets and other general development of the surrounding area, including school and improvement district boundary lines.

4. A report from County Soil and Water Conservation District indicating limitations of the soils within the proposed subdivision regarding building development, road construction, drainage, erosion control, or other information to assist in the review of the subdivision.

5. An area map showing the total drainage area containing the proposed subdivision.

7.6 Primary Plat Approval Procedure

A. **Submission Dates**. Applications must be filed according to the schedule of meetings and filing deadlines. The applicant is responsible for distributing a copy of the application, primary plat, and supplemental information to members of the Technical Advisory Committee.

B. **Application Requirements**. Following the sketch plan review, the applicant files: (1) an application provided on forms provided by the Department, (2) a primary plat, (3) all applicable fees, and (4) supplemental information required by the application or Administrator.

C. **Compliance**. Primary plats must be substantially similar to the sketch plan as reviewed.

D. **Phasing**. A primary plat may include all or only a part of a larger overall development. However, a primary plat must include the entire parent tract being subdivided unless otherwise deemed unnecessary by the Administrator or Plan Commission. This requirement seeks to avoid the creation of remainder parcels not complying with this Ordinance or inhibiting orderly development.

E. **Placement on the Plan Commission Agenda**. The Administrator reviews the application for completeness. Applications determined to be in proper form are numbered and docketed for a public hearing by the Plan Commission.

F. **Review of Complete Applications**. The Technical Advisory Committee may review any primary plat prior to the Plan Commission's consideration. The Administrator may submit a written report to the Plan Commission stating facts concerning the characteristics of the area involved in the primary plat, surrounding land uses, public facilities available to service the area, or other pertinent

facts. The report may also contain the Administrator's opinions concerning the primary plat proposal and a report from members of the Technical Advisory Committee. A copy of the report is made available to the applicant and the public.

G. **Preliminary Drainage Approval**. Before the public hearing, the applicant must receive preliminary drainage approval from the Town Engineer. If preliminary drainage approval has not been secured prior to the public hearing, the Plan Commission may condition its approval on obtaining drainage approval.

H. **Public Hearing Notice**. A public hearing by the Plan Commission is required for all primary plats. Notification of the public hearing must comply with the Plan Commission's Rules of Procedure. A certificate of mailing issued by the U.S. Postal Service is evidence notice has been given. A date stamped photograph of the public notice sign at the subject property also constitutes evidence of notice.

I. **Public Hearing and Plan Commission Action**. The Plan Commission will hold the public hearing and review the application and supporting information and act on the application according to this Ordinance, Indiana law, and the Plan Commission's Rules of Procedure.

J. **Field Trip**. After the public hearing, the Plan Commission may continue the matter to obtain additional evidence. The Plan Commission may schedule a field trip to the site accompanied by the Administrator and the applicant or applicant's representative.

K. **Written Commitments**. The Plan Commission or Administrator may require the applicant to prepare written commitments concerning the primary plat prior to formal action on the application. If written commitments are part of the primary plat approval, they must be recorded in the office of the County Recorder within 90 days of primary plat approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.

L. **Effect of Approval**. Approval of a primary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for approvals, such as a secondary plat, construction plans, improvement location permit, building permit, or certificate of occupancy.

M. **Effective Period of Primary Approval**. Unless extended, the approval of a primary plat is valid for a period of 3 years. At the end of this time, primary approval is null and void, and the applicant is required to resubmit a new application beginning with sketch plan review and subject to all the zoning restrictions and subdivision regulations in effect at the time of resubmission. Prior to the expiration of the approval period, the applicant may submit a written request to extend the approval period. The Plan Commission may extend the approval of a primary plat in increments of up to 12 months beyond an expiration date without further notice and public hearing.

7.7 Primary Plat Submittal Requirements

A. **Preparation**. The primary plat is prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1" = 100' and the sheets must be numbered in sequence if more than one sheet.

B. **General**. The primary plat includes:

1. A vicinity map showing the location of the site and surrounding property and streets, the names of adjoining streets, and the names of all adjoining property owners and adjoining developments.
2. Legal description of the subject property.
3. The names and addresses of: (a) the owners of the land being subdivided, (b) the applicant, if other than the owner, and (c) the consultants involved in the preparation of the plat. If the application is made by someone other than the owner, a consent form signed by the owner and notarized must accompany the application.
4. Signature, seal, and certification of a land surveyor registered in the State of Indiana.
5. The date of the plat, approximate true north point, and scale.

C. **Existing Conditions**

The primary plat must show existing conditions including:

1. Topography in two-foot contour intervals unless otherwise approved by the Administrator.
2. The location, bearings, and dimensions of all boundary lines of the property to be expressed in feet and tenths of a foot with references to section, township, and range lines or corners.
3. The location of existing streets, walkways, easements, pipelines, transmission lines, water bodies, streams, and other pertinent features such as swamps, jurisdictional wetlands, flood plains, floodways, railroads, buildings, parks, cemeteries, drainage ditches, bridges, boundaries of wooded areas, and individual trees 8" or more in diameter within areas to be impacted by site disturbing activities.
4. Location and size of existing water, storm water, and sanitary sewer systems.
5. The location and width of all existing rights-of-ways.
6. The locations, dimensions, and areas of all existing lots.
7. Designated wetland areas.
8. A soil survey map showing the soil limitations based upon the intended usage of the development land.

D. **Site Improvements**

The primary plat application must show all proposed site improvements including:

1. Names of the subdivision and all new streets.
2. Indication of the use of any lot (single-family, two-family, multifamily, townhouse) and all non-residential uses proposed by the applicant.

3. The location and width of proposed streets, alleys, other public ways, rights-of-ways, easements, and building setback lines.
4. Proposed changes in streams, lakes, floodplains, etc.
5. Proposed location of surface and subsurface drains.
6. Proposed location of storm sewers, storm water management facilities, and sanitary sewers. For private sewage systems, a statement from the County Health Department confirming private septic system can be used on the property.
7. A statement concerning the location and size or capacity of utilities to be installed.
8. Building and structures to be removed or relocated.
9. The locations, dimensions, and areas of all proposed lots.
10. Building setback line with dimensions.
11. Legends and notes.
12. Blocks must be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively throughout the several additions.
13. All lots in each block must be consecutively numbered and the area of each lot indicated. Outlots must be lettered in alphabetical order. The location and dimensions of all property proposed set aside for common areas, park, or playground use, or other public or private reservation including conditions of the dedication.
14. Topography in two-foot contour intervals unless otherwise approved by the Administrator.
15. Sufficient data acceptable to the Town Engineer determining the location, bearing, and length of all lines and the location of all proposed monuments.

E. **Supplemental Information**. The Plan Commission, Town Engineer, or Administrator may require the following information:

1. Landscape Plan.
2. Traffic Impact Analysis.
3. Sanitary Sewer Analysis.
4. Existing covenants or zoning commitments recorded on the property.
5. Proposed covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).
6. Recorded deed, instrument number, and date recorded.
7. Additional information necessary to evaluate the proposal.

7.8 Construction Plan Approval Procedure

A. **Submission Dates**. Construction plan approval occurs after primary plat approval and prior to secondary plat approval. Applications must be filed according to the schedule of meetings and filing deadlines. Applications for construction plan approval may be filed concurrently with applications for secondary plat approval. The applicant is responsible for distributing a copy of the complete application to members of the Technical Advisory Committee.

B. **Submission Procedure and Requirements**. The applicant files: (1) an application provided on forms provided by the Department, (2) detailed construction plans and specifications, (3) the outside plan review agreement, (4) all applicable fees, and (5) supplemental information required by the Administrator. Plans may also be submitted in an electronic format acceptable to the Town.

C. **Compliance**. Construction plans must be substantially similar to the approved primary plat.

D. **Review of Complete Applications**. The Administrator reviews the application for completeness. Applications determined to be in proper form are docketed for review by the Technical Advisory Committee. The Technical Advisory Committee members review the plans and provide comments on modifications needed for the plans to comply with the requirements of this Ordinance, written commitments made regarding the property, and any other development requirements. These comments are provided to the Administrator and the applicant and are made available to the public.

E. **Revised Plans**. The applicant revises the plans as needed and resubmits them to the Administrator. The Administrator determines if the revised plans need to go to any of the Technical Advisory Committee members for review. When the Administrator determines the plans comply with all applicable development standards, the plans and specifications are approved by the Administrator. Construction Plan approval is required prior to starting work on any improvements.

F. **Written Commitments**. The Administrator may require the applicant to prepare written commitments concerning the construction plans prior to formal action on the application. If written commitments are part of the plan approval, they must be recorded in the office of the County Recorder within 90 days of plan approval. A copy of the recorded commitments must be provided to the Department within 30 days of being recorded.

G. **Approved Plans**. After approval of construction plans and before the installation of improvements, a preconstruction meeting is scheduled with the Administrator. Three sets of approved construction plans and specifications are stamped "**APPROVED**." The stamped plans are the only official plans approved for construction.

7.9 Construction Plan Submittal Requirements

Construction plans are drawn at a scale of no more than 1" = 50' unless otherwise approved by the Administrator. The plans show:

A. Profiles showing existing and proposed elevations along centerlines of all streets at 50-foot intervals including low points. Exact radii of all curves, lengths of tangents, and central angles of all streets.

B. Where steep slopes exist, the Administrator may require cross-sections of all proposed streets at 100-foot stations.

C. Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage facilities and easements, rights-of-ways, manholes, and catch basins; the locations of street trees, street lighting standards, and street and traffic signage; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

D. Location, size elevation, and other appropriate description of any existing facilities or utilities including existing streets, sewers, drains, water mains, easements, water bodies, streams, wetlands, flood plains, and other pertinent features such as railroads, buildings, or features noted on the Official Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of 8 inches or more within areas of land disturbing activity.

E. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations are referred to the United States Coast and Geodetic Survey datum plane. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established at least 20 feet back from the ordinary high-water mark of such waterways.

F. Topography in one-foot contour intervals unless otherwise approved by the Administrator. All data provided is the latest applicable United States Coast and Geodetic Survey data.

G. All specifications and references required by the Town's construction standards and specifications, including a site grading plan for the entire subdivision.

H. Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.

7.10 Secondary Plat Approval Procedure

A. **Submission Dates**. Secondary plat approval occurs after approval of the primary plat and construction plans. Applications must be filed according to the schedule of meetings and filing deadlines. Applications for secondary plat approval and construction plan approval may be filed concurrently. The applicant is responsible for distributing a copy of the complete application to members of the Technical Advisory Committee if required by the Administrator. Secondary plat applications may be submitted within the time provided for appeal under *IC 36-7-4-708*. However, approval of a secondary plat will not be granted until 30 days after the approval of a primary plat.

B. **Submission Procedure and Requirements**. The applicant files: (1) an application provided on forms provided by the Department, (2) a secondary plat, (3) all applicable fees, and (4) supplemental information required by the Administrator. Plans may also be submitted in an electronic format acceptable to the Town.

C. **Compliance.** The secondary plat must be substantially similar to the approved primary plat.

D. **Review of Complete Applications**. The Administrator reviews the application for completeness. The Technical Advisory Committee may review any secondary plat prior to approval. The Administrator reviews the secondary plat and notifies the applicant in writing of revisions or changes needed for approval.

E. **Approval**. The applicant revises the secondary plat as needed and resubmits it to the Administrator. The Administrator determines if the revised plat needs reviewed by any of the Technical Advisory Committee members. When the Administrator determines the plat complies with the requirements of this Ordinance, the plat is approved by the Administrator.

F. **Effect of Approval**. Approval of a secondary plat does not authorize the development, construction, alteration or moving of any structure. The approval allows the filing and processing of applications for permits including an improvement location permit, building permit, and a certificate of occupancy.

G. **Signing of Plat**. Unless otherwise approved by the Administrator, a secondary plat will not be signed until: (i) streets, curbs, gutters, sanitary sewers, fire hydrants, storm sewers and like infrastructure are constructed per the Town's Construction Standards, and maintenance sureties for public improvements are secured according to this Ordinance; or (ii) performance sureties are secured assuring the installation of public improvements (*7.33 Surety Standards*).

H. **Recording of Secondary Plat**. No secondary plat or amendment of a subdivision will be recorded until the plat is approved and signed according to this Ordinance. Upon approval, the applicant must record the signed secondary plat within 90 days of plat approval. The applicant must record the plat, covenants, and any applicable homeowner association documents in the County Recorder office within 30 days of receiving the fully signed plat. The applicant must provide hard and electronic copies of the recorded plat and associated documents to the Department within 30 days of being recorded.

7.11 Secondary Plat Submittal Requirements

A. **Preparation**. The secondary plat is prepared by a land surveyor licensed by the State of Indiana at a scale of no more than 1"=50'. A scale of 1"=100' may be used to make the drawing no larger than 18"x23" so the plat may be inserted in the plat books of the County Recorder without folding.

B. **General**. The secondary plat includes:

1. Proposed name of the subdivision.
2. Names and addresses of the owners and consultants involved in the preparation of the plat.
3. Title, scale, north arrow, and date.
4. Accurate boundary lines, with dimensions and angles, to provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet.
5. Accurate distances and direction to the nearest established street corners or official monuments. Reference corners must be accurately described on the plan.

6. Accurate locations and names of all existing and recorded streets intersecting the boundaries of the tract.
7. Accurate metes and bounds description of the boundary.
8. Source of title to the land to be subdivided as shown by the books of the County Recorder office.
9. Complete curve notes for all curves included in the plan.
10. Street lines and street names with accurate dimensions in feet and hundredths of feet, with angles to street and lot lines.
11. Lot and block numbers and dimensions.
12. Accurate locations and limitations of easements.
13. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use.
14. Building setback lines and dimensions.
15. Location, type, material, and size of all monuments and lot markers.
16. Plat certificates and deeds of dedication, as set forth in *7.34 Plat Certificates and Deed of Dedication*.
17. Notation of any self-imposed restrictions and locations proposed building lines if required by the Plan Commission, according to this Ordinance.
18. Monuments erected or to be erected, corner, and other points are noted by representation or by legend; metal monuments must indicate type of metal, and diameter, length, and weight per lineal foot of the monuments.
19. Contain a statement to the effect that the Town Council, Plan Commission, or Board of Zoning Appeals may enforce subdivision covenants unless otherwise noted.

C. **Supplemental Information**. The Administrator may require the following information:

1. A financial surety for public improvements according to this Ordinance.
2. A copy of the covenants and restrictions if they are cross-referenced or incorporated on the plat or if they establish or grant rights related to the plat (e.g., easements).

7.12 As-Built Drawings Submittal Requirements

A. **Preparation**. After improvements installed on a site are approved by the Town, as-built drawings must be prepared and certified by a surveyor or engineer licensed by the State of Indiana. Electronic copies must be provided to the Administrator in the format specified by the Department (a shapefile or CAD file on a georeferenced coordinate system with information on layers suitable for incorporation into the Town's GIS).

B. **As-Built Plan Contents**. As-built plans must contain:

1. Grades for the following locations:
   a. Major drainage swales and percent of slope.
   b. Lot corner and grade brakes.
   c. Pad grades.
   d. Street grades along the centerline and curb if street is bituminous pavement with concrete curb. Centerline only if streets are concrete and placed with electronic control (Maximum 50 ft. spacing).
   e. Street sag and crest points.
   f. Paved swales, if any, at 50 ft. intervals.
   g. Lakes or ponds at the top of bank, normal pool, safety ledge, bottom, and spillway.
   h. Locations of sidewalk ramps.
2. Sanitary sewer system plans and profiles, including:
   a. Invert elevations and percent of slope.
   b. Top of casting elevations.
   c. Lateral locations based on distances along main from manholes.
   d. Locations of each manhole or structure (to make sure they are sufficiently within designated easements to permit future excavation to system if needed).
   e. Designate any material changes from approved construction plans. Where plans show alternates, indicate the alternate constructed.
3. Storm sewer plans and profiles, including:
   a. Invert elevations and percent of slope.
   b. Top of casting elevations.
   c. Location of pipe and structure (to make sure they are within designated easements).
   d. Designate any material change from design plans. Where plans show alternates, indicate the alternate constructed.
4. Street plans and profiles, including:
   a. Grades.
   b. All low and high points.
   c. All percent of slope.

d. Any deviation of alignment.

e. Grades and dimensions on accel and decel lanes, if applicable.

7.13 Commercial and Industrial Subdivisions

A. **Review**. It is recognized that commercial and industrial subdivisions face unique considerations of lot design not normally encountered in residential subdivisions. For this reason, the initial emphasis when reviewing non-residential subdivisions is on the street layout, block arrangement, and infrastructure design.

B. **Process**. The initial secondary plat is expected to show the street and block layout. Then, as prospective buyers express interest in lots sized to their required specifications, the applicant submits for approval to amend the recorded secondary plat. Approval of the re-plat follows the procedural requirements for a secondary plat. Improvements built following an approved set of construction plans associated with a previously approved secondary plat do not have to be rebuilt if changes in design standards and specifications have been adopted by the Town.

7.14 Re-Subdivision of Land

Any change affecting the street layout, area reserved for public use, or a lot line of an approved secondary plat must be approved by the Plan Commission as a major subdivision unless the proposed change qualifies as a minor subdivision. The Administrator may refer any case to the Plan Commission for review and approval.

7.15 Vacation of Plats

The procedure to vacate a recorded secondary plat follows the requirements of Indiana Code (see *IC 36-7-4-711*). The vacation of a secondary plat cannot be used to vacate rights-of-way or easements. Rights-of-way are vacated following the requirements of *IC 36-7-3-12*. Easements are vacated following the requirements of *IC 36-7-3-16*.

7.16 Modifications

A. **General**. The Plan Commission or Town Council may approve modifications if they do not conflict with the intent and purpose of this Ordinance.

B. **Authority**

1. Town Council. The Town Council may modify or waive construction and utility standards.

2. Plan Commission. The Plan Commission may modify or waive submittal requirements or subdivision standards in this Chapter.

3. Board of Zoning Appeals. Plats must meet all applicable standards prescribed in this Ordinance unless the Board of Zoning Appeals grants a design standards variance. (*8.9 Variances)*

C. **Procedures**

The applicant submits a written petition for modification with the primary plat application. The petition must clearly state the conditions requiring the modification and provide proposed findings of fact for the approval.

If modifications are required for minor subdivisions, the modification must be approved by Plan Commission prior to approval of the subdivision. If modifications require Town Council approval, the modification must be approved by the Town Council prior to subdivision approval.

D. **Decision Criteria**. When evaluating petitions for modifications, the Plan Commission or Town Council considers whether:

1. The proposed modification results in a development that enhances the use or value of area properties,
2. The proposed modification is not injurious to the public safety, health, or welfare,
3. The strict application of the Ordinance standard results in a development less desirable when compared to the proposed development,
4. The proposed development is consistent and compatible with other development located in the area, and
5. The modification is consistent with the purpose and intent of the Comprehensive Plan and this Ordinance.

E. **Conditional Approval**

In approving a modification, the Plan Commission or Town Council may require conditions to comply with requirements of this Ordinance. The Plan Commission or Town Council may require written commitments to be recorded in the County Recorder's Office. A copy of the recorded written commitments must be provided to the Administrator before any future approvals for the project will be granted.

7.17 Minor Subdivisions in the Agriculture District

Minor subdivisions are permitted within the AG Agriculture District. When used for residential purposes, the new lots must have a minimum lot area of one acre and otherwise comply with the development standards of the R1 Residential District (*See 2.2 Residential Districts*). The overall density of the minor subdivision cannot exceed one home per five acres.

7.18 Design Principles and Standards

A. **Conformance**. When reviewing plat applications, the Plan Commission or Administrator, as applicable, determines if the plat conforms to the principles and standards required in this Chapter.

B. **Natural Design**. When subdividing land, regard must be shown for natural features such as wooded areas, watercourses, historic sites, or similar conditions which, if preserved, add attractiveness and value to the proposed development.

C. **Environmental Protection**. Consideration is given to preventing air and stream pollution, proper treatment and disposal of refuse and other waste, and the elimination of other blighting characteristics.

D. **Sanitary Sewers and Public Water Supply**. Subdivisions are required to have public sanitary sewers and public water supply in all zoning districts except Agricultural Districts. Only the Town Council is authorized to waive this requirement.

E. **Layout**. The subdivision layout cannot be injurious to the health, safety or welfare of the community.

F. Improvement location permits, site plans, and subdivisions must conform to the principles and standards established by this Ordinance.

G. All site plans and subdivisions must conform to the Town Construction Standards and Specifications ("Construction Standards").

H. The applicant is responsible for installing all required public improvements at the applicant's expense without reimbursement, unless otherwise agreed upon in writing by the Town Council. The applicant is required to maintain all public improvements and provide for snow removal on streets and sidewalks until the public improvements are accepted by the Town.

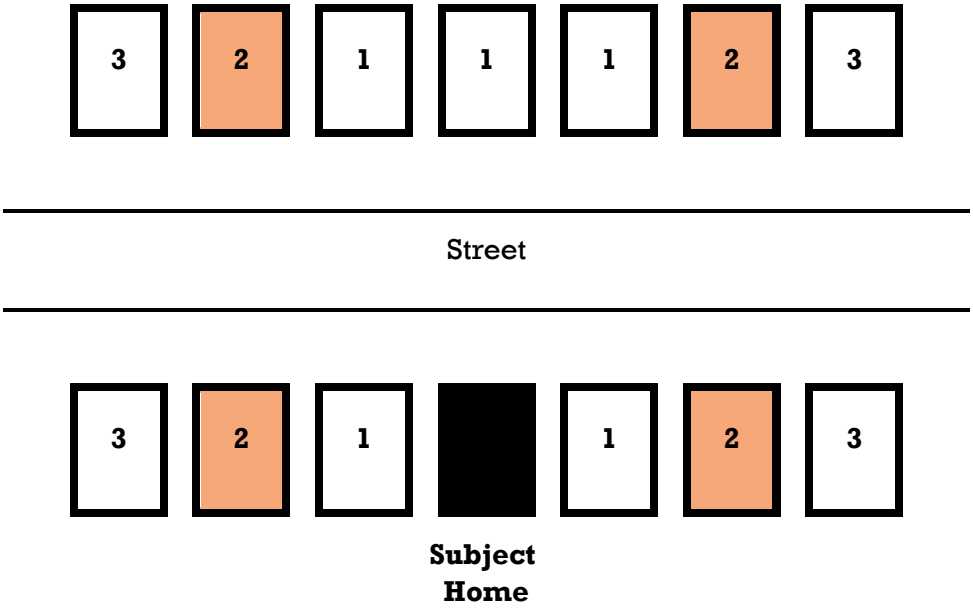
7.19 Residential Architectural Standards

A. **Architectural Standards for Small-Scale Residential Dwellings**

1. General Provisions. The purpose of these design standards ensures quality construction for developments and create variation and interest in the built environment. These standards apply to all residential buildings containing one to four dwelling units located on a parcel or within a subdivision containing five or more dwelling units.

2. Architectural Diversity Standards Along Streetscapes. To improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home and the five homes directly across the street from the subject home. *Figure 7-1* illustrates this requirement. In determining if a building elevation meets this standard, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

Figure 7-1: Architectural Diversity Standards



- Lots indicated with the number 1 must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.
- Lots indicated with the number 2 must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.
- Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.

  In determining if a building elevation meets these standards, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

3. General Architectural Requirements. New residential dwelling units must meet the following standards.

   a. Window Requirements. On homes exceeding one story, front facades must have at least 4 windows, side facades must have at least 2 windows, and rear facades must have at least 4 windows. On one story homes, front facades must have at least 2 window openings, side facades must have at least 1 window, and rear elevations must have at least 2 windows.

   b. Roof Overhangs. The main roof of the home must have roof overhangs at least 11 inches deep prior to the installation of masonry materials. The overhang requirement does not apply to architectural features such as dormers, shed roofs, porches, or areas with architectural enhanced decorative trim.

c. Building Articulation. The front façade must have projections or recessions. This may be accomplished using (a) one offset at least 4 feet deep and a minimum height equivalent of one story or (b) two offsets at least 2 feet deep and a minimum height equivalent of one story.

d. Window Trim. Windows must have decorative trim, either (a) wood or composite trim at least 3½ inches wide around all windows or (b) decorative trim detailing (e.g. arches, cornices, moldings, etc.), as architecturally appropriate. Shutters may be substituted for trim on the sides of the windows and windows surrounded by brick or stone do not require window trim.

4. Front Facades. Front facades must have at least 12 design features listed in *7.19(A)(6) Architectural Features.*

5. Corner Lot Enhancements. Corner lot side facades facing the street must have at least 6 design features listed in *7.19(A)(6) Architectural Features*. Additionally, landscape plantings of at least 1 shade tree, 1 ornamental or evergreen tree, and 5 shrubs may be installed in lieu of the architectural features.

6. Architectural Features. To encourage architectural diversity, no more than 2 architectural features per category may count toward the required number of features.

a. Category 1 – Site Design and Building Mass

- ☐ Single-story dwelling, including a single-story dwelling with a loft less than 50% of the area of the first floor.
- ☐ Undulation in the width of the common area between the perimeter lot and the perimeter street. The common area width varies from 20' to 50' or greater.
- ☐ Interior streets within 15° of parallel of the perimeter street have a maximum length of 300' before turning or ending in a cul-de-sac.
- ☐ The home is separated from the perimeter street by a landscape buffer at least 30 feet wide planted with at least 5 evergreen trees, 2 shade trees, 2 ornamental trees, and 15 shrubs per 100 lineal feet. Landscaping may be arranged to better screen buildings and allow views of open space.
- ☐ More than 50% of garage bays of the home have side-load, courtyard-load, or rear-load garage doors.
- ☐ One garage bay with a depth of at least 24 feet.
- ☐ Front-load garage doors recessed at least 2' behind the front façade of the house or 4' behind the posts of the front porch.
- ☐ Three or more garage bays provided.
- ☐ A covered porch at least 40 SF on the front facade.
- ☐ A sunroom or screened porch at least 120 SF on the side or rear façade.

b. Category 2 – Main Roof Design

- ☐ Two or more gables.
- ☐ Two or more dormers.
- ☐ A single dormer with 2 or more windows.
- ☐ A roofline change at least 1/3 the width of the elevation.
- ☐ Use of a hip roof if the abutting homes do not have a hip roof.
- ☐ A clipped hip roof extending at least 20% of the distance from the peak of the gable to the bottom of the gable.
- ☐ A minimum roof pitch of 8:12 on the main roof.
- ☐ Metal roof accents.

c. Category 3 – Exterior Materials

- ☐ At least 3 exterior materials or patterns are used on the elevation.
- ☐ At least 3 exterior colors are used on the elevation.
- ☐ 100% masonry materials are used from the main roof line and continuing down to the foundation.
- ☐ Masonry materials are used from the first-floor plate line and continuing down to the foundation.
- ☐ An exterior fireplace chase finished in masonry material.
- ☐ Use of architectural garage doors.

d. Category 4 – Façade Projections and Recessions

- ☐ A bay window projecting at least 12" from the wall.
- ☐ An exterior fireplace chase extending at least 18" from the building façade and extending above the roof line.
- ☐ A second floor cantilever projecting at least 12" over the first floor for at least 30% of the length of the building façade.
- ☐ A sunroom at least 64 square feet.
- ☐ A screened porch at least 64 square feet.
- ☐ Covered patio or covered porch, as a projection or recession in the building façade, at least 120 square feet.

e. Category 5 – Windows

- ☐ Multiple masonry material detailing (e.g. quoins, keystones, arches, soldier courses), as architecturally appropriate.
- ☐ At least 75 square feet of windows on rear building façades or at least 45 square feet on side building façades.
- ☐ Larger windows a minimum of 15 square feet each with proportions consistent with the architectural style of the home. At least 3 such windows are required for a façade to meet this standard.
- ☐ Window trim at least 5½ inches wide around all windows of the dwelling. As an alternative, decorative window trim detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Administrator if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the building façade.
- ☐ Use of shutters on all windows of the façade, where possible.
- ☐ A set of at least 3 bullet windows.

- ☐ A front door with a transom window and side lights.
- ☐ For historic homes, restoration of historic windows or use of new windows in proportions architecturally appropriate for the style of the home.

f. Category 6 – Architectural Detailing

- ☐ On a corner lot, the front porch wraps the corner and continues down the side elevation.
- ☐ Front porch columns have masonry detailing matching the façade (e.g. brick to the same brick height as used on the building elevation).
- ☐ Double columns used instead of single columns for front porches.
- ☐ The front porch is elevated at least 18" above the elevation of the sidewalk in front of the home.
- ☐ Architectural gable treatments (e.g. corbels under eaves, louvers with decorative trim, decorative bracing, etc.)
- ☐ Full pent roof across the bottom of gables.
- ☐ Shed roof detailing above large windows.
- ☐ Trellis over garage doors.
- ☐ Limestone cap on brick wainscot.
- ☐ Separation of materials or patterns using wood or composite trim.

7. Perimeter Lot Enhancements. These standards are intended to improve the appearance at the interface between new residential developments and existing perimeter streets. Long, straight lines of homes, berming, or landscaping parallel to perimeter streets is discouraged. Homes facing the perimeter street and variation in the distance between homes and perimeter streets is encouraged.

   a. For purposes of this section, a perimeter lot includes lots abutting a perimeter street or a common area abutting a perimeter street. If a lot abutting a common area is not within the viewshed from the perimeter street, then the perimeter lot standards do not apply.

   b. Homes of the same elevation and color scheme are not permitted next to each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home. In *Figure 7-2*, the homes located on the same side of the street as the subject lot illustrate this requirement.

8. Vinyl Siding. Vinyl siding used on residential dwellings must meet the following specifications:

   a. Material Requirements

   - Vinyl must have a minimum thickness of 0.044 with a minimum butt or panel projection of ¾ inch.
   - Heavy duty lock extended return leg is required.
   - A full rollover/ double nail hem or approved hammer stop is required if the vinyl is less than 0.048 inches thick.
   - The maximum panel width between butts is 5 inches, except for panels with foam backing.

b. Sheathing Requirements

- Use of 7/16-inch minimum thickness OSB or plywood is preferred.
- Rigid foam insulation boards must have a minimum thickness of ½ inch, have a reinforced plastic membrane surface on both sides, and a minimum compression strength of 15 PSI.
- All sheathing materials must have a weather resistant barrier.

c. Construction/Installation Requirements

- Shutters, downspouts, utility connections and other attachments must be connected to the building in a manner that does not restrict the movement of the vinyl siding. All attachment hardware must pass through the siding into substrate with nail-holding strength. All penetrations in the siding must be properly sealed to prevent moisture infiltration.
- All wall penetrations must be properly flashed according to the manufacturer's instructions.

B. **Architectural Standards for Non-Residential Uses in Residential Districts**. All non-residential uses in a Residential District must comply with the following:

1. Loading spaces or loading docks must not face a street.
2. Loading spaces or loading docks facing a side or rear lot line of an adjoining residential district must be screened from view from the residential district using: (i) evergreen trees; or (ii) a combination of evergreen trees and a solid wall or fence, creating a dense visual barrier to a minimum height of 6 feet.
3. To ensure compatibility of non-residential uses with surrounding residential uses in residential districts, all non-residential uses must use exterior building materials, roof line treatments and roofing materials compatible and consistent with the residential character and building materials of the surrounding residential area.

C. **Architectural Standards for Multifamily Dwellings**. All new multifamily buildings containing five or more dwellings must comply with the following:

1. Design detailing must continue completely around the building consistent with the intended architectural style. Detailing elements include, but are not limited to, number and style of windows, window placement, trim detailing, roof design, and exterior materials.
2. Permitted exterior materials include Exterior Insulation and Finish System (E.I.F.S.), synthetic stucco, masonry materials, wood, fiber cement siding, and polymeric cladding. Aluminum and vinyl siding are prohibited.
3. At least 75% of each building façade, excluding windows and doors, must be masonry materials or fiber cement siding.

4. Each building façade must utilize at least 2 different exterior building materials (excluding window, door, and roofing materials), colors, or patterns.

5. Windows: A building façade must incorporate a minimum of one window (a minimum of 15 square feet) per dwelling unit located along the building façade. Required windows may be located anywhere on the building façade, as architecturally appropriate. All windows must have shutters matching the size of the window or casing at least 3 ½ inches in width. Windows in a building façade of a masonry material must have a casing or sill of natural or masonry material. Windows in a building façade of a non-masonry material must be trimmed to match the architectural style of the building.

6. Roof Design.

   a. The roof pitch of the main roof must be at least 6:12. Elements such as porches, bays, walkways, may have a lower roof pitch. Lower roof pitches may occur on rear elevations if concealed by side roof elements.

   b. The roof overhangs must be at least 11 inches, as measured prior to the installation of masonry materials.

   c. The roof form and pitch design of a building must include, where appropriate, varied pitches and ridge levels according to the intended architectural style of the building and the building façade projections.

7. Streetscape Diversity

   Building elevations of similar floor plans must have variety in style, massing, use of materials, and detailing of elements. The same elevation may occur as buildings are grouped together if each building plan has a minimum of 2 different elevation styles.

   If more than 1 building is proposed, then the building(s) must be located so no more than 2 buildings are in a straight, unbroken line. An unbroken line includes an offset in the building setback at least 1/3 the height of the adjacent building.

D. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.20 Business Architectural Standards

All new nonresidential buildings or additions located within a business district must comply with the following:

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

B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building being served according to *6.1(H) Landscape Standards: Screening*.

C. Each building façade visible from a street or oriented to an adjoining residential district must be:

- 100% masonry materials, excluding window, door, roofing, fascia, and soffit materials; or
- Incorporate 2 or more building materials, excluding window, display window, door, and roofing materials, provided 60% of the building façade is masonry materials.
- For all other building facades, up to 25% of the façade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., stucco, or vinyl exterior building materials.
- The exterior building material selection for all building façades must be further enhanced with: (i) the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).
- Loading spaces, loading docks or oversized service doors are prohibited on an external façade; however, if all building façades are determined to be external façades, then loading spaces, loading docks or oversized service doors may be permitted on the least visible external façade if screened according to the *6.1(H) Landscape Standards: Screening*.

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

E. All building façades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or molding. Building façades 90 feet or greater in length must have offsets at intervals no greater than 60 feet apart. Buildings less than 10,000 square feet in gross floor area must have offsets at no more than 40-foot intervals. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 4 feet in depth and at least 20% of the overall building façade length. Architectural elements (e.g. arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.

F. Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts should complement or be consistent with the building materials.

G. Pitched roof designs must have a main roof with a minimum 5:12 pitch, contain 3 or more roof slope planes, and be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt or fiberglass shingles.

H. Metal roofs must have a low-gloss finish to reduce glare.

I. Flat roof designs must be edged by a parapet wall with an articulated, three-dimensional cornice or molding. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements. Modulation or variation of the roofs and/or roof lines is required to eliminate the appearance of box-shaped buildings. Flat roofs are prohibited for one-story buildings unless otherwise approved by the Plan Commission or Administrator after consideration of the building architecture, context, and sensitivity to the character of the area.

J. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black; and oriented to minimize their visibility from adjacent lots and streets.

K. Building entrances must be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building. The location, orientation, proportion, and style of doors must complement the style of the building.

L. Window designs must be compatible with the style, materials, color, details, and proportion of the building. The number of window panes, the number of window openings, window trim and other design elements to accent the windows must be consistent and complementary to the architectural style of the building.

M. Window trim and other design elements to accent the windows are required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Plan Commission or Administrator.

N. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details. Awnings must be made of a non-reflective material kept in good repair. Awnings used to comply with the architectural design requirements of this Ordinance cannot be removed unless the building façade otherwise complies with the architectural design requirements without the awnings.

O. The support structures for gasoline service station canopies must be wrapped in material(s) complementing the principal building and the canopy roof materials must match the color and texture of the principal building. To reduce the visual impact of the canopy, the clearance between

the underside of the canopy and ground cannot exceed 16 feet and the canopy facia cannot be more than 30 feet wide.

P. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.21 Industrial Architectural Standards

All new nonresidential buildings or building additions located within an Industrial District must comply with the following:

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

B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building served according to *6.1 Landscape Standards*.

C. Each building façade visible from a street or oriented to an adjoining residential district, must have at least 60% masonry materials on the building façade (exclusive of window and doors).

D. Building façades 90 feet or greater in length, must have offsets at intervals no greater than 60 feet apart. Offsets can project or recess. They must extend the entire vertical plane of the building façade. The offset must be at least 12 inches in depth and be at least 20% of the overall building façade length. Architectural elements (e.g. arcades, columns, pilasters, etc.) meeting the offset requirements may be used to fulfill this requirement.

E. Loading spaces, loading docks or oversized service doors are prohibited on an external façade.

F. If materials other than masonry materials are used on any building façade, then the building façade must be enhanced with: (i) the use of multiple colors and textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g. quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.)

G. The Plan Commission or Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

7.22 Block Standards

A. **Dimensions**. Block length and width within bounding streets must be sufficient to accommodate the lot sizes required by the zoning district and to provide convenient access, circulation, and safety of vehicular and pedestrian traffic.

B. **Length**. The maximum block length is 800'. This requirement does not apply to blocks containing lots abutting the boundary lines of the parent track of a subdivision. In granting modifications to

allow blocks longer than 800', the Plan Commission may require crosswalks and traffic calming measures where useful to facilitate pedestrian circulation

C. **Depth**. Residential blocks must have sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a freeway, arterial street or floodplain are used.

D. **Shape**. Blocks should fit easily into the overall design of the subdivision and their design must reflect consideration of lot layout, configuration, traffic flow, and public areas.

7.23 Drainage Standards

A drainage system is required for proper drainage of new developments. The system must be designed and constructed per the Town's Storm, Drainage, Erosion, and Sediment Control Ordinance.

7.24 Easement Standards

This article applies to all development.

A. **Drainage and Utility Easements**. All developments submitted for approval must allocate areas for drainage and utility easements. All easements and corresponding utility location plans must be complete and approved prior to the final approval of any plan. When located between lots, easements should be centered on the lot line, so each lot is encumbered by half the easement width, unless otherwise approved by the Administrator or the appropriate utility provider. Before determining the location of easements, the plan must be discussed with the local public utility companies to assure proper placement and installation of such services. No improvements (e.g., accessory buildings, buildings, driveways, fences, retaining walls, structures) are permitted within a drainage and utility easement, unless otherwise approved by the Town Council, or the appropriate utility provider. Any improvements installed within a drainage and utility easement are done at the owner's risk. Should access to the easement be necessary, the owner is solely responsible for the cost of removing and replacing improvements installed within the easement.

B. **Surface Drainage**. If any stream or necessary surface drainage course is within the development area, an easement is established along all sides of the drainage course according to the County Surveyor or Indiana law if a regulated drain, or 20 feet per side (measured from the top of bank) if not a regulated drain. The easement is for widening, deepening, sloping, improving, or protecting the stream or surface drainage course.

C. **Easement Instrument Specifications**. Where an easement is required by this Ordinance but the standards for the easement type are not specified, or an easement is required per a commitment or condition of approval, then the property owner ("grantor") must execute the easement instrument in favor of the appropriate party or entity ("grantee"). The instrument must:

1. Specify the docket numbers of the complete applications of the associated with the easement.
2. Specify the activities the grantee is authorized to perform in the easement.
3. Specify the activities the grantor is prohibited from performing in the easement.
4. Be binding on all heirs, successors, and assigns to the property where the easement is located.

5. Be enforceable by the grantee and the Town.

6. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.

7. Provide for modification in the manner stipulated in this Ordinance.

8. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.

9. Include a metes and bounds description of the easement.

10. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.

D. **Easement Certificate**

1. When a secondary plat is being recorded, the applicant may print an easement certificate on the secondary plat, the content of which has been approved by the Administrator or Town Council.
2. If a Declaration of Covenants, Conditions, and Restrictions is included or cross-referenced on the secondary plat, an easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

E. **Cross-access Easements**

1. Easement Instrument Specifications. When required by this Ordinance, each property owner ("grantor") must execute a cross-access easement instrument in favor of the adjoining property owner ("grantee"). The instrument must:

   d. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.

   e. Grant the public the right to utilize the easement for purposes of accessing adjoining parking facilities.

   f. Prohibit the parking of vehicles within the easement.

   g. Prohibit any person from placing any obstruction within the easement.

   h. Be binding on all heirs, successors, and assigns to the properties where the easement is located.

   i. Be enforceable by each party to the easement and by the Town.

   j. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement.

   k. Provide for modification or termination in the manner stipulated in this Ordinance.

   l. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.

m. Include a metes and bounds description of the easement.

n. Be signed by an authorized representative of each property owner granting the easement and by an authorized representative of each property owner accepting the easement.

2. Cross-access Easement Certificate:

a. When a secondary plat is being recorded, the applicant may print the following cross-access easement certificate on the plat:

"There are shown on this instrument areas designated as 'Cross-Access Easement' or abbreviated as 'C-A.E.' Such easements are established in favor of the adjoining property owner ('grantee') and grant the public the right to enter the easement for purposes of accessing adjoining parking facilities. These easements prohibit any person from parking vehicles within the easement and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Town's Unified Development Ordinance, or its successor ordinance."

b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the cross-access easement certificate be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

F. **Private Street Easements**

1. Easement Instrument Specification. When required by this Ordinance, the property owner ("grantor") must execute a private street easement instrument in favor of the owner of the lot ("grantee") to which the private street provides access. The instrument must:

a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.

b. Grant the grantee the right to access the easement to access their lot.

c. Specify the grantee's financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.

d. Prohibit any person from placing any obstruction within the easement.

e. Require the private street be built to the standards of the Town.

f. Be binding on all heirs, successors, and assigns to the property where the easement is located.

g. Be enforceable by the grantee and the Town.

h. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.

i. Provide for modification or termination in the manner stipulated in this Ordinance.

j. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.

k. Include a metes & bounds description of the easement.

l. Be signed by an authorized representative of each property owner granting the easement and by an authorized representative of each property owner accepting the easement.

m. Include the following language: "The property owner expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision, because the streets are private, that all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions set forth in the owners association bylaws and articles. No governmental entity has any duty or responsibility to maintain, repair or replace any private street."

2. Private Street Easement Certificate

a. When a secondary plat is being recorded, the applicant may print the following easement certificate on the plat:

"There are shown on this instrument areas designated as 'Private Street Easement' or abbreviated as 'P.S.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee') and grant the grantee the right to enter the easement for purposes of accessing their lot. These easements prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Town's Unified Development Ordinance, or its successor ordinance."

b. In addition, the secondary plat must include the following language: "The subdivider expressly covenants and warrants on behalf of itself and all future owners of lots within this subdivision that because the streets are private all maintenance, repairs and replacement now and forever must be undertaken at the expense of the lot owners according to the terms and conditions set forth in the owners association bylaws and articles. The subdivider, and their successors and assignees, hereby waive all rights to petition a governmental entity to be responsible for the maintenance and ownership of such private streets. No governmental entity has any duty or responsibility to maintain, repair or replace any private street."

c. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

d. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the Private Street easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

G. **Shared Driveway Easements:**

1. Easement Instrument Specifications. When required by this Ordinance, each property owner ("grantor") must execute a shared driveway easement instrument in favor of the adjoining property owner ("grantee"). The instrument must:

   a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.

   b. Grant the adjoining property owners the right to access the easement to maneuver vehicles

   c. Specify the adjoining property owners' financial responsibilities with respect to the alteration, repair, maintenance, and removal of the improvements.

   d. Prohibit any person from placing any obstruction within the easement.

   e. Be binding on all heirs, successors, and assigns to the properties where the easement is located.

   f. Be enforceable by the parties to the easement and the Town.

   g. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.

   h. Provide for modification or termination in the manner stipulated in this Ordinance.

   i. Be cross-referenced to the most recently recorded deeds to the properties where the easement is to be established.

   j. Include a metes and bounds description of the easement.

   k. Be signed by an authorized representative of each property owner of record granting the easement and by an authorized representative of each property owner accepting the easement.

2. Shared Driveway Easement Certificate

   a. When a secondary plat is being recorded, the applicant may print the following shared driveway easement certification the plan:

"There are shown on this instrument areas designated as 'Shared Driveway Easement' or abbreviated as 'S.D.E.' Such easements are hereby established in favor of the adjoining property owners ('grantee') and grant the grantee the right to enter the easement for purposes of maneuvering vehicles. The easement prohibits the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to

enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Town's Unified Development Ordinance, or its successor ordinance."

b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the shared driveway easement certificate must be clearly separate from, and not incorporated into, the Declaration of Covenants, Conditions, and Restrictions.

H. **Subdivision Sign Easements**

1. Easement Instrument Specification. When required by this Ordinance, the property owner ("grantor") must execute a subdivision sign easement instrument in favor of the subdivision's homeowners' association ("grantee"). The instrument must:

a. Specify the docket numbers of the complete applications and/or the project numbers of the permits associated with the easement.

b. Grant the grantee the right to alter, repair, maintain, or remove the improvements.

c. Prohibit any person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement.

d. Be binding on all heirs, successors, and assigns to the property where the easement is located.

e. Be enforceable by the grantee and the Town.

f. Specify other specially affected persons and classes of specially affected persons entitled to enforce the easement.

g. Provide for modification or termination of the easement in the manner stipulated in this Ordinance.

h. Be cross-referenced to the most recently recorded deed to the property where the easement is to be established.

i. Include a metes and bounds description of the easement.

j. Be signed by an authorized representative of the property owner granting the easement and by an authorized representative of the grantee accepting the easement.

2. Conflict. Subdivision sign easements must be exclusive of drainage and utility easements. Improvements within such an easement must comply with *5.9 Vision Clearance Standards*.

3. Subdivision Sign Easement Certificate

a. When a secondary plat is being recorded, the applicant may print the following subdivision sign easement certificate on the plat:

"There are shown on this instrument areas designated as 'Subdivision Sign Easement' or abbreviated as ['_____']. Such easements are hereby established in favor of the [_____] Homeowners' Association ('grantee') and grant the grantee the right to enter the easement for purposes of altering, repairing, maintaining, or removing the improvements. These easements prohibit the property owner or any other person from placing any obstruction in front of, altering, removing, or otherwise impairing the improvements within the easement. These easements are binding on all heirs, successors, and assigns to the property where they are located. The grantee or the Town may enforce the provisions of the easement. [_____] is also entitled to enforce the provisions of the easement. The easement may only be modified or vacated in the manner stipulated in the Town Development Code, or its successor ordinance."

b. The dedication and acceptance of easements shown on a recordable instrument must be accomplished via a Certificate of Dedication signed by the property owner, and a Certificate of Acceptance signed by the grantee or its agent.

c. If a Declaration of Covenants, Conditions, and Restrictions is included on the secondary plat, then the subdivision sign easement certificate must be clearly separate from, and not incorporated into the Declaration of Covenants, Conditions, and Restrictions.

I. **Tree Preservation Easement**. When a secondary plat is being recorded and an easement is required or proposed for tree preservation, then an applicant must record an easement, or an applicant may print the following tree preservation easement certificate on the plat: "There are shown on this instrument an area(s) designated as 'Tree Preservation Easements' or abbreviated as 'T.P.E.'. These easement(s) must be regulated and maintained according to the following:

1. Permitted Activities. The following activities are permitted: (a) Removal of invasive species (e.g., bush honeysuckle), where appropriate, including the use of professionals to apply herbicides or identify and remove such invasive species; (b) Removal of an overabundance of combustible material (e.g., dead, fallen trees, and leaves); (c) Removal of vines growing on and up a tree; (d) Removal of hazardous, exotic and invasive species and/or dead, hazardous and at risk trees; (e) Planting of native trees; (f) Removal of trees directed to be removed by municipal, county, state or federal agencies or departments or by a public utility; (g) Installation of minor improvements such as identification signs; provided such are designed and installed in a manner that does not removed or damage any trees to the greatest extent possible; and (h) Installation, mowing, and maintenance of access easements, paved or unpaved trails, or utility and drainage improvements; provided, however, that any such improvements and easements must be as narrow or small as reasonably possible with no blanket easements.

2. Prohibited Activities. The following activities are prohibited: (a) Mowing any portion of existing, naturally vegetated areas; (b) Dumping of leaves or other debris; (c) Seeding, including grass seed, prairie mix seed, sod or the planting of any type of vegetable garden; (d) The construction of permanent structural improvements including, but not limited to: pools, sheds, garages, fences, playground equipment, tree houses, fire pits, and other permanent or semi-permanent structures; and (e) Active recreational activities that adversely impact the natural characteristics of the preservation area, including the placement of playground equipment, paving for basketball or tennis courts or swimming pools.

3. Required Activities. The following are required: (a) All maintenance activity must be completed according to industry standards using the latest ANSI Z133.1 and A-300 approved practices and methods; (b) Signs identifying a "Tree Preservation Area" must be posted every 1,000 feet near the perimeter of all Tree Preservation Easements. Such signs must state "Natural Preservation Area. No mowing or spraying. Restricted Area."; and (c) Any person or entity causing damage or destruction or that violates the provisions of this easement is responsible for replacing removed or damaged trees with trees (a minimum of 3 inches in caliper) of an equivalent caliper to the removed or damaged vegetation, and to return the damages areas of the easement to its original natural state.

7.25 Monument and Marker Standards

A. **General Standards**

1. Monument and markers must be installed per Indiana Administrative Code, *865 IAC 1-12-18*, and the standards set forth in this article.

2. Permanent reference monuments must be placed so the center of the pipe or marked point coincides exactly with the intersection of lines to be marked and the top of the monument or marker is level with the finished grade.

3. Required monuments and markers must include a surveyor's cap as required by Indiana law, and at a minimum, must include a substantial plastic or metal cap permanently affixed showing the registered professional surveyor's surname and professional license number or firm/agency identification number.

4. Upon completion of the development, as-built drawings must be submitted showing where monuments and markers were placed. This must be accompanied by an affidavit by the surveyor, registered in the State of Indiana, attesting to the accuracy of installed monuments and markers and certifying that the monuments and markers are still accurately in place and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

5. Monuments which are damaged or altered must be reset by the party responsible for damage/alteration. If a responsible party cannot be readily determined, then the active developer will bear the costs of having the monuments reset.

B. **Monument Standard**. Monuments must be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of 4 inches by 4 inches by 30 inches, set vertically in place. They must be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross.

C. **Monument Locations**. Monuments must be set:

1. At the intersection of lines forming angles in the boundary of the subdivision,

2. At least 2 monuments must be set on each side of a straight section of a street and on lot corners near each end of the street,

3. At least 2 monuments must be set on any straight line over 400 feet in length and on lot corners near each end of the line, and

4. Any location a bearing changes.

D. **Marker Standard**. Markers must consist of iron pipes or steel bars at least 30 inches long, and not less than 5/8 inch in diameter.

E. **Marker Locations**. Markers must be set on boundaries not covered by required monument locations, including:

1. At the beginning and ending of all curves along street lot lines,

2. At all points where lot lines intersect curves, either front or rear,

3. At all angles in lot lines, and

4. At all other lot corners not established by a monument.

7.26 Open Space and Amenity Standards

A. **Applicability**. This article applies to all residential major subdivisions containing five or more dwelling units. All residential developments must set aside open space according to this article.

B. **Minimum Open Space.**

1. Minimum. The minimum open space required for each development, as a percentage of its gross acreage:

Zoning District	Minimum Open Space Required
R-1	5%
R-2	8%
R-3	10%
R-4	12%

2. Exemption. Residential developments with a gross density of 1 dwelling unit per 3 acre or lower density are exempted from providing open space under this article.

3. Plantings. Open space must be supplemented with tree plantings according to the minimum lot landscaping requirements of *6.1 Landscape Standards*.

C. **Access**. A public way, crosswalk, or easement not less than 15 feet in width must be provided for access to required open space.

D. **Connectivity**. Open space should be placed adjacent to or connected to existing or proposed open space located within the development and/or on adjoining properties. Open space should be located within reasonable walking distance to those uses it serves, except when the open space is used to preserve existing features.

E. **Open Space Ownership**. The ownership and maintenance of open space, common areas, and amenities must be documented and recorded to protect them from future development and to make sure they are properly maintained.

F. **Open Space and Development Amenity Improvements**

1. Approval. Open space and amenity improvements (e.g., fencing, walls, mounds, pathways, playgrounds, amenities) must be installed according to a site plan reviewed and approved by the Administrator, according to *8.7 Site Plan Review*.

2. Timing of Installation. Open space and amenity improvements must be installed within 12 months of the issuance date of the first building permit in the secondary plat containing the open space and amenity improvements.

G. **Qualifying Site Features**

1. A maximum of 50% of required open space may come from: wetlands, third party regulated utility easements existing prior to the development of the property (e.g., gas or oil pipelines) and equivalent land, as determined by the Plan Commission or Administrator.

2. Detention and retention areas may only qualify as open space if they are located and designed for public use and benefit as an amenity to the development.

3. Required buffer yards, external street frontage landscaping areas, and tree preservation areas in *6.1 Landscape Standards*, may qualify towards required open space if placed within common areas or recorded protective easement such as a landscape easement, tree preservation easement, or conservation easement.

4. Street medians may qualify towards required open space if the following criteria are met:

   a. Medians are platted as common areas maintained by the homeowners' association;

   b. Medians are a minimum of 12 feet wide from back of curb to back of curb; and

   c. Medians are landscaped to the street tree requirements in *6.1 Landscape Standards*.

H. **Amenity Center Construction Timing**. Amenity center facilities must be installed or constructed prior to the sale of 75% of the subdivision lots, upon construction of 65% of the primary structures, or upon construction of 95% of the primary structures within any given phase of the subdivision, whichever is less.

7.27 Pedestrian Network Standards

A. **Applicability**. All developments must have a pedestrian network of sidewalks and/or asphalt pathways for pedestrian transportation and recreation.

B. **General Standards**

1. All concrete sidewalks, asphalt pathways, and crosswalk improvements must be constructed per the Town's Construction Standards and comply with requirements of the *Americans with Disabilities Act (ADA)*, as amended.

2. Curb ramps for handicapped accessibility must be provided at all intersections of streets, alleys, and drives (excluding individual residential driveways) and comply with ADA requirements. Curb ramps are not permitted in driveways.

C. **Internal Pedestrian Network Standards**

1. Sidewalks must be at least 5 feet wide. When abutting a curb, sidewalks must be at least 6 feet wide.

2. Sidewalks are required on both sides of internal streets in all developments.

3. When a proposed development abuts an existing development or pathway, connection to the sidewalks or pathways is required.

4. Connector sidewalks must be provided from the sidewalk or path adjacent to the street to the front entrance of all non-residential structures. Where the sidewalk intersects driving lanes or parking aisles within the parking facility, then crosswalks and ramps must be installed according to ADA requirements.

D. **Perimeter Pedestrian Network Standards**. Developments must participate in the establishment or improvement of the pedestrian network along streets adjacent to their perimeter according to the following:

1. Where a proposed site plan or subdivision abuts an existing right-of-way, multi-use pathways must be provided along the perimeter streets according to the Town Construction Standards and constructed per the Town's Construction Standards.

2. Required multi-use pathways should be located within the right-of-way. Pathways located outside the right-of-way must be located within an access easement approved by the Administrator or Town Council.

7.28 Street and Right-of-Way Standards

A. **Applicability.** Proposed developments must allocate adequate areas for new streets in conformity with the Town's Construction Standards.

B. **Town of Monrovia Construction Standards**. The Town Construction Standards, as amended, is declared to be a part of this Ordinance. The Town Construction Standards are available for review in the office of the Clerk/Treasurer and in the office of the Department.

C. **Compliance with Town Construction Standards**. In addition to meeting requirements of the Americans with Disabilities Act (ADA), developments abutting or adjoining streets designated on the Town Construction Standards must conform to the requirements of the Town Construction Standards regarding: The dedication of rights-of-way; building setback lines; and any other development or design standards in the Town Construction Standards or this Ordinance.

D. **Dedication of Right-of-way**. Developments adjoining or including existing streets not conforming to the minimum right-of-way dimensions established in the Town Construction Standards, must dedicate enough additional right-of-way along the streets to meet the requirements of the Town Construction Standards. If the development only contains property on one side of the street, then sufficient right-of-way must be dedicated to bring the half right-of-way up to the dimensions required in the Town Construction Standards.

1. Passing Blister. Where a passing blister is required and inadequate right-of-way exists to install the passing blister, then the developer must make a good faith effort to acquire property sufficient for the installation of the passing blister. If the property owners where the passing blister is to be installed refuses to sell the property, then the developer must provide the Administrator copies of all surveys, appraisals, and written offers made by the developer to the property owners, and correspondence from the property owners.

2. Acceleration and Deceleration Lanes. Where an acceleration lane and/ or deceleration lane is required and the development does not contain street frontage needed to install the lane, then the developer must make a good faith effort to acquire property sufficient for the installation of the acceleration lane and/or deceleration lane. If the property owners where the acceleration lane and/or a deceleration lane is to be installed refuses to sell the property, then the developer must provide the department copies of all surveys, appraisals, written offers made by the developer to the property owners, and correspondence from the property owners.

3. Eminent Domain. The installation of passing blisters, acceleration lanes, and deceleration lanes is vital to the health, safety, and welfare of the motoring public. The Town may, but is not obligated to, begin eminent domain proceedings according to *IC 32-24*: Eminent Domain for the acquisition of public right-of-way sufficient for the installation of the passing blister, acceleration lane and/or deceleration lane upon receipt of documentation illustrating the developer's failure to acquire the needed property. Upon completion of the eminent domain proceedings, the developer reimburses the Town the price paid by the Town for the right-of-way acquisition, including professional and legal expenses, any condemnation and relocation within the acquired right-of-way. The Developer then installs the passing blister, acceleration lane and/or deceleration lane according to the Town's Construction Standards.

E. **Private Streets**

1. Private streets are prohibited unless otherwise approved by the Town Council. Where approved, private streets must conform to the street and right-of-way standards of this Ordinance and be constructed according to the Town's Construction Standards.

2. Private streets must be established within access easements complying with *7.24 Easement Standards*.

3. When a private street easement appears on a secondary plat, a private streets certificate (*7.24 Easement Standards*) must be printed on the plat. Unplatted easements for private streets must have the same language included on a recorded easement instrument.

4. Financial sureties are required according to *7.33 Surety Standards* and the Town's Construction Standards.

5. When the term right-of-way is used in this chapter, it also applies to private street easements in the context of this chapter only.

F. **Design Principles**

1. Street and alley layout must provide access to all lots and parcels of land within a development. Streets must be laid out on the parent parcel:

   a. In a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community.

   b. In an orderly and logical manner.

   c. With concern for connectivity to adjacent parcels.

   d. With concern for pedestrian and vehicular safety.

   e. To provide reasonably direct access to the primary circulation system.

2. Streets should adjust to the contour of the land to produce useable lots and streets of reasonable gradient. Consideration must be given to natural features, such as existing wooded areas, streams and creeks, historic locations, or similar conditions that, if preserved, will add attractiveness and value to the community.

3. Streets must align and connect with existing or planned streets and provide for connections with adjacent property. Where appropriate, proposed streets must extend to the boundary line of the premises to provide for normal circulation of traffic within the vicinity. Regard must be given to the Town Construction Standards and Comprehensive Plan. Cul-de-sacs are discouraged and are only permitted where street continuation is prevented due to topography or other physical condition, or unless the Plan Commission finds such extension is unnecessary for the coordination of development within the development or between the development and adjoining property.

G. **Improvement Standards**. Streets must conform to the following:

1. Street and Right-of-Way Widths. Widths of streets and minimum rights-of-way widths must conform to the Town's Construction Standards and Specifications.

2. Construction. Street improvements, must be designed, constructed, and installed according to the Town's Construction Standards and Specifications.

   a. Streets and alleys must be completed as shown on approved plans, profiles, and cross-sections.

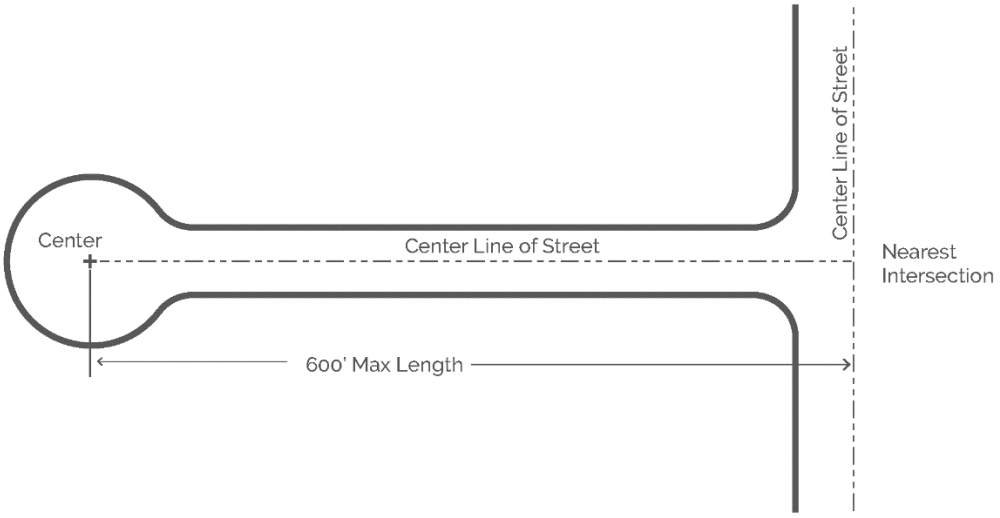
b. Streets must be graded, surfaced, and improved to the dimensions required by the cross-sections and the work must be performed in the manner prescribed in the Indiana Department of Transportation's Standard Specifications.

c. Where parkways or special types of streets are involved, the Plan Commission may apply special standards to be followed in their design.

3. Cul-de-sac Design. Cul-de-sacs must conform to the following standards:

a. The maximum Length of a cul-de-sac is 600 feet, measured along the centerline from the center of the circle to the intersection of the nearest through street.

Figure 7-2: Measurement of Cul-de-sac Length



b. The cul-de-sac terminus must be designed according to the Town's Construction Standards and Specifications

c. A clear area 20 feet wide and 10 feet deep adjacent to the paved street and located opposite the cul-de-sac entrance must be provided to accommodate snow removal. This clear area must be free of above ground improvements (e.g., driveways, mailboxes, fire hydrants, landscaping, and public utility installations), unless otherwise approved by the Administrator.

d. A temporarily dead-ended street is permitted if a street is proposed to be extended but is not yet constructed. An adequate easement or right-of-way for a turn-around must be provided if the dead-end street extends 150 feet or more in length. If an easement, is used it must automatically vacate to the abutting property owners when the street is extended.

e. The Plan Commission or Administrator may require a pathway or sidewalk to connect a cul-de-sac to an adjacent cul-de-sac or street to provide reasonably direct connection between likely pedestrian destinations. Such connection must be constructed according to *7.27 Pedestrian Network Standards* and located within an easement or common area.

4. Alleys. Alleys must be constructed according to the Town's Construction Standards and Specifications.

5. Intersections. Street intersections must be designed and improved according to *7.18 Design Principles and Standards*. Lot line corners must be rounded by arcs with minimum radii in accordance *7.18 Design Principles and Standards*.

6. Access Points. The following standards apply to access points for a development. The Plan Commission, Town Council, or Administrator may approve access points if, due to the size of the development, or appropriate to improve traffic circulation:

   a. Unless otherwise approved, only one street, driveway or point of vehicle access is permitted from a development onto a major collector or minor collector.

   b. The primary access for a multifamily development must be from a major collector, if available, and at least two access points must be provided for adequate accessibility for emergency vehicles and school busses.

   c. Direct access from a residential driveway to any collector is discouraged unless it is the lot's only means of access.

7. Traffic Control Devices. Traffic control devices must comply with the current edition of the Indiana Manual on Uniform Traffic Control Devices.

8. Subsurface Drainage. Subsurface drainage for streets must be designed according to the Town's Construction Standards and Specifications.

H. **Delay of Surface Layer**. Installation of the surface layer of asphalt may be delayed with permission of the Town up to one year until the binder layer of asphalt has had enough time to prove its durability under the stress of heavy construction traffic. A separate performance bond covering the cost of installing the surface layer of asphalt is required prior to approving the delayed installation.

I. **Fire Hydrants**. Fire hydrants must be provided throughout the development as determined by the Town Fire Department.

J. **Acceptance of Improvements**. Before any financial surety (*7.33 Surety Standards*) covering a street installation is released, the Plan Commission, Town Council, or Administrator may request core borings for thickness determination. The developer must engage the services of an independent testing laboratory to take cores at locations selected by the Town. The results of the testing must be provided to the Administrator for review and approval.

7.29 Street Standards

A. **Principles.** In designing a street system, the applicant is guided by the following principles:

1. Adequate vehicular and pedestrian access must be provided to all parcels.
2. Street connections into and from adjacent areas may be required.
3. Local street patterns must provide reasonable direct access to the primary circulation system.
4. Interior circulation systems and land development patterns cannot conflict with the efficiency of bordering arterial routes.
5. Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
6. Planning and construction of streets must clearly relate to their local function.
7. Local streets are designed to discourage excessive speeds.
8. Pedestrian-vehicular conflict points should be minimized.
9. The number of intersections should be minimized.
10. Local streets are designed to minimize impacts to significant topographic features.

B. **Standards**

1. Current INDOT Standards, Guides, and Manuals are followed as design standards unless otherwise specified in this Ordinance.
2. Only one street, driveway or point of vehicle access is permitted from a subdivision onto a collector street or road or an arterial street or road for a subdivision of 50 or fewer lots. Two or more streets, driveways, or points of vehicle access are required by the Plan Commission for subdivisions with over 50 lots to improve the safety and traffic circulation in the area.
3. Subdivisions with over 50 lots must include streets with a boulevard design if a second entrance is not feasible due to the character of the land, provided the internal street geometrics provides two access points at its termination inside the development.
4. Subdivisions with over 100 lots must provide internal circulation routes which provide redundant or alternative access to multiple entrances.
5. Half streets are not permitted.
6. All street names and lot addresses are coordinated through the 911 Coordinator for the County and local Postal Service. No street names may be used which will duplicate or be confused with names of existing streets, unless considered exceptions by the Plan Commission. The streets, which are logical extensions, continuations of, or alignment with any existing streets, either constructed or appearing on any validly recorded plat, must bear the names of such existing streets. Street addresses must be provided for every lot conforming to the town and 911 coordinator's addressing standards.

7. Rights-of-way and paving for proposed streets must be extended to the boundary lines of the proposed subdivision so a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the Plan Commission's opinion, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts.

8. Subdivisions cannot be designed to create or perpetuate the land-locking of adjacent undeveloped land. Connectivity must be considered and planned.

9. In subdivisions that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by this Ordinance, the subdivider dedicates additional width along either one or both sides to ensure conformance, provided the area to be used for widening is owned by the subdivider or under the subdivider's control.

7.30 Street Light Standards

A. Street lights must be installed at all intersections, development entrances, and along internal Streets as required by the provisions of this Article. The Plan Commission may direct street lights at other locations if it determines they are necessary to provide vehicular or pedestrian safety.

B. Street lights providing the illumination necessary for vehicular and pedestrian safety at all intersections within the development must be installed per the Town's Construction Standards (*7.18 Design Principles and Standards*) and the public utility providing the lighting. The Plan Commission may reduce the number of intersections required to have street lighting. The provision of street lights at major intersections involving Collectors or Arterials within the development cannot be waived.)

C. Lighting between intersections must be accomplished by:

1. Installing street lights at the midpoint of the block or every 15 lots, whichever provides the shorter spacing between street lights,

2. Installation of dusk-to-dawn lights on the street-side of each home with such lights maintained in good operating condition by the property owner in perpetuity, or

3. A combination of the above options.

D. If the Town has established a street light standard along the street where the entrance is located, the development must install the same lighting standard. Luminaires must be shielded to prevent glare on residential properties.

E. Decorative street lights may differ from the Town's Construction Standards if approved by the Town Council. Decorative street lights must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the Town and the property owner's association is required establishing that the property owner's association is responsible for replacing the decorative street lights and poles when the original street lights installed are lost or damaged. If the Town or public utility providing the lighting must replace a street light, it is not obligated to use a decorative street light.

7.31 Street Sign Standards

A. Streets must have the minimum number of street signs necessary to create a safe environment for drivers and pedestrians and convey information to efficiently find a certain street or address.

B. A street name sign is required at each intersection within and at the perimeter of the development

C. Street signs must comply with the current edition of the ***Indiana Manual on Uniform Traffic Control Devices*** and the Town's Construction Standards (*7.18 Design Principles and Standards*).

D. Street name and regulatory signs must be installed prior to any street being opened to the public or the issuance of building permits within the development section.

E. Decorative street signs may differ from the Town's Construction Standards if approved by the Town Council. Decorative street signs must be installed at the expense of the developer and maintained by the property owners' association. An agreement between the Town and the property owner's association is required to establish that the property owner's association is responsible for replacing the decorative street signs and poles when the original signs installed are lost or damaged. If the Town must replace a street sign, it is not obligated to install a decorative sign.

7.32 Utility Standards

A. This article applies to all development including, major subdivisions, improvement location permits and site plans.

B. Public sanitary sewer and water hook-ups are required for development in all Zoning Districts except the Agriculture Districts.

C. Utilities must be installed underground in designated utility easements or rights-of-way.

D. Development must provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers must be tied into a public sanitary sewer system and constructed within right-of-way and/or dedicated sewer and utility easements. When a public sanitary sewer is not available, then a septic sewer system on an individual lot may be provided if permitted by this Ordinance and if constructed according to the minimum requirements of the County Health Department.

E. Development must provide a complete water main supply system connected to a municipal or a community water supply system approved by the County Health Department. When a municipal or community water supply is not available, then an individual water supply on each lot must be provided according to minimum requirements of the County Health Department.

7.33 Surety Standards

A. As a condition of approval of a subdivision, site plan, special exception, or planned development, a financial guarantee may be required to assure the installation the improvements such as streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

B. A bond, irrevocable letter of credit, or other guarantee acceptable to the Town ("financial surety") must be executed prior to issuing an Improvement Location Permit for single site developments or recording a secondary plat prior to the completion of improvements.

C. **Construction/Performance Surety**

1. A performance surety to the Town must include any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility to be dedicated to the Town. On-site and off-site improvements shown on the approved plans must be covered by the performance surety.

2. The performance surety must:

   a. Be 120% of the estimated costs determined by the Town to be sufficient to complete the improvements in compliance with this Ordinance and the Town's Construction Standards;

   b. Provide surety satisfactory to the Town;

   c. Run to and be in favor of the Town;

   d. Specify the time for the completion of all improvements; and

   e. Be on a form approved by the Council.

3. Performance sureties must be effective from the date of approval to begin construction of the project and must not terminate until released by the Town Council. Prior to the release of the performance surety, the Administrator must certify the improvements have been installed according to the intent of the approved construction plans.

4. A dedicated account is created in a form acceptable to the State Board of Accounts to hold and accumulate all funds paid pursuant to the provisions of this Article. Funds appropriated from the account must only be used for the completion of infrastructure improvements approved by the Town and which had not been completed after having been initiated.

5. The Town may consider alternative forms of ensuring the proper completion of improvements to be dedicated to the Town or for the benefit of the public.

6. Upon completion of all improvements and installations as required by this ordinance, the subdivider furnishes appropriate documentation indicating that required improvements and installations have been constructed, installed, and completed in compliance with the provisions of this ordinance, the requirement of the Plan Commission and the provisions of other applicable ordinances of the Town. The Plan Commission prescribes procedures for determining whether all improvements, installations, and lot improvements have been constructed and completed as required by this ordinance.

7. Upon acceptance of required improvements or installation, the accepting agency or department of the Town provides a completion letter to the subdivider that officially accepts maintenance responsibility, subject to the terms of the required maintenance guarantees.

8. Two months prior to the expiration of the performance or maintenance guarantee, the Town Council determines if the public improvements have been installed consistent with applicable

standards and special conditions or requirements, if any, established by the Town Council in approving the plat. If the improvements have not been installed to the satisfaction of the Town Council, the Council notifies the subdivider of their intent to secure the funds pledged by the performance or maintenance guarantee, or at their discretion, to grant one (1) extension for a period up to twelve (12) months, and the subdivider files with the Town Council a new performance or maintenance guarantee within the extension period. The Council may upon proof of difficulty, grant one (1) additional extension of the completion date for a maximum period of up to twelve (12) additional months, provided that the performance or maintenance guarantee submitted for this extension period meets all other requirements herein and the extension has been requested in writing prior to the expiration of the first extension.

9. Failure to Complete Public Improvements. In cases where a performance guarantee has been posted and the required public improvements have not been installed within its terms, or if the Council finds upon inspection that any of the improvements have not been constructed according to the approved construction plans, then the Council may thereupon declare the performance guarantee to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent to which development has occurred at that point in time.

10. Release or Reduction of Performance Guarantee. A performance guarantee may be reduced upon actual acceptance of public improvements and any conditions imposed on the plat and then only by the amount originally estimated for the completion of said public improvements. The Town Council cannot accept required public improvements, nor reduce a performance guarantee, until the subdivider has submitted a certificate attesting to satisfactory completion and the subdivider's engineer or surveyor has provided the Council with certified "as built" construction plans of the public improvements including the utilities, indicating location, dimensions, materials, and other information required by the Council and reviewed by the Town Engineer or representative. Upon certification and evidence of satisfactory completion, the Administrator recommends acceptance to the Town Council and the Town Council accepts the applicable public improvements for maintenance according to established procedures.

11. Temporary Public Improvements. The subdivider must build and pay all costs for temporary public improvements required by the Town Council and must maintain the same for the period specified. Prior to construction of any temporary public facility or improvement, the subdivider files with the Town Council a separate suitable performance guarantee for temporary facilities, which insures that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).

D. **Maintenance Surety**

1. When the improvements are completed and accepted by the Town, the performance surety may be released. For 3 years after the date of improvements were accepted by the Town or applicable agency, the developer must make all repairs to the improvements which may become necessary due to improper workmanship or materials. Such maintenance does not include any damage to improvements resulting from forces or circumstances beyond the control of the developer.

2. The developer must provide a maintenance surety to the Town for any street, sidewalk, pathway, storm sewer, erosion control, drainage facility, or any other facility dedicated to the Town. On-site and off-site improvements shown on the approved plans must be covered by the maintenance surety.

3. The maintenance surety must:

   a. Run to and be in favor of the Town;

   b. Be in a sum of not less than 25% of the total improvements' construction cost of the development;

   c. Provide surety satisfactory to the Town;

   d. Warrant the workmanship and materials used in the installation of the improvements

   e. Include a certification from the developer that all improvements have been made according to the approved plans.

4. Maintenance sureties are effective from the date of acceptance and must not terminate until the Town Council certifies inspection and approval of the improvements.

E. **Waiver of Required Public Improvements**. The Town Council may defer or waive at the time of primary approval, subject to the appropriate conditions, the provision of any or all such public improvements as in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities.

F. **Use of Funds**. Any funds received from the performance and maintenance guarantees can only be used for making improvements, installations or repairs that were guaranteed by a bond or irrevocable letter of credit.

7.34 Plat Certificates and Deed of Dedication

The following forms must be used:

A. **Plan Commission Certificate**

Under authority provided by ***IC 36-7***, enacted by the general assembly of the State of Indiana, and all acts amendatory thereto, and an ordinance adopted by the Town Council of the Town of Monrovia, Morgan County, Indiana, this plat was given approval by the Monrovia Advisory Plan Commission, as follows:

Approved by the Administrator of the Planning Department the Town of Monrovia, Morgan County, Indiana, pursuant to the Monrovia Unified Development Ordinance, on the ____ day of _____, _____.

Monrovia Plan Commission

By: _____

(Name), Administrator, Planning Department

(SEAL)

B. **Town Council Certificate**

This plat and the acceptance of any public rights-of-way dedicated herein is hereby approved on the ____ day of _____, 20__, by the Town Council of the Town of Monrovia, Indiana.

_____

(Name), Member

_____

(Name), Member

_____

(Name), Member

C. **Registered Land Surveyor's Certificate**

I _____, hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Indiana:

That this plat correctly represents a survey completed by me on _____, that all the monuments shown thereon actually exist or bond has been posted to cover the later installation of these monuments, and that all other requirements specified herein, done by me, have been met.

_____

(Name)

(SEAL)

D. **Engineer's Certificate**

I, _____, hereby certify that I am a Registered Professional Engineer or Land Surveyor, as the case may be, licensed in compliance with the laws of the State of Indiana, and that I have inspected during their construction and installation all improvements and installations required for this subdivision, designated specifically as _____ _____, and that such required improvements and installations have been made and installed according to the specifications heretofore approved therefore.

_____

(Name)

(SEAL)

E. **Deed of Dedication**: Each Secondary Plat submitted for approval must carry a deed of dedication in substantially the following form:

We the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate according to the within plat.

This subdivision must be known and designated as _____, an addition to Monrovia, Indiana. All rights-of-way shown and not heretofore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there must be erected or maintained no building or structure.

There are strips of ground shown on this plat and marked "easement", reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision must take their titles subject to the rights of the public utilities.

[Additional easement certificates, dedications and protective covenants, or private restrictions would be inserted here upon the applicant's initiative or the recommendations of the Plan Commission or Town Council; important provisions are those specifying the use to be made of the property, rights, and authority of grantees, and, in the case of residential use, the minimum living area.]

The foregoing covenants, or restrictions, are to run with the land and must be binding on all parties and all persons claiming under them until January 1, ____, (a 25 year period is suggested), at which time said covenants, or restrictions, must be automatically extended for successive periods of ten years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any of the foregoing covenants, or restrictions, by judgment or court order must in no way affect any of the other covenants or restrictions, which must remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witnessed our hands and seals this _____ day of _____, _____.

_____

_____

State of Indiana

Morgan County

Before me the undersigned Notary Public, in and for the County and State, personally appeared _____, _____, and each separately and severally acknowledge

the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notary seal this _____ day of _____, _____.

(SEAL)

F. **Easement Certificate**: Each Secondary Plat submitted for approval must include easement certificates, where appropriate and according to *7.24 Easement Standards*.

7.35 Construction Standards: Street Improvements

A. Adequate street rights-of-way must be provided based upon the classification of the roadway as noted in the Comprehensive Plan and Thoroughfare Plan. Table 7.1 identifies the minimum right-of-way widths by roadway classification.

B. The paved width of all streets must adequately serve the existing and future estimated traffic load. Road improvements must comply with the standards in Tables 7.1 and 7.2. The minimum street grade is 0.5%. Where a proposed street is an extension of an existing paved street exceeding the minimum dimensions noted in the tables, the Plan Commission may require the developer to match the width of the existing paved street.

C. All streets within an Industrial District must be constructed to at least the Minor Collector standards. All streets within a Business District must be constructed to at least the Local Street standards.

D. A reverse curve on a Minor Collector or Major Collector must have a straight tangent of at least 100 feet between elements of the reverse curve.

Table 7.1 - Street Deign Standards

Street Classification	ROW Width (min.)	Design Speed	% Grade (max.)	C/L Radius (min.)	Site Distance (min.)	Pavement Width (min.)	Shoulder Width (min.)
Major Collector *	100	50	6	500	500	24	2' P/4' S
Minor Collector	80	45	7	400	400	24	2' P/4' S
Local Road with Shoulder	50	45	10	200	300	24	4' S
Local Road with Curb and Gutter	50	30	10	150	200	24	N/A
Cul-de-sac	100	30	5	100	150	24	N/A

P = Paved S = Stone

* Major Collectors are under the authority of the Indiana Department of Transportation and subject to the design criteria and standards specified by the Indiana Department of Transportation.

Table 7.2 – Street Profile Depth and Materials

Street Material	Major Collector	Minor Collector	Local Road
Asphalt Streets			
Surface (1)	1.5 inches	1.5 inches	1.5 inches
Binder (2)	3 inches	3 inches	2 inches
Base (2)	6 inches	6 inches	4 inches
Crushed Stone (3)	8 inches	8 inches	8 inches
Subgrade	P	P	P
Concrete Streets			
Concrete (4)	8 inches	8 inches	7 inches
Crushed Stone	6 inches	6 inches	5 inches
Subgrade	P	P	P

P = Proof Rolled.

(1) Asphalt surface to be INDOT #11 mix.

(2) Binder and Base to be INDOT #9 mix.

(3) Crushed Stone to be #53's or #53's over #2's.

(4) Concrete to be 4,000 psi @ 28 days w/5% air.

(5) Extra thickness and strengths may be required by the Plan Commission, upon recommendation by the Technical Review Committee, if conditions warrant.

All materials and workmanship to meet AASHTO, INDOT #R, or INDOT Standard Specifications, most recent edition.

Figure 7.3 – Gravel Roads (Private)

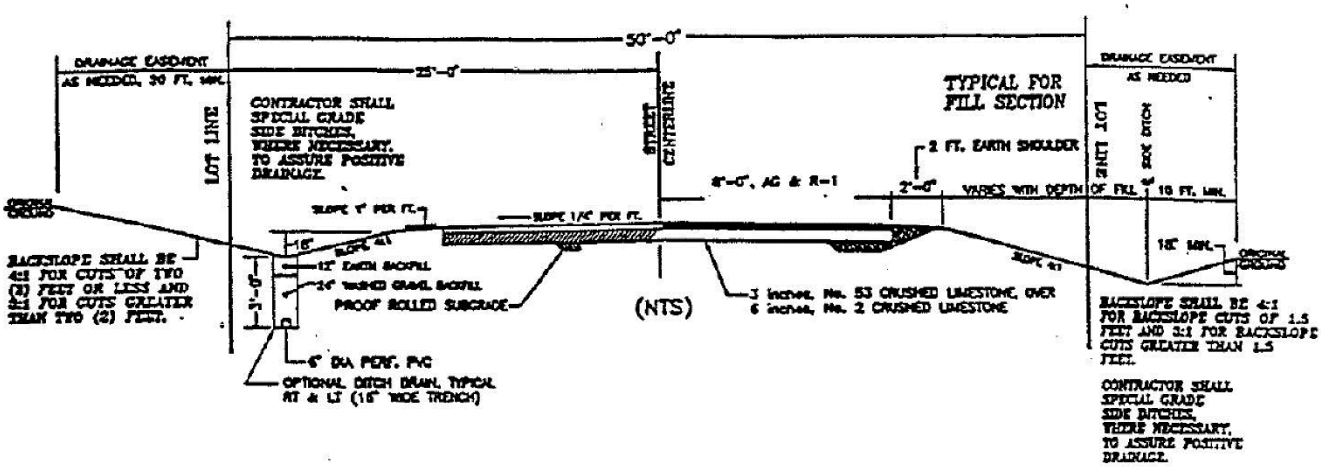


Figure 7.4 – Asphalt/Concrete Streets with Side Ditches

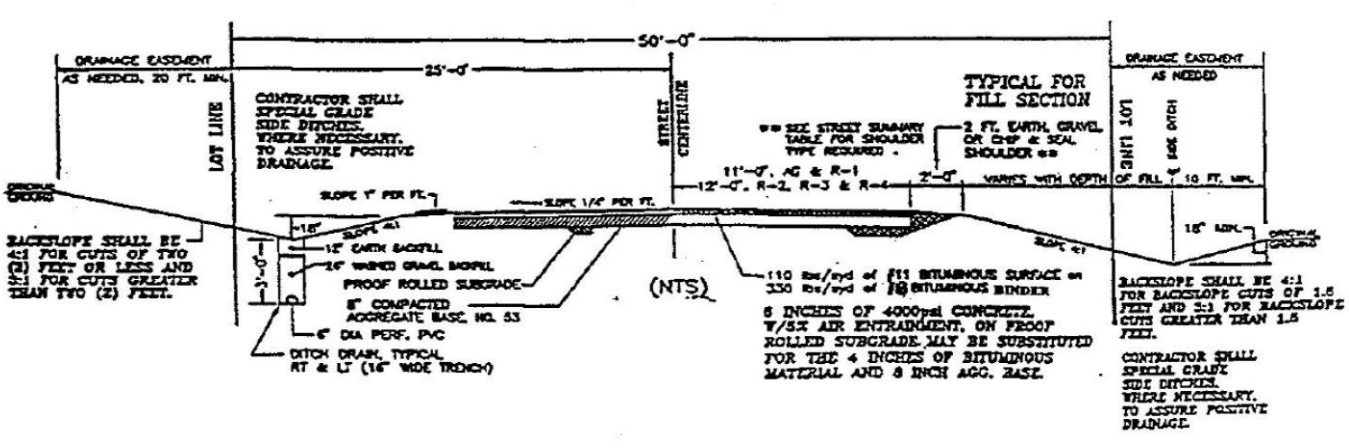
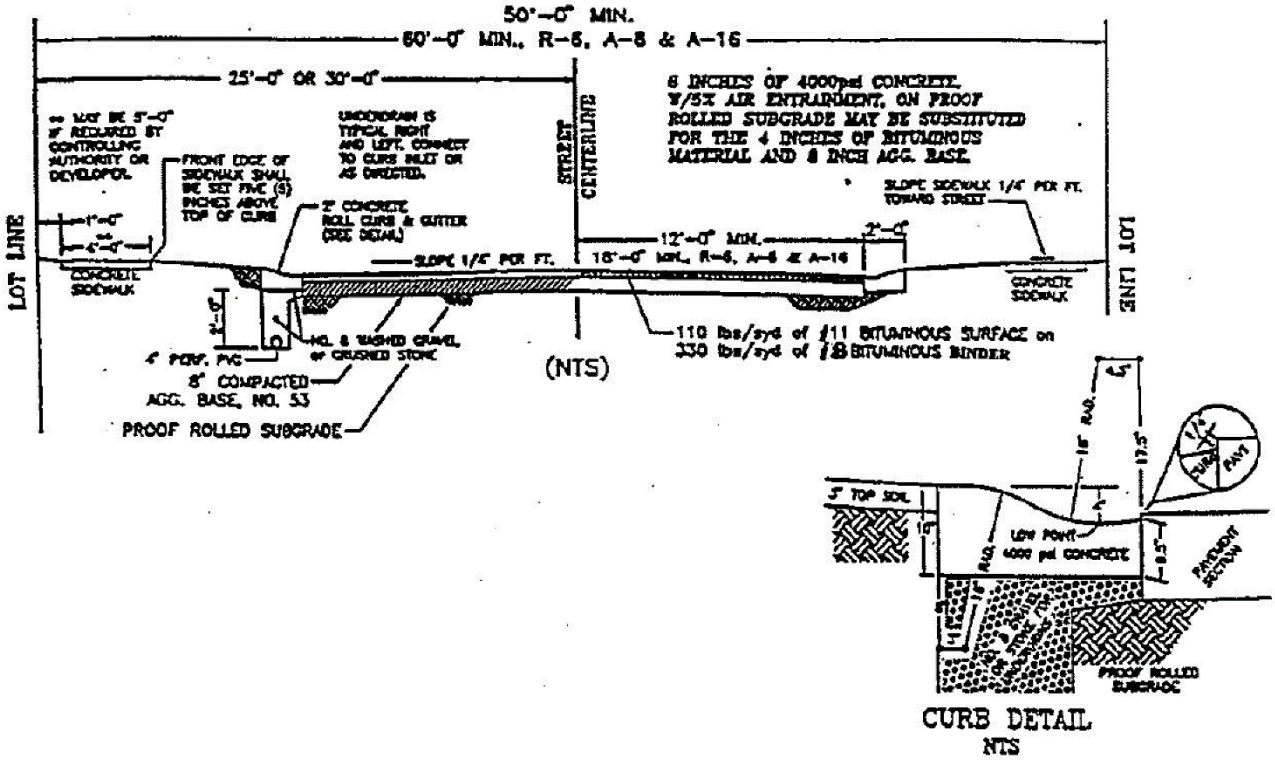


Figure 7.5 – Asphalt/Concrete Streets with Curbs



E. **Intersections**

1. Street curbs must be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case can the curb radii be less than 25 feet for a Local Street or 40 feet for a Minor Collector or a street in a commercial or industrial development. Greater radii may be required by the Town to comply with AASHTO and INDOT design guidelines.

2. Where a proposed street with curbs intersects an existing street without curbs, the curb radius must be designed so there is a minimum of 10 feet separation between the curb and edge of the existing street pavement.

3. Street right-of-way at intersections must provide a minimum of 10 feet separation between the street right-of-way and curb.

4. Intersections must be as perpendicular as possible. Intersection angles less than 75 degrees are prohibited.

5. Intersections of more than two streets is prohibited.

6. When a street of lesser functional classification intersects with a street of greater functional classification the radii arcs at the intersection must comply with the standards for the street of greater functional classification.

7. A straight street at least 100 feet long is required before entering an intersection.

8. The placement of a driveway located near a street intersection must be based on sound engineering design.

9. Street intersections shall not be closer than 200 feet center line to center line for Local Streets and 500 feet center line to center line for a Collector Streets. Traffic volume forecasts may require greater distances to allow adequate vehicle storage in turn lanes.

10. When a street of lesser functional classification intersects with a street of greater functional classification, the pavement thickness of all improvements within the right-of-way of the intersection must comply with the standard for the greater street.

F. **Street Improvements**

1. In general, a street must be completed to the grade shown on the approved plan and profile sheet. A plan and profile sheet for each street is provided by the developer and prepared by a registered professional engineer or registered land surveyor.

2. Street construction must comply with the latest edition of Standard Specifications of the Indiana Department of Transportation, in effect at the time of approval (the "Standard Specifications").

   a. The subgrade must comply with §207 of the Standard Specifications.

   b. The subbase, where required, must comply with §304 of the Standard Specifications. Subbase drainage in areas of cuts, swales, and fills must be detailed in the approved plans and specifications.

   c. The street surface must be of Portland cement concrete or hot asphaltic concrete. Portland cement concrete materials and construction must comply with §501 of the Standard Specifications and these regulations. Hot asphaltic concrete materials and construction must comply with §402 of the Standard Specifications and these regulations.

3. Utility excavations under the pavement must be backfilled with pre-approved borrow or flowable mortar and construction must conform to §211 or §213 of the Standard Specifications or compacted thoroughly by other means approved by the Town Engineer prior to construction.

4. Wet spots or other unusual soil conditions may be encountered in street subgrades. These areas may require the following treatments as determined by the Town Engineer:

   a. Installation of 4-inch PVC underdrains placed at regular intervals through the wet areas and connect directly to the subsurface drainage system.

   b. Direct aggregate ties between the subsurface drain and street aggregate subbase placed in the wet area.

   c. Four inches of aggregate (#53 stone) added to the street cross section in addition to the minimum base requirement.

   d. Soft spots may be over excavated and backfilled with compacted aggregate.

   e. Installation of geotechnical fabric or lime stabilization. Using these methods does not authorize a reduction of the required street cross section.

5. The actual design for street construction is based upon estimated traffic loading with an adequate growth factor included even though the minimum requirements may be exceeded.

6. The cross sections of streets are designed according to AASHTO standards using a combination of soil support values, total equivalent 18-kip single axle loads, terminal service ability index, and regional factors. The Town Engineer approves the pavement cross sections.

G. Joints

Rigid pavement must be jointed to control cracking. Joints must comply with the type, dimensions, and locations required by Standard Specifications, these regulations, or as directed by the Town Engineer.

1. Spacing of weakened plane, transverse, or contraction joints cannot exceed 20 feet. Closer spacing to average 15 feet is encouraged. A transverse contraction joint may either be formed or sawed dummy grove, ribbon, or pre-molded strip type, and must be 1/4 the thickness of the pavement.

2. When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.

3. Joints are required at every catch basin and manhole in the line of pavement. The location of manholes in the pavement determines the exact location of the joints.

4. All joints must extend throughout the curb to the full width of pavement.

5. A transverse expansion joint must be placed at tee intersections, tangent points of sharp curves, and wherever else shown on the plans.

6. Whenever the width between forms of the pavement under construction is greater than 12 feet, a longitudinal joint must be constructed so as to divide the pavement into strips not to exceed

12 feet each. This may be accomplished by sawing or by installing a slot or groove for a contraction joint.

7. White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing.

H. **Curbs And Gutters**

1. A 2-foot concrete curb and gutter is required on Local Streets. Open ditches with side slopes steeper that 3:1 are prohibited. An open ditch cannot exceed 3 feet in depth.
2. Materials, concrete specifications, and construction procedure must comply with §501 of the Standard Specifications.
3. Valley gutters that drain across street intersections or driveways are prohibited.

I. **Sidewalks**

Sidewalk materials and construction requirements must conform to §604 of the Standard Specifications and the following requirements:

1. Be constructed only of Portland Cement concrete unless otherwise expressly approved by the Town Engineer.
2. Have a minimum depth of 4 inches in pedestrian areas and a minimum depth of 6 inches in areas of proposed vehicular crossing.
3. Have a slope of 1/4 inch per foot toward the street (except where prohibited by topography).
4. Be located at least 1 foot from the right-of-way property line.
5. Be jointed every 5 feet with expansion joints every 40 feet to prevent cracking and heaving.

7.36 Construction Standards: Water Facilities

A. **General Requirements**

1. New developments must provide in a manner prescribed by the latest edition of the Recommended Standards for Water Works, published by Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224 (commonly known as the Ten State Standards).
2. Adequate water facilities, including fire hydrants, must be installed per approved construction plans.
3. Extensions of the public water supply system must be approved by the officially designated agency of the state, town and/or municipality concerned. The design and construction of the system must comply with all applicable federal, state, and local regulations.
4. A letter of intent to provide service must be provided from the appropriate utility prior to primary approval.

5. The Commission reserves the right to approve subdivision plans contingent upon receipt of approval of water system design by IDEM and/or other appropriate parties.

B. **Individual Wells and Central Water Systems**

1. If a public water system is not feasible, as determined by the Town Council, individual wells may be used, provided they are installed according to all applicable state and county health department requirements.

2. If a public water system is not feasible, the Town Council may approve an appropriate water source and central water distribution system meeting all applicable federal, state, and town requirements.

3. A central water distribution system must be designed and constructed in a manner that provides an adequate supply of potable water to every lot in the subdivision. A central water system must be approved by IDEM prior to the approval of the secondary plat.

4. If the Plan Commission requires a connection to a future public water system as a condition of approval for an individual well or central water system, the developer must arrange for future water service prior to the approval of the secondary plat. The Town or water utility may require a performance guarantee to ensure compliance.

C. **Fire Hydrants**

Fire hydrants are required for all subdivisions except those with lots served by individual wells or a public water system with domestic water supply only. Fire hydrant locations are determined in cooperation with the fire department. Documentation of fire department approval is required prior to the approval of the secondary plat.

D. **Dry Hydrants**

Subdivisions without a central water system but containing a permanent pond must provide dry hydrants in cooperation with the fire department. Documentation of fire department approval is required prior to the approval of the secondary plat.

7.37 Construction Standards: Sanitary Facilities

A. **General Requirements**

Each lot must either have access to sanitary sewer facilities or meet individual on-site sewage system criteria. The Plan Commission reserves the right to approve subdivision plans contingent upon receipt of approval of sewage system design by IDEM, IDNR, and/or other appropriate parties.

B. **Sanitary Sewerage System Requirements**

1. Where required, the developer must install the necessary sanitary sewers and facilities to comply with the rules, regulations, and standards of the Town and other appropriate state and federal agencies. All sanitary plan approvals and permits must be obtained prior to the approval of the secondary plat.

2. A letter of intent to provide service must be provided from the sewer utility prior to primary plat approval.

C. **Individual Disposal System Requirements**

1. If a public sewer facility is not available, and an individual or community on-site sewage disposal facility is proposed, the minimum lot area must conform to the requirements of this Ordinance and any ordinance establishing usable lot areas and design standards for an individual or community on-site sewage disposal facility.

2. Sanitary sewer facilities must comply with all applicable rules, regulations and standards of the appropriate federal, state and local agencies. All sanitary plan approvals and permits must be obtained prior to the approval of the secondary plat.

Chapter Eight
Process and Permits

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8.1 General Provisions

A. **Purpose.** This chapter outlines the procedure for approvals, permits, administration, and enforcement, as set forth in this Ordinance.

B. **Application.** Application and informational packets may be obtained through the Department and/or online.

C. **Fees.** A schedule of fees for applications, permits, and other purposes required by this Ordinance is established by the Town Council and kept in the office of the Administrator.

1. Until all applicable fees, charges and expenses have been paid in full, no final action can be taken on any application or permit. This requirement applies not only to fees due for the specific application or permit, but also to fees and fines owed relative to any previously issued permit or violation of this Ordinance.

2. Any person initiating construction of a structure before obtaining an improvement location permit or other required permit must pay twice the amount of the current permit fee.

D. **Public Meetings**. Applications requiring public meetings are filed according to the adopted schedule of meeting and filing dates and subject to the rules of procedure of the applicable hearing body.

E. **Permits and Licenses Void if in Conflict.** Any permit or license issued in conflict with the provisions of this Ordinance are considered null and void from the date of issue.

8.2 Administrative Determination

A. **Purpose.** The interpretation authority established by this Ordinance recognizes that the provisions of this Ordinance, though detailed, cannot address every specific situation to which they may have to be applied. Many such situations can be addressed by an interpretation of the specific provisions of this Ordinance considering the general and specific purposes for which those provisions have been enacted. The interpretation authority established is an administrative, not legislative, authority. It is not intended to add to or change the essential content of this Ordinance. It is intended only to allow authoritative application of content to specific cases.

B. **Authority.** The Administrator may render interpretations of the provisions of this Ordinance and of any rule or regulation issued according to it ("Administrative Interpretation" or "Administrative Determination") by written order, subject to the procedures, standards, and limitations of this Ordinance.

C. **Parties Entitled to Seek Interpretations.** Applications for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation. Interpretations based on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion will not be entertained.

D. **Procedure for Review and Decision**

1. Application: The applicant submits a written request for interpretations of this Ordinance to the Administrator.

2. Action on Request: Within 10 working days of the written request submission, the Administrator provides the applicant a determination in writing, stating the specific precedent, reasons, and analysis upon which the determination is based. Failure of the Administrator to act within 10 working days is deemed a decision denying the request.

3. Records: Records of all requests for determinations are kept on file in the office of the Administrator and may be recorded in the Office of the County Recorder at the Administrator's discretion.

4. Appeal: Appeals of interpretations rendered by the Administrator are made according to ***8.3 Appeals of Administrative Decisions***.

E. **Standards for Interpretations.** The following standards are considered when issuing determinations:

1. A use will not be permitted in a zoning district unless evidence is presented that demonstrates:

   a. The use is consistent with the purpose and intent of the zoning district;

   b. The use will comply with the general regulations established for the zoning district; and

   c. The use is like other uses permitted in the zoning district and is more compatible to those uses than to uses permitted in a more restrictive zoning district.

2. If a proposed use is most like a use permitted only as a special exception in the zoning district where it is proposed to be located, the use requires special exception approval according to ***8.8 Special Exceptions***.

3. Effect of Favorable Interpretations. A determination permitting a proposed use does not authorize the establishment of a use nor the development, construction, alteration, or moving of any building or structure, but only authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance and other Town ordinances such as a building permit, a certificate of occupancy, a primary or secondary plats, or site plan approval.

4. Limitations on Interpretations. A determination is limited to the circumstance for which it was issued. It does not authorize any allegedly similar circumstance for which a separate determination is needed, unless otherwise provided for in the determination.

8.3 Appeals of Administrative Decisions

A. **Right of Appeal.** The BZA reviews appeals of any decision, interpretation, or determination made by the Administrator or any other administrative official or board with responsibilities enforcing and interpreting this Ordinance. The procedures in this article apply to all appeals of administrative decisions, unless otherwise required by local or Indiana law.

B. **Stay of Enforcement.** If an appeal to an enforcement action is filed according to this article, the Administrator takes no further enforcement action on the matter pending the Board's decision, except for unsafe circumstances presenting an immediate and serious danger to the public.

C. **Application.** The applicant submits a written request for an administrative appeal within 30 days of the decision, interpretation, or determination, along with supporting information, including:

1. Original Submittals: Copies of all materials which the decision being appealed was based.
2. Written Decisions: Copies of any written decisions that are the subject of the appeal.
3. Appeal Basis: A letter describing the reasons for the appeal noting specific sections of this Ordinance or other applicable standards upon which the appeal is based.

D. **BZA Review.** At a regularly scheduled meeting, the BZA reviews the administrative appeal request and supporting information.

1. Representation: The applicant or applicant's representative must be present at the meeting to present the appeal.
2. Testimony: At the meeting, the BZA will consider a report from the Administrator and enforcing party, testimony from the applicant, and testimony from witnesses and interested parties.
3. Procedures: The conduct of the hearing follows the Rules and Procedures of the Board.

E. **BZA Action.** The BZA may affirm, affirm with modifications, reverse, or continue the appeal.

1. Affirm: If the BZA finds the administrative decision was consistent with the provisions of this Ordinance, the BZA affirms the determination in writing.
2. Affirm with Modifications: If the BZA determines the proper interpretation is not consistent with the administrative decision nor the interpretation requested by the applicant, the BZA will affirm the determination with modifications in writing.
3. Reverse: If the BZA finds the administrative decision was inconsistent with the provisions of this Ordinance, the BZA reverses the determination in writing.
4. Continuances: The appeal may be continued based on a request by the Administrator or applicant, an indecisive vote, or a determination by the BZA that additional information is required before action is taken on the request. The continuing of applications follows Rules and Procedures of the Board.

8.4 Commitments

A. **Applicability.** An applicant may be required to make a commitment to the Plan Commission, BZA, or Administrator as a condition of approval of a rezoning proposal, a primary plat, a site plan, a plat vacation, special exception, or variance.

B. **Form.** Commitments must be in writing, in a recordable form approved by the Town, and signed by the owner(s) of the real estate.

C. **Expiration.** A commitment may contain terms stating the commitment automatically terminates: (i) if the property's zoning classification is changed; (ii) if the commitment's use is changed; or (iii) otherwise according to the rules of procedure of the Plan Commission or BZA. If not otherwise provided, commitments remain in effect until otherwise modified or terminated according to **8.4(F) Modification of Commitments** below.

D. **Recording.** The applicant must record the commitments in Office of the County Recorder within 14 days of the approval of the application. The applicant must return a copy of the recorded commitments to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded commitments is provided to the Department.

E. **Enforcement.** The Plan Commission, BZA, Town, owners of real estate adjoining the subject real estate, all owners of real estate within the area included in the application who were not applicants for approval, and others specifically designated in the commitments are entitled to enforce the commitments according to ***IC 36-7-4-1015***, or as otherwise provided by applicable law.

F. **Modification of Commitments.** A commitment may be modified or terminated only by a decision of the Plan Commission, BZA, or Town Council to which the commitment was made. The decision is made at a public hearing by the Plan Commission, BZA, or Town Council after notice has been provided according to the Rules of Procedure. The modification or termination of the commitments is not effective until: (i) written in a form approved by the Town Attorney; (ii) approved by the Plan Commission, BZA, or Town Council; (iii) executed by the current property owner of the real estate; and, (iv) recorded in Office of the County Recorder. The applicant is responsible for recording the commitments per **8.4(D) Recording**.

8.5 Design Review Process

A. **Purpose.** The purpose of the Design Review process is to ensure the compatibility of new development or construction with the existing development of the surrounding neighborhood.

B. **Applicability.** Unless otherwise waived in writing by the Administrator, the Design Review process is required as part of the site plan review process for applications located within a corridor overlay district, or on an infill site. An infill site is one where the proposed development is located on vacant or underutilized land substantially enclosed by other buildings and developments.

C. **Design Review Criteria.** In addition to the criteria identified in ***8.7 Site Plan Review***, site plans submitted as part of the Design Review process are reviewed for compatibility of the proposed development with the surrounding neighborhood on the following requirements:

- Massing of the Building form,
- Building scale,
- Location and treatment of entryways, including porch heights,
- Surface materials, finishes, and textures,
- Size of Building footprint,
- Eave heights,
- Building silhouette,
- Spacing between Buildings,
- Setbacks from Street property lines,
- Proportions of Windows, bays, doorways, etc.

- Shadow patterns from massing and features, and
- Landscaping.

D. **Documentation and Supporting Information.** When required, design review must include the documentation and supporting information set forth in in this article. Other information necessary to support a thorough review of the project may be requested in writing by the Plan Commission or Administrator. The Administrator in writing may waive or relax any of the documentation required which is irrelevant or unnecessary for a thorough review of the development.

1. Landscape Plan: A landscape plan according to ***6.1 Landscape Standards***, is required as part of any site plan and must detail perimeter areas, buffer yards, common areas, entryways, and any other open space as considered appropriate by the Plan Commission or Administrator. Landscape plans for a detailed site plan must be site or lot specific showing compliance with parking area, buffer yard, and on-site or foundation requirements.
2. Open Space and Amenity Plan: A statement of the nature and extent of all existing and proposed open space and amenities must be provided either on the submitted landscape plan or in writing, along with any necessary explanatory materials or graphics, as part of any site plan.
3. Lighting Plan: A lighting plan according to ***6.2(E) General Lighting Standards***, is required as part of any site plan.
4. Sign Plan: A sign plan according to ***6.4(D) Sign Plans and Sign Programs*** may be required with the any site plan submission; however, all signs are subject to approval and obtaining a sign permit (***8.18 Sign Permit and Applications***) before erection.
5. Building Elevations: Drawings of proposed buildings must be filed in connection with the detailed site plan submission. The buildings must be drawn to scale and include the following (see also ***CHAPTER 2 – ZONING DISTRICTS***):

- Address of the property and graphic scale.
- Proposed name of the development.
- Elevations for each building facade (360 degree).
- Specifications or samples of the type and color of exterior materials to be used for all wall, window, roof, and other architectural features.
- A separate true color rendering, or other realistic depiction, of the proposed building, including any areas designated for signage.
- Details of any exterior architectural lighting.

8.6 Planned Unit Developments

A. **Applicability.** These regulations apply to Planned Unit Development District (PUD) proposals and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD Ordinance or the Ordinance's referenced exhibits.

B. **Intent**. The Planned Unit Development (PUD) zoning district provides for the development of mixed zoning classifications, densities, and uses under a common classification when presented to the Plan Commission in a well-prepared, organized, and documented plan. This zoning district is intended to:

- Encourage large-scale, identity-building developments that mix uses, building types, and building arrangements;
- Provide greater flexibility for sites with natural constraints to conserve natural resources; and
- Allow a review process for creative building types that do not fit well into other zoning districts.

C. **Required Approvals.** A Planned Unit Development District requires the following approvals:

1. Ordinance and Concept Plan (collectively, "PUD Ordinance")
2. Site Plan (***8.7 Site Plan Review***)
3. Approval of Primary Plat and Secondary Plat, if applicable.

D. **PUD Ordinance.**

1. Application Procedures:

   a. Sketch Plan Conference: A sketch plan conference with the Administrator is required before the filing of any PUD application. This conference is held to allow the applicant to discuss characteristics of the development in relation to adopted Town policies. The conference allows the Administrator to review PUD procedures, development standards, and policies with the applicant. A draft of the proposed PUD Ordinance is required for the Sketch Plan conference. The applicant is encouraged to incorporate the Administrator's comments into the proposal prior to filing the application. The Sketch Plan conference is intended only for discussion purposes; neither the applicant nor the Plan Commission is bound by any decision made during the conference.

   b. Who May File: Applications may be filed by a petition signed by the Property owners of the real estate involved in the petition, or the property owner's authorized agent. If an authorized agent, then a consent form signed by the property owner must accompany the application.

   c. Filing Deadline: Applications must be filed according to the schedule of meeting and filing deadlines. The applicant is responsible for distributing a copy of the application and related materials to members of the Technical Advisory Committee.

   d. Forms of Filing: An applicant submits a completed application to the Administrator on forms provided by the Department with documentation and required supporting information. The Administrator establishes the number of copies of complete applications and supporting documentation required to be filed.

e. Docketing by Administrator: Each filed application is reviewed for completeness. Applications determined to be in proper form according to the guidelines established must be numbered and docketed by the Administrator.

f. Neighbor Meeting: Applicants requesting approval of a PUD Ordinance and any amendments, are encouraged to host a neighbors' meeting and submit a written report to the Administrator summarizing the meeting prior to the Plan Commission public hearing. Applicants must invite to the neighbor meeting at least the interested parties required to receive mailed notice of the Plan Commission public hearing.

g. Review and Approval: After docketing, an application is reviewed and considered by the Plan Commission and Town Council according to ***8.12 Zoning Map Amendments (Rezones)***.

h. When considering a PUD Ordinance, the Administrator, Plan Commission, and Town Council consider the extent to which the proposed PUD:

i. Meets the requirements, standards and stated purpose of the PUD regulations;

ii. Departs from the zoning and subdivision regulations applicable to the property and why such departures are in the public interest;

iii. Meets the purposes of the Comprehensive Plan and other policies and objectives of the Town;

iv. Provides public services, manages circulation and traffic, establishes common open space, and enhances the community as a whole;

v. Is compatible with adjacent properties and does not diminish their value;

vi. Enhances the physical development, tax base, and economic well-being of the Town;

vii. Preserves ecological, natural, historical, architectural, and human-made resources to the extent possible; and

viii. Will not damage the public health, safety, and general welfare.

2. Effect of Approvals of PUD Ordinance: A PUD Ordinance becomes effective after its approval by the Town Council and is recorded by the Town in Office of the County Recorder. The Zoning Map is amended accordingly. The use and development of the property are then governed by the PUD Ordinance, subject to review and approval of subsequent permits and approvals as required by this article and Ordinance, and any other regulatory processes which may be required prior to beginning construction within the PUD.

D. **Site Plan Approval.** Site plan approval, as set forth in ***8.7 Site Plan Review***, is required for all PUDs. Site plans must conform to the approved PUD Ordinance and this Ordinance. An application for site plan approval must be filed within 18 months of PUD Ordinance approval. If needed, applicants may seek a time extension of up to 18 months from the Town Council.

E. **Permits.** No permit of any kind will be issued within a PUD except according to the approved site plan, and after acceptance by the Town of all required guarantees for improvements according to this Ordinance.

F. **PUD Ordinance Requirements.** PUD Ordinances and supporting data must include the following documentation. The Administrator in writing may waive or relax any of the requirements listed which are irrelevant or unnecessary for a thorough review of the development.

1. PUD Ordinance: The PUD Ordinance must follow a standard format adopted by the Town for PUD Ordinances.

2. Concept Plan: A drawing of the PUD ("Concept Plan") must be included at a scale at least 1"=100', or at a scale the Administrator considers appropriate.

   a. General Concepts: The concept plan must show in general terms the following: major circulation; location and dimensions of buildings, structures, and parking facilities; open space areas; recreation facilities; and other details indicating the character of the proposed development.

   b. Detailed Concepts: The concept plan must include in detailed terms the following:

      i. A site location map showing the project location and other development projects in the vicinity.

      ii. The name of the development, with the words "Concept Plan".

      iii. Boundary lines and acreage of each land use component.

      iv. Existing easements, including location, width, and purpose.

      v. Existing land use on abutting properties.

      vi. Other conditions on the site and adjoining land: topography (at two-foot contours) including any embankments or retaining walls; use and location of buildings, railroads, power lines, towers, and other influences; name of any adjoining subdivision.

      vii. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, pathways and bridges and other drainage structures.

      viii. Proposed public improvements: collector and arterial streets and other major improvements planned by the public for future construction on or adjacent to the tract.

      ix. Existing utilities on the tract.

      x. Any land on the tract within the floodway and floodway fringe as shown on the Flood Insurance Rate Maps.

      xi. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, existing structures, and other significant features such as significant isolated trees.

      xii. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.

      xiii. Map data such as north point, graphic scale, and date of preparation.

3. Written Statement of Character: A written statement of character of the PUD must provide an explanation of the character of the PUD and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement must include:

a. A specific explanation of how the proposed PUD meets the objectives of all adopted land use policies affecting the land in question.

b. Development phasing indicating building phases, including the area, density, use, public facilities, and open space to be developed with each phase, and projected dates for beginning and completion of each phase. Each phase must be described and mapped.

c. General details of the proposed uses:

i. Residential uses must indicate gross area, architectural concepts (narrative, sketch, or representative photo), and number of dwelling units for each residential component;

ii. Nonresidential uses must indicate specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.

4. Development Amenities and Open Space: The PUD Ordinance must include a statement of recreational amenities and open space. Such statements must designate and convey active and/or passive recreational areas according to the following:

a. Recreational amenities and open space must be allocated to the property in proportion to the uses assigned in the PUD and be located within reasonable walking distance to those uses; however, when preserving existing features, the recreational amenities do not need to be in proximity to the use.

b. If the PUD Ordinance provides for development in stages, then amenities and open space must be provided in each stage in proportion to that stage, unless otherwise indicated and approved in the PUD Ordinance.

c. Amenities must be conveyed in one of the following forms:

i. To a municipal or public corporation;

ii. To a not-for-profit corporation or entity established to benefit the owners and tenants of the PUD. All conveyances must be structured to ensure the grantee has the obligation and the right to effect maintenance and improvement of the amenities and the duty of maintenance and improvement is enforced by the owners and tenants of the PUD; or

iii. To owners other than those specified in subsections (i) and (ii) above, and subject to restrictive covenants describing and guaranteeing the amenities, its maintenance and improvement, running with the land for the benefit of residents of the PUD or adjoining property owners or the community.

5. Traffic Impact Study: A Traffic Impact Study may be required at the discretion of the Administrator, the Town Engineer, the Plan Commission, or Town Council. If a Traffic Impact Study is required, it must be prepared by a registered professional engineer and must evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to beginning the study, an applicant meets with the Administrator to determine the appropriate scope for the study.

6. Additional Materials: The Administrator informs the applicant in writing of any additional information, documents, or data necessary to support a thorough review of the proposed development.

G. **PUD Ordinance Amendments**

1. Changes requiring an amendment to a PUD Ordinance include altering the concept or intent of the initial PUD, as determined by the Administrator, which include:
   a. Increases in density or intensity.
   b. Changes in the proportion or allocation of land uses.
   c. Changes in the list of approved uses.
   d. Changes in the locations of uses outside of the parameters set forth by the PUD Ordinance.
   e. Changes in functional uses of open space constituting an intensification of use of the open space.
   f. Changes in the final governing agreements which conflict with the concept plan approval.
2. The procedure for amending an approved PUD Ordinance ("text amendment") is the same as the procedure for the adoption of the initial PUD Ordinance.

8.7 Site Plan Review

A. **Purpose and Intent.** The site plan review requirements provide a consistent and uniform method for reviewing proposed site plans to ensure compliance with the standards of this Ordinance, other applicable ordinances, standard engineering practices, and state and federal laws. The procedures of this chapter are further intended to:

- Achieve efficient use of land;
- Protect natural resources on the site and in the vicinity of the site;
- Minimize adverse impacts on nearby properties; and
- Encourage cooperation between the Town and applicant to advance the Town's land use objectives.

B. Applicability

Applications for improvement location permits must contain a site plan and other information required for a complete and thorough review of the application. The level of review depends upon the scope and scale of the proposed project.

1. **Level A** site plans are revied by the Administrator and include:
   - Single-family detached dwellings
   - Single-family attached dwellings
   - Manufactured or mobile homes
   - Residential building additions
   - Detached residential accessory buildings 200 sf or larger
   - Garages or carports

- Conversion of occupancy classification per State Building Code
- Parking lots up to 4 spaces
- Exterior alterations to structures
- Signs
- Swimming pools
- Awnings
- Non-residential building additions up to 3,000 sf
- Non-residential accessory buildings and structures

2. **Level B** site plans are reviewed and approved by the Plan Commission and include:
   - New non-residential principal buildings and developments
   - Non-residential building additions greater than 2,000 sf
   - Structures other than buildings (including towers and antennas)
   - Parking lots containing more than 5 spaces
3. The Administrator determines what level site plan review is required by the proposed project. The Administrator may defer Level A approvals to the Plan Commission. The Plan Commission may delegate Level B approvals to the Administrator. For example, the Plan Commission may approve a large multi-family development and delegate the review and approval of the individual buildings within the development to the Administrator.
4. <u>Expiration of Permits</u>
   a. Initiation of Work. Work described in any improvement location permit and its associated site plan must begin within 180 days of the date the ILP was issued.
   b. Completion of Construction. An improvement location permit expires if the work described in an ILP is not completed within 12 months of the date the ILP for a Level A site plan was issued or within 18 months of the date the ILP for a Level B site plan was issued. Upon expiration of the ILP, the permit is cancelled by the Administrator who provides written notice of the cancellation to the permit holder. The notice also informs the permit holder that future work cannot proceed until a new ILP is issued.
   c. Extension of Time. Prior to the expiration of the ILP, the permit holder may submit a written request for an extension of time. For a Level A site plan, the Administrator may grant one extension of time up to six months. For a Level B site plan, the Plan Commission may grant one extension of time up to 18 months. An extension will only be approved if the development encountered unforeseen difficulties beyond the control of the permit holder and the project will proceed within the extended period. If these provisions are not fulfilled or the extension has expired prior to construction, the ILP expires.

5. Construction Compliance. The ILP only covers the use, arrangement, and construction specifically proposed in the approved site plan associated with the ILP. Any other use, arrangement, or construction not authorized by the ILP is a violation of this Ordinance.

C. Site Plan Requirements

Site plans must contain the information listed below. The Administrator may waive requirements for a **Level A** site plan and the Plan Commission may waive requirements for a **Level B** site plan if it is determined the requirement not apply to the property or use in question.

Table 8.1 Site Plan Submittal Requirements

Required Elements	Level A	Level B
Site conditions, including existing drainage courses, floodplains, lakes, streams, wetlands, and woodlands	X	X
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site	X	X
All existing and proposed easements	X	X
Building and Structure Details:		
Location, height, and dimensions of proposed buildings or structures	X	X
Building floor plans and total floor area	X	X
Details on accessory structures		X
Size, height and method of shielding for all site and building lighting		X
Location of all freestanding signs, with setbacks	X	X
Size, height, and lighting of all proposed signs		X
Building façade elevations for all sides, drawn to scale		X
Description of exterior building materials	X	X
Location, height, and outside dimensions of all outside storage areas	X	X
Location, height, and materials of all proposed fences and walls		X
Access and Circulation:		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	X	X
Dimensions of acceleration, deceleration, and passing lanes		X
Opposing driveways and intersections within 250 feet of site		X
Cross section details of proposed roads, driveways, parking lots, and non-motorized paths illustrating materials and thickness		X
Dimensions of parking spaces, landscaped islands, circulation aisles, and loading zones	X	X
Calculations for required number of parking and loading spaces	X	X
Designation of fire lanes	X	X
Traffic regulatory signs and pavement markings		X

Required Elements	Level A	Level B
Location of existing and proposed sidewalks/pathways within the site or right of way	X	X
Proof that required permits have been submitted to the county or state, as applicable		X
Landscape Plans:		
General location and canopy outline of all existing woodlands, with an identification of trees to be removed and trees to be preserved	X	X
Description of methods to preserve existing trees		X
Location of existing and proposed lawns and landscaped areas, including percentage of lot area	X	X
Landscape plan, including location and type of all proposed shrubs, trees, and other live plant material, according to *Section 14-8*		X
Notation of required greenbelts, buffers and screening and calculation of required plants	X	X
Location and area calculations for all required common open space		X
Information Concerning Utilities, Drainage, and Related Issues		
Location of existing and proposed septic systems or sanitary sewers	X	X
Location and size of existing and proposed well sites, water service, and fire suppression systems	X	X
Fire service features on site, including fire hydrants and fire connections mounted on buildings	X	X
Stormwater drainage and retention/detention calculations	X	
Site grading, drainage patterns, and other storm water management measures	X	X
Storm water retention and detention ponds, including grading, side slopes, depth, high water elevation, volume, and outfalls		X
Location of underground storm sewers and drains	X	X
Size, slope, and elevation data for all storm sewers		X
Location of above and below ground gas, electric and telephone lines, existing and proposed		X
Sedimentation control measures		X
Location of transformers and utility boxes		X
Site lighting, including locations and details for lighting fixtures		X
Waste receptacle enclosure location and details, if required		X
Locations and storage containment details for any hazardous materials or chemicals, if applicable		X
Additional information required for Residential Development		

Required Elements	Level A	Level B
The number and location of each type of residential unit		X
Density calculations by type of residential unit (DU/acre)		X
Garage and/or carport locations and details, if proposed		X
Mailbox clusters		X
Location, dimensions and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable		X
Location and size of recreation and open space areas and an indication of type of recreation facilities proposed for recreation area		X
Other Information		
Any required permits by other Town, County, State, or Federal agencies or proof that permit applications have been submitted	X	X
Other information required by the Plan Commission or Administrator to demonstrate compliance with this Ordinance, including environmental studies, traffic impact studies or similar information	X	X

D. Level A Site Plan Approval Process

1. The applicant submits:
   - A complete ILP application form,
   - A **Level A** site plan,
   - A written description of the proposed project or use,
   - Payment of the application fee, and
   - Any additional information required for a complete review of the application
2. The Administrator reviews the application for compliance with this Ordinance and other applicable Town standards. The Administrator may forward the application to the Technical Advisory Committee for their review and comment. The Administrator provides all review comments to the applicant and notes areas of non-compliance with the Town requirements.
3. The applicant may submit revised comments in response to the comments received.
4. When a site plan has been reviewed and found in compliance with Town requirements, the Administrator may approve, or approve with conditions, the application. Applicants not complying with Town requirements will not be approved.
5. Upon approval, copies of the application and plan, signed by the Administrator, are maintained on file at the Town, with a copy provided to the applicant.
6. Approved Site Design
   a. Following approval of the site plan, the Administrator issues an Improvement Location Permit. The applicant is responsible for obtaining all other applicable county, state, or federal permits before issuance of a building permit.

b. The property owner is responsible for maintaining the property according to the approved site plan on a continuing basis. Any property owner who fails to maintain the property according to the approved site plan is in violation of this Ordinance.

c. Conditions may be imposed on site plan approval to ensure compliance with the requirements of this Ordinance.

d. A performance guarantee may be required, according to ***7.33 Surety Standards***, to ensure completion of required improvements as specified in the ILP and shown on the approved site plan.

E. Level B Site Plan Approval Process

1. The applicant submits:
   - A complete ILP application form,
   - A **Level B** site plan,
   - A written description of the proposed project or use,
   - Payment of the application fee, and
   - Any additional information required for a complete review of the application
2. The Administrator forwards the application to the Technical Advisory Committee for their review and comment. If applicable, outside consultants prepare a review of the site plans and provide written comments to the Administrator prior to action being taken to approve or deny the application. Costs related to this review are paid by the applicant in accordance with the policy established by the Town. The Administrator provides all review comments to the applicant, noting areas of non-compliance with the Town requirements.
3. The applicant may submit revised plans in response to the comments. Revised plans must be submitted in sufficient time, as determined by the Administrator, prior to a scheduled meeting. Revised plans submitted without adequate time for review will not be considered.
4. When a site plan has been reviewed and determined to be complete, the Administrator places it on the Plan Commission agenda. Incomplete will not be docketed. The Plan Commission reviews the ILP application, site plan, and recommendations from staff, consultants and reviewing agencies. The Plan Commission may approve, deny, approve with conditions, or table action on the application.
5. The applicant is required to obtain all other necessary agency permits from the Town and any other county, state, or federal agency with jurisdiction. The Plan Commission may approve a site plan conditioned on obtaining necessary permits, if proof of application for required permits is submitted.
6. Each action taken for a site plan review, along with the reasons for that action, are recorded in the minutes of the Plan Commission meeting. Upon approval, copies of the application and plan, signed by the Administrator, are maintained on file at the Town, with a copy provided to the applicant.
7. Approved Site Design

a. Following approval of the site plan, the Administrator issues an Improvement Location Permit. The applicant is responsible for obtaining all other applicable county, state, or federal permits before issuance of a building permit.

b. The approved construction must commence and be completed within the time periods specified in ***7.33 Surety Standards***.

c. The property owner is responsible for maintaining the property according to the approved site plan on a continuing basis. Any property owner who fails to maintain the property according to the approved site plan is in violation of this Ordinance.

8. Conditions may be imposed on site plan approval to ensure compliance with the requirements of this Ordinance.

9. A performance guarantee may be required, in accordance with ***7.33 Surety Standards***, to ensure completion of required improvements as specified in the ILP and shown on the approved site plan.

F. Changes to Approved Site Plans

1. Authority Plan Review. Any proposed change to an approved Level A site plan may be approved by the Administrator. The Administrator may refer approval of the proposed change to the Plan Commission.

2. Minor Changes. Minor changes to an approved Level B site plan may be approved by the Administrator without requiring a resubmittal to the Plan Commission. The applicant must notify the Administrator of any proposed amendment prior to making the change on the site. The Administrator determines if the proposed amendment is a minor change: one consistent with the basic design and conditions of the original approval. Minor changes include:

   a. Reduction in building size or increase in building size up to 5% of the total approved floor area.

   b. Movement of buildings or other structures by no more than 10 feet.

   c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

   d. Changes in building materials to a comparable or higher quality.

   e. Changes required or requested by county, state, or federal regulatory agencies to conform with other laws or regulations.

   f. Other minor changes determined by the Administrator to be consistent with the approved plan and the uses included in the plan.

3. Plan Commission Review. Modifications other than minor changes require review and approval of the Plan Commission.

G. Standards for Site Plan Approval

Site plan approval is granted when the proposed plan meets all applicable standards of this Ordinance as outlined below:

1. The site plan complies with, all applicable requirements of this Ordinance and all other applicable laws and regulations.
2. The site is designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes, and glare to the maximum extent.
3. Unless a more specific design standard is established by this Ordinance, all uses and structures must comply with the following design standards:
   a. Traffic Circulation. Access points and vehicular and pedestrian circulation routes are designed to promote safe and efficient circulation in and around the site. The number, spacing, and alignment of existing and proposed access points are considered relative to their impact on traffic movement on abutting streets and adjacent properties.
   b. Storm Water. Storm water systems are designed to not adversely affect neighboring properties or public storm water drainage systems. Where possible, storm water shall be removed from all roofs, canopies and paved areas should be captured by surface drainage systems.
   c. Landscaping. Where possible, existing landscape should be preserved by minimizing unnecessary tree and soil removal.
   d. Buffering. Landscape buffering is provided where potentially incompatible uses abut one another, according to ***6.1(E) Buffering***.
   e. Lighting. Lighting is designed to minimize glare on adjacent properties and public streets. As a condition of plan approval, reduction of lighting during nonbusiness hours may be required.
   f. Utility Service. All utility services are provided underground, unless impractical.
   g. Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas are located and screened to have minimal negative effect on adjacent properties.
   h. Emergency Access. All buildings and structures are readily accessible to emergency vehicles.
   i. Water and Sewer. Water and sewer installations comply with all Town, county, and state specifications and requirements.
   j. Signs. Permitted signs are located to avoid the creation of distraction and visual clutter.
4. Building Design. New or substantially remodeled buildings are reasonably compatible in appearance with or enhance the established general character of other buildings in the immediate vicinity.

8.8 Special Exception

A. **Permitted.** The BZA may approve a use listed as a special exception in ***CHAPTER 2: ZONING DISTRICTS***, and their accessory buildings and uses, according to the procedures in this article, and other regulations of the zoning district where the subject property is located. This chapter establishes the review procedure for special exception uses and the statutory criteria that must be

met for all special exception uses. More specific requirements are established for certain uses to mitigate their potential negative impacts.

B. **Purpose.** A special exception is a use that requires more review because of its potential adverse impact upon the immediate neighborhood and the community. The BZA reviews a special exception, its characteristics, and impacts to determine its suitability for the zoning district. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor, or similar potential impacts require that the special exception use be evaluated relative to its appropriateness on a case-by-case basis.

C. **Procedures.**

1. Application: Applications must be filed according to the schedule of meeting and filing deadlines. An applicant submits a completed application to the Administrator on forms provided by the Department with the filing fee and the required supporting information. The Administrator establishes the number of copies of complete applications and supporting documentation required to be filed.
2. Action by the Administrator: The Administrator reviews a filed application for completeness. Applications determined complete are docketed for a hearing by the BZA.
3. Investigation of Application: At the Administrator's discretion, the Technical Advisory Committee may review an application for special exception prior to the BZA's consideration.
4. Public Notice: Notification for the scheduled public hearing regarding the application must be completed consistent with the BZA's Rules of Procedure.
5. Recommendation by the Plan Commission: At a public hearing, the Plan Commission reviews the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing. The Plan Commission will transmit its recommendations to the BZA for their consideration.
6. Public Hearing and BZA Decision: At a public hearing, the BZA reviews the facts and circumstances of each application and supporting information. The applicant or applicant's representative must appear at the public hearing. The BZA will make a decision to approve, approve with conditions, or deny the request per the BZA's Rules of Procedure.

D. **Review Criteria.** The BZA may approve a special exception upon a determination in writing that the proposed use:

1. Is consistent with the vision, goals, and objectives of the Comprehensive Plan.
2. Complies with the requirements of this Ordinance.
3. Is compatible with the character of the general vicinity.
4. Can be adequately served by essential public facilities and services, such as streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools.
5. Does not create circumstances detrimental to people, property, or the general welfare by producing excessive traffic, noise, smoke, fumes, glare, odor, or other conditions incompatible with the uses permitted in the zoning district. and

6. Allows orderly development of the surrounding property for uses permitted in the district.

E. **No Presumption of Approval.** The listing of a special exception on the Permitted Use Table does not constitute a presumption of approval. Each special exception is evaluated on an individual basis regarding compliance with the standards and whether the use is appropriate at the location and in the manner proposed.

F. **Resubmittal of Special Exception Application.** A special exception application denied by the BZA cannot be resubmitted for 12 months from the date of the denial, except when new evidence or information regarding changing circumstances or other relevant factors is submitted that might alter the decision. The Administrator determines if the new information constitutes a substantive change.

G. **Conditions of Approval**. Reasonable conditions may be imposed on the approval of a special exception use to protect the public health, safety, and general welfare, ensure adequate public services can be provided, enhance compatibility with adjacent conforming land uses or activities, and protect natural resources.

E. **Limitations of Approval.** Approval only authorizes the special exception use at the premises where the approval was granted. It is not conditioned upon the property owner or operator of the approved use.

F. **Effect of Approval.** The approval of a special exception does not authorize the development, construction, alteration, or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a site plan, improvement location permit, building permit, and certificate of occupancy.

G. **Existing Use.** An existing use listed as a special exception located in a zoning district where such special exception may be permitted is a conforming use if the use meets the minimum lot area requirements of the zoning district. Any expansion of the special exception involving the enlargement of buildings, structures, and land area is subject to the requirements and procedures described in this Ordinance.

H. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property per ***8.4 Commitments***.

I. **Expiration.** Approval of a special exception use expires 36 months after it is granted unless construction is complete or commencement of the use has occurred. Prior to the expiration of the initial approval, the applicant may request in writing to the Administrator an extension of the approval period. The BZA may extend the approval 12 months or more upon finding there are no new conditions requiring reconsideration of the special exception use.

J. **Revocation.** Violations of any conditions or commitments imposed on a special exception approval are subject to enforcement procedures.

8.9 Variances

A. **Application.** The applicant files:

1. A variance application,
2. Property owner consent if the applicant is someone other than the property owner,

3. The applicable filing fee,
4. A site plan drawn to scale showing the layout of the property and all features relevant to the request,
5. A statement of intent describing the details of the variance being requested and stating how the request is consistent with the decision criteria. The statement should include any written commitments being made by the applicant, and
6. A copy of the most current property deed.

B. **Public Notice.** Notification for the scheduled public hearing regarding the variance request must be completed consistent with the schedule of meeting and filing dates and the rules and procedures of the Board.

C. **Public Hearing.** At a public hearing scheduled consistent with the schedule of meeting and filing dates, the BZA reviews the variance application and required supporting information.

1. Representation. The applicant and/or applicant's representative must be present at the public hearing to present the complete application and address the decision criteria.
2. Testimony. The BZA will consider a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
3. Procedures. The presentation of reports and testimony and all other aspects of the public hearing must be consistent with the BZA's Rules of Procedure.
4. Possible Action. The BZA may approve, approve with conditions, deny, or continue the application according to ***IC 36-7-4-918.4*** and ***IC 36-7-4-918.5***.

D. **Denial.** The BZA will not consider an application that is substantially similar to a variance application denied within the prior 12 months.

E. **Continuances.** The application may be continued by the BZA based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the BZA that additional information is required prior to action being taken on the request. The continuing of all applications and any potential additional legal notice must be consistent with the BZA's Rules of Procedure.

F. **Decision Criteria.** In acting on all variance requests, the BZA must use decision criteria to approve or deny variances consistent with the requirements of Indiana Code:

1. Variances of Use. A variance of land use may be approved upon determining:
   a. The use will not be injurious to the public health, safety, morals, and general welfare of the community.
   b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
   c. The need for the variance arises from some condition particular to the property involved.
   d. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property.

e. The use does not interfere substantially with the Comprehensive Plan.

2. Variances of Development Standards. A Variance of development Standard may be approved only upon determining:

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

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

c. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property.

G. **Commitments.** The BZA may require the property owner to make written commitments concerning the use or development of the property (*8.4 Commitments*).

H. **Effect of Approval.** Approval of a variance does not authorize the development, construction, alteration or moving of any building or structure. The approval authorizes the filing and processing of applications for permits or approvals required, such as approval of a site plan, improvement location permit, building permit, and certificate of occupancy.

I. **Acknowledgement of Variance.** Approval of a variance must be recorded in an acknowledgement of variance instrument prepared by the Administrator. The instrument must specify the granted variance and any commitments made or conditions imposed in granting of the variance. The applicant must record the instrument in the Office of the County Recorder within 14 days of the variance approval. The applicant must return a copy of the recorded instrument to the Department within 14 days of recording. New applications for approvals or permits for the property will not be processed until a copy of the recorded instrument is provided to the Department.

J. **Compliance and Violations.** A permit will not be issued unless it complies with an approved variance, conditions of approval, and commitments. Violations of an approved variance, conditions of approval, and commitments are subject to enforcement procedures.

8.10 Waiver/Modification of Subdivision Standards

In connection with a site plan, primary plat, or secondary plat, the Plan Commission may approve a request for a waiver of the provisions in *CHAPTER 7: SUBDIVISION REGULATIONS* if the intent and purpose of the design standards benefit from an alternative proposal while upholding the intent and purpose of this Ordinance. (*7.16 Modifications)*

8.11 Waiver of Development Standards

In connection with a site plan, preliminary plat, or final plat, a request for a waiver of the dimensional and quantitative standards of up to 35% for the provisions in *CHAPTER 2: ZONING DISTRICTS*, *CHAPTER 5: IMPROVEMENT STANDARDS*, and *CHAPTER 6: DESIGN AND MAINTENANCE* may be approved consistent with the following requirements:

- The proposal does not create conditions detrimental to the public health, safety, and welfare.

- The proposal is harmonious with the purpose and intent of the zoning district where the project is located.
- The proposal enhances the overall site plan, preliminary plat, or final plat, the abutting streetscapes and neighborhoods, and the surrounding area.
- The proposal does not produce a site design that is impractical or detracts from the appearance of the proposed development and the surrounding area.
- The proposal provides improved site design characteristics such as increased pedestrian connections, enhanced landscaping, tree preservation, or public art.

For items where final approval has been delegated to staff, the Administrator has the authority to grant wavers. In all other circumstances, the Plan Commission may grant the waiver after a public hearing.

In granting the waiver, the Plan Commission or Administrator may impose conditions necessary to secure the purposes of this article. The applicant retains the right to petition the Board of Zoning Appeals for a variance from development standards as provided in ***IC 36-7-4-918.5***.

8.12 Zoning Map Amendments (Rezones)

A. **Applicability.** This article applies to applications requesting to amend the Zoning Map.

B. **Initiation.** Proposals to amend the Zoning Map may be initiated by the Plan Commission, the Town Council, or through an application signed by property owners of at least 50% of the land involved.

1. Legislative Body Initiation. The Administrator prepares the application for Zoning Map amendment if the Plan Commission or Town Council initiates the application. The Administrator serves as the representative of the applicant for such proposals.

2. Property Owner Initiation. Property owners requesting a Zoning Map amendment are the applicants and are responsible for preparing the application.

C. **Application Procedures**

1. Pre-Filing Conference. A pre-filing conference with the Administrator is required prior to filing an application. The applicant is encouraged to incorporate the Administrator's comments into the application before filing.

2. Filing Deadline. Applications are filed according to the schedule of meeting and filing deadlines. The applicant may be responsible for distributing a copy of the application to members of the Technical Advisory Committee if the Administrator determines such a review is necessary.

3. Forms of Filing. The applicant submits a completed application to the Administrator on forms provided by the Department with supporting information and the application fee. The Administrator establishes the number of copies of the application required for filing.

4. Application Requirements for Property Owner Initiated Applications

   a. If an application is filed by a property owner's authorized agent, a consent form signed by the property owner must accompany the application.

   b. A copy of the most current property deed.

c. A list obtained from the County of adjoining property owners required to be served public notice according to the Plan Commission Rules of Procedure.

d. Supporting Information

i. A conceptual site plan showing all features relevant to the application.

ii. A vicinity map showing the use and zoning of all properties within 500 feet of the proposed Zoning Map amendment.

iii. A narrative stating the reasons for the zoning change, including a detailed description of any proposed development. The narrative should include any written commitments made by the applicant.

D. **Public Notice.** Notification for the public hearing must be completed consistent with the requirements of the Plan Commission's Rules of Procedure.

E. **Town Council Informational Appearance**

1. The proposed rezone appears before the Town Council for an informational presentation of the proposal.
2. The informational appearance is conducted at a regularly scheduled Town Council meeting.
3. The informational meeting is not the required public hearing for the proposed rezone.
4. The informational meeting is administered by Town staff.
5. No action may be taken on any proposed rezone at an informational meeting, and comments, proposed changes, or requested changes are not considered binding.

F. **Plan Commission Public Hearing.** At a public hearing, the Plan Commission reviews the application and supporting information.

1. Representation. The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any Plan Commission questions.
2. Testimony. The Plan Commission considers a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
3. Procedures. The conduct of the public hearing follows the requirements of the Plan Commission's Rules and Procedure.
4. Possible Action. Following the public hearing, the Plan Commission may either forward the application to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation according to Indiana Code; or continue the request to a subsequent Plan Commission meeting.

F. **Continuances.** The application may be continued by the Plan Commission based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to acting on the request. The continuing of applications and any potential additional legal notice must be consistent with the Plan Commission's Rules and Procedure.

G. **Certification.** The Plan Commission certifies its recommendation to the Town Council according to Indiana Code. The Administrator forwards the Plan Commission certification, the application and supporting information, any Department reports regarding the application, and an ordinance to the Town Council for consideration.

H. **Town Council Action.** The Town Council reviews the rezoning application and materials forwarded from the Plan Commission and may either approve or deny the ordinance. If the Town Council fails to act within 90 days of the Plan Commission's certification, and the applicant has not otherwise withdrawn the request or requested additional consideration by the Plan Commission, the rezone ordinance becomes effective or be defeated with the provisions of ***IC 36-7-4-608***. The Town Council may also seek modifications or additions to any written commitments permitted by this Ordinance.

I. **Decision Criteria.** In reviewing the change of zoning application, the Plan Commission and Town Council consider:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

8.13 Zoning Text Amendments

A. **Applicability.** This article applies to applications requesting to amend the text of this Ordinance.

B. **Initiation.** Proposals to amend the text of this Ordinance may be initiated by the Plan Commission or submitted to the Plan Commission by the Town Council. The Administrator prepares the amendment application and serves as the representative of the applicant.

C. **Application Procedures.** Applications are filed according to the schedule of meeting and filing deadlines.

G. **Public Notice.** Notification for the public hearing must be completed consistent with the requirements of the Plan Commission's Rules of Procedure.

H. **Plan Commission Public Hearing.** At a public hearing, the Plan Commission reviews the application and supporting information.

1. Representation. At the public hearing the Administrator presents the application and addresses any Plan Commission questions.
2. Testimony. The Plan Commission considers a report from the Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.
3. Procedures. The conduct of the public hearing follows the requirements of the Plan Commission's Rules and Procedure.
4. Possible Action. Following the public hearing, the Plan Commission may either forward the application to the Town Council with a favorable recommendation, an unfavorable

recommendation, or no recommendation according to Indiana Code; or continue the request to a subsequent Plan Commission meeting.

J. **Continuances.** The application may be continued by the Plan Commission based on a request by the Administrator, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to taking action on the request. The continuing of applications and any potential additional legal notice must be consistent with the Plan Commission's Rules and Procedure.

K. **Certification.** The Plan Commission certifies its recommendation to the Town Council according to Indiana Code. The Administrator forwards the Plan Commission certification, the application and supporting information, any Department reports regarding the application, and an ordinance to the Town Council for consideration.

L. **Town Council Action.** The Town Council reviews the application and materials forwarded from the Plan Commission and may either approve or deny the ordinance. If the Town Council fails to act within 90 days of the Plan Commission's certification, the ordinance becomes effective or be defeated with the provisions of ***IC 36-7-4-607***.

M. **Decision Criteria.** In reviewing the change of zoning application, the Plan Commission and Town Council consider:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

8.14 Certificate of Completion

A. **Applicability.** An application for a Certificate of Completion ("CofC") may be filed according to this article. A CofC may: (i) be required by this Ordinance; (ii) serve as written confirmation by the Town that a property or use complies with this Ordinance; or (iii) serve as a written verification of a property's zoning. The Administrator may provide a CofC for:

1. A change in use (e.g., change from residential to commercial use).
2. Exterior building or site improvements that would not otherwise require an Improvement Location Permit or site plan approval.
3. Conditions of approval associated with an approval of the BZA, Plan Commission or Town Council.
4. Other similar circumstances as may be determined by the Administrator.

B. **Application.** An applicant submits a completed application on forms provided by the Department, or a detailed written request to the Administrator with supporting information. Within 5 days, applications, requests, plans, and specifications filed by an applicant must be checked by the Administrator for compliance with this Ordinance. If the Administrator is satisfied that the property, plans, and information provided in the application conforms to the requirements of this Ordinance

and other applicable laws and ordinances, the Administrator issues a Certificate of Completion to the applicant.

C. **Effect.** A CofC does not authorize the establishment of a use nor the development, construction, alteration, or moving of any building or a structure. A CofC certifies compliance of an existing property, use and/or improvements made according to an approved permit on the date issued. The filing and processing of applications for any permits and approvals may be required by this Ordinance and other Town ordinances including, a building permit, a certificate of occupancy, primary and secondary plats, or site plan approval, for proposed improvements or uses.

D. **Limitations.** A CofC is limited only to the circumstance for which it was issued and at the time it was issued. The CofC does not authorize any allegedly similar circumstance requiring a separate review or certificate or a change in circumstances, unless otherwise provided for in the CofC.

E. **Records of Certificate of Compliance.** Every CofC issued according to this article is kept on file in the office of the Department. Copies are provided upon request to anyone having a proprietary or tenancy interest in the building or land affected.

8.15 Certificate of Occupancy

No building or structure erected or altered after the date of adoption of this Ordinance can be occupied or used unless a certificate of occupancy has been issued for that building or structure upon completion of construction. A certificate of occupancy constitutes certification that the building, structure, use, parking, landscaping, and all other required improvements fully comply with the provisions of the Ordinance and any conditions imposed on the approval.

8.16 Improvement Location Permit

An Improvement Location Permit issued by the Administrator is required prior to beginning construction on structures or establishing a use on any land.

A. Except for variances approved by the Board of Zoning Appeals or an order of a court, an improvement location permit will not be issued for the erection, alteration, or use of any building or structure, or for the use of any land unless it complies with all provisions of this Ordinance and any conditions of approval imposed on the building, structure, or use.

B. A record of all improvement location permits is kept on file in the office of the Administrator.

C. Vacant land cannot be used, and existing uses of land or buildings cannot be changed to a different class of use, unless an improvement location permit is first obtained for the new or changed use. Uses resulting in an increase in parking spaces require an Improvement Location Permit.

8.17 Short-Term Rental Permits

A. **Cross-Reference.** See ***4.14 Short-term Rentals*** for short-term rental standards.

B. **Application.** Applications for a short-term rental permit are made by the property owner on forms published by the Department and include appropriate filing fees and documentation. An owner must submit a separate permit application for each property requiring a permit.

C. **Supporting Documentation.** Applications must be accompanied by the following information. The Administrator may waive or relax any of the requirements listed deemed irrelevant or unnecessary for a thorough review of the application.

1. The owner's name, street address, mailing address, email address, and telephone number. If the owner is a corporation or partnership, the owner's state of incorporation or organization, and the owner's names, the addresses of the short-term rental(s), and the telephone numbers of the owner's principal officers or partners.
2. If a property manager is used, the property manager's name, street address, mailing address, email address, and telephone number.
3. A short description of how each of the owner's short-term rentals on the property are marketed or advertised including the advertised occupancy limits and whether the short-term rental is a single-family home or a dwelling unit within a single-family home, multi-family dwelling, condominium, cooperative, or time share.

D. **Permit Issuance.** If an owner's permit application meets the requirements for short-term rentals, the Administrator issues a permit to the owner within 30 days of receipt of the application.

E. **Permit Duration.** A short-term rental permit expires one year after the date it is issued.

F. **Permit Fee.** A non-refundable fee described in the fee schedule adopted by the Town Council must accompany each short-term rental permit application.

G. **Permit Transferability.** If an owner sells all or part of a permitted property, the short-term rental permit is not transferable to the new owner.

H. **Permit Violation.** Each short-term rental transaction completed without a short-term rental permit constitutes a separate violation.

I. **Permit Revocation.** If three or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the Administrator may revoke the short-term rental permit for up to one year after the date the permit is revoked. An owner may apply for a short-term rental permit when the revocation period has ended and all outstanding fines for ordinance violations are paid.

8.18 Sign Permit and Applications

A. **Permits Required**. Except as otherwise provided in this chapter, it is unlawful for any person to erect, construct, enlarge, move or convert any sign without first obtaining a sign permit from the administrator.

B. **Application**. Application for a permit is made to the Administrator on forms provided by the Department with permit application fee and required information to assure compliance with this Ordinance.

C. **Effect of Sign Permit Issuance**. Permits issued in accordance with this chapter do not authorize unlawful signs.

D. **Nullification**. A sign permit becomes void, and the permit fee forfeited, if the authorized work has not been completed 6 months of the date the permit was issued.

E. **Fee Waiver**. Service and charitable organizations, legally established as tax exempt not-for-profit entities, are only required to pay one annual permit fee for the use of portable temporary signs.

8.19 Temporary Use and Events Permits

A. **Application.** Applications for a Temporary use and/or event permit, according to Article 3.X Temporary Uses, Events, and Structures, must be made in writing on forms provided by the Department at least 30 days prior to the scheduled event.

B. **Supporting Documentation.** Applications must include (i) a written statement describing the requested use, operations plan, traffic control, and the proposed period and (ii) a sketch plan showing the locations of proposed activity areas in relation to property lines and existing buildings and structures, pedestrian and vehicular circulation on the site, and parking facilities.

1. If a permit for encroaching into any right-of-way is required, a copy of the encroachment request must be submitted with the temporary use/event permit application.
2. If alcohol is sold or consumed, then proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required. If cooking or eating is involved in a temporary event, outdoor café, or some other eating area, then proof of review and approval from the County Health Department must be required with the application.

Chapter Nine
Administration

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9.1 General Administration

The decision-making bodies and officials identified in this Chapter have the responsibility for implementing and administering this Ordinance.

A. **Meeting Schedule**

The Administrator maintains an annual schedule of meeting and filing dates for the Technical Advisory Committee, Plan Commission, and BZA. Modifications of filing dates are considered if determined reasonable by the Administrator. The existence of this calendar does not prohibit special meetings or changes of meeting dates by the Technical Advisory Committee, Plan Commission, or BZA. The schedule of meeting and filing dates must be made available in the office of the Department.

B. **Fee Schedule**

Filing fees for applications and petitions are set in a fee schedule established by resolution of the Council. Copies of the Fee Schedule are available in the office of the Department.

9.2 Board of Zoning Appeals

The Monrovia Board of Zoning Appeals, established according to ***IC 36-7-4-900*** et seq. has the powers and duties described below:

A. To approve, approve with conditions, or deny any application for a variance from the development standards of this Ordinance.

B. To approve, approve with conditions, or deny any application for a use variance.

C. To grant, grant with modifications, or deny any application for a special exception.

D. To hear and decide an appeal from any order, requirement, decision, or determination made by the Administrator or staff in the administration or enforcement of this Ordinance.

E. To hear and decide an appeal from any order, requirement, decision, or determination made by any administrative board, other than the Plan Commission, in the administration or enforcement of this Ordinance.

F. To enforce the provisions of this Ordinance.

G. To adopt rules and procedures for the administration of the Board's duties.

9.3 Design Review Board

The powers and duties of the Design Review Board ("DRB") are generally described below.

A. **Establishment and Membership**. The DRB is created as a subcommittee of the Monrovia Plan Commission and consists of 3 members who may include design professionals, neighborhood representatives, representatives of Town or County agencies, and other agencies or consultants deemed appropriate. The members are nominated by the Plan Commission and confirmed by the Town Council. Members serve a three-year term. For the initial terms, one member will serve a one year term, one member will serve a two year term, and one member will serve a three year term,

This creates staggered end dates to the terms of the members so only one term expires in a given year. A member may be recalled by a supermajority vote of the Town Council.

B. **Duties**. The DRB meets on an as needed basis and has the following powers and duties in connection with the implementation of this Ordinance:

1. To review and evaluate applications for changes in zoning, variances, or waivers and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission as appropriate.
2. To review and evaluate primary plats and site plans and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission as appropriate.
3. To take other actions as delegated by the Administrator, Board of Zoning Appeals, Plan Commission, or Town Council that are desirable and necessary to implement the provisions of this Ordinance.

9.4 Floodplain Administrator

A. **Floodplain Administrator.** The Zoning Administrator and/or designated staff of the Department, is designated as the Floodplain Administrator.

B. **Authority.** The Floodplain Administrator has the duties outlined in *2.7(D)(3).*

9.5 Ordinance Violations Bureau

The Ordinance Violations Bureau has the following powers and duties connected to enforcement actions regarding this Ordinance.

A. To accept written appearances, waivers of trail, admissions of violations, and payment of civil penalties for violations of this Ordinance.

B. To report to the Town Attorney if a person: (1) denies a code violation, (2) fails to fully pay the civil penalty after admission of a violation, or (3) fails to deny or admit a violation of the ordinance. The Town Attorney may initiate an action to prosecute the ordinance violation.

9.6 Plan Commission

The Monrovia Plan Commission, being previously established according to *IC 36-7-4-200 et seq*. has the following powers and duties in connection with the implementation of this Ordinance.

A. To initiate amendments to the text of this Ordinance and to the Zoning Map according to the procedures and standards for amendments in *8.12 Zoning Map Amendments (Rezones)*.

B. To review all proposed amendments to this Ordinance and make recommendations to the Town Council according to the procedures and standards for amendments in *8.12 Zoning Map Amendments (Rezones)*.

C. To review all Planned Unit Development petitions and make recommendations to the Town Council for the adoption of the petitions according to the procedures and standards for Planned Unit Developments set forth in *8.6 Planned Unit Developments*.

D. To render final decision regarding secondary review of all Planned Unit Development petitions according to the procedures and standards for Planned Unit Development set forth in ***8.6 Planned Unit Commission***;

E. To initiate amendments to the Town Construction Standards, to adopt, reject, or amend proposals to amend or partially repeal the text of the Town Construction Standards, and to make recommendations on such matters to the Town Council.

F. To review, approve, approve with conditions, or deny all subdivision applications according to the procedures and standards for subdivision approval set forth in the ***CHAPTER 7: SUBDIVISION REGULATIONS***.

G. To approve, approve with conditions, or deny all applications for modifications/waivers from the subdivision regulations, according to the procedures and standards for plat approval set forth in ***CHAPTER 7: SUBDIVISION REGULATIONS***.

H. To approve, approve with conditions, or deny all site plans according to the procedures and standards for site plans set forth in ***8.7 Site Plan Review***.

I. To supervise and adopt rules for the administration of the affairs of the Plan Commission.

J. To record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission.

K. To prepare, publish, and distribute reports, ordinances, and other material related to the Plan Commission activities as authorized by law or this Ordinance.

L. To exercise all powers conferred on it by law, local ordinance or rule including to invoke any legal, equitable, or special remedy for the enforcement of state planning and zoning laws or this Ordinance.

9.7 Technical Advisory Committee

The Technical Advisory Committee is hereby created and vested with the review authority set forth below in connection with the implementation of this Ordinance:

A. **Membership**

The Technical Advisory Committee is comprised of the following members.

1. Zoning Administrator
2. Director of Street Department
3. Monroe Township Fire District Fire Chief
4. The Administrator may also invite representatives of the Police Department, the School Corporation, representatives of the major utility companies, representatives of Plan Commission appointed committees, and representatives of Morgan County for applications or as necessity demands.

B. **Review Authority**

1. To review and evaluate applications for modifications and make recommendations to the Plan Commission, according to the procedures and standards for modifications set forth in the Subdivision regulations.

2. To review and evaluate all site plans, and make recommendations to the Plan Commission, according to the procedures and standards for site plan review set forth in ***8.7 Site Plan Review***.

3. To take such other actions as delegated by the Plan Commission that may be desirable and necessary to implement the provisions of this Ordinance.

9.8 Town Council

The Town Council has the following powers and duties connected to the implementation of this Ordinance.

A. As certified by the Plan Commission to approve, reject, or amend all or part of the comprehensive plan.

B. To initiate amendments to this Ordinance and to adopt, reject, or amend proposals to amend or partially repeal the text of this Ordinance.

C. To adopt, reject, or amend proposals to amend the zoning map according to the procedures and standards for amendments set forth in ***8.12 Zoning Map Amendments (Rezones)***.

D. To adopt, reject, or amend a Planned Unit Development Ordinance according to the procedures and standards for amendments set forth in ***8.7 Site Plan Review***.

E. To take such other actions not exclusively delegated to other bodies, which may be desirable and necessary to implement the provisions of this Ordinance.

9.9 Zoning Administrator

A. **Zoning Administrator.** The Building Commissioner and/or designated staff of the Department, is designated as the Zoning Administrator.

B. **Authority.** The Zoning Administrator is authorized and directed to enforce and implement the provisions of this Ordinance, receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates.

C. **Duties.** The Zoning Administer and/or the Administrator's designees will, in connection with the implementation of this Ordinance and in accordance with Indiana law:

1. Maintain a Council approved Comprehensive Plan and the Unified Development Ordinance, as authorized under Indiana law.

2. Maintain rules of procedures for holding meetings, holding public hearings, and enforcing the Comprehensive Plan and the Unified Development Ordinance.

3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission and BZA.

4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission and BZA. All such records must be open to public inspection during the Department's normal hours of business.

5. Maintain a permitting process and seal used to certify official or approved documents. Keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and of notices or orders issued. Retain on file copies of all documents in connection with building work if any part of the structure to which they relate remains existence.

6. Examine premises for which permits have been issued and make necessary inspections to see that the provisions of the law are within compliance.

7. Enforce laws relating to the construction, alteration, use, occupancy, location, and maintenance of structures and land, except as may be otherwise provided for in local or Indiana law.

8. Issue notices or orders necessary for enforcing compliance with the laws or preventing a violation of provisions of this Ordinance.

9. Determine the appropriate categories of land uses not specifically listed on the Permitted Uses Table.

10. Render interpretations of the provisions of this Ordinance.

11. Approve or deny sign permit applications.

12. Review applications for Improvement Location Permits for compliance with the standards of this Ordinance.

13. Issue Improvement Location Permits for Special Exceptions after approval by the Board.

14. Other duties set forth here or that may be delegated by the Plan Commission, BZA, or Council.

9.10 Enforcement Authority

The Town of Monrovia, including the Administrator, Town Council, Plan Commission, Board of Zoning Appeals, Building Commissioner, and their delegates are designated to enforce the provisions, regulations, and intent of this Ordinance, according to ***IC 36-7-4-100, et. seq.***, as amended.

9.11 Violation

A. Violation of any of the provisions of this Ordinance is considered a common nuisance and may be abated as nuisances are abated under existing law. Violations may include:

1. The erection, demolition, or conversion of any structure, building, or sign without the required approvals,

2. The use of any land or premises used in violation of any provisions of this Ordinance, or

3. Failure to comply with any condition, requirement, or commitment established with the approval of a variance, special exception, site plan, planned unit development, certificate of compliance, or other development approval under this Ordinance.

B. Any person who violates or resists the enforcement of any provisions of this Ordinance is subject to judgment for each offense. Each day a violation exists constitutes a separate offense. A violation exists until corrected. Correction may include:

1. Stopping an unlawful practice;
2. Removal of a building, structure, or improvement;
3. Faithful or otherwise-approved restoration or replacement of a building, structure, site or natural feature;
4. Any other remedy specified in this Ordinance; and/or
5. Other remedy acceptable to the Town.

C. The owner of property violating this Ordinance is responsible for all enforcement costs related to the violation. This includes costs of any remedy, fines, and enforcement costs (including reasonable attorney's fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the Town). The respondent only pays for enforcement costs clearly relating to the violation. In all instances, the amount paid by the respondent is determined by a court of jurisdiction or through a compromise agreement between the parties involved.

9.12 Enforcement Options

A. **Options for Enforcement**. The Town has the following options to enforce the provisions of this Ordinance:

1. Issue a notice to correct violations. The notice to correct may be sent to the owner, tenant, or occupant who commits a violation of this ordinance. It may be issued through personal service, First Class U.S. Mail, or by placement of the notice in a conspicuous place on the property. A notice to correct informs the violator of:

   a. Date of the notice to correct;
   b. Date and place the violation was observed;
   c. Name and address of the property owner or responsible party;
   d. Section number in violation;
   e. The nature of the violation;
   f. Name, business address, phone number, and email of the person issuing the notice;
   g. Action necessary to correct the violation;
   h. Actions available to the Town to remedy violations; and
   i. That a notice of correction serves as the only notice of civil violation, and no further notice will be required by the Town.

2. Issue a citation to a person alleged to have committed a violation of this Ordinance. The citation may be processed through the Ordinance Violations Bureau, according to *IC 33-36* and *9.14 Citations for Zoning Violations*.
3. Issue a stop work order under *9.15 Stop Work Orders*.
4. Enter onto property and take action to bring that property into compliance with this Ordinance, according to *IC 36-1-6-*2 and *9.16 Municipal Action to Enforce Compliance* or *9.17 Correcting Immediate Public Risk Violations*.
5. Initiate enforcement through an administrative proceeding before the BZA, according to *IC 36-1-6-9* and *9.17 Correcting Immediate Public Risk Violations*.
6. To bring a civil action in any court having jurisdiction, according to *IC 34-28-5-1* and *9.18 – Administrative Enforcement*.

B. **Exercise of Options**. The Town's exercise of the options specified in this section, including the imposition of any penalties for an Ordinance violation, are not prerequisites for taking any other action against an alleged violator of this Ordinance, nor do they prohibit the Town from taking any further action.

C. **Warnings**. Before exercising any of the Town's options under this section, the Administrator may issue a warning to a person alleged to be in violation of this Ordinance and give the person at least 10 days but not more than 60 days to remedy the alleged violation.

9.13 Penalties

A. **Maximum Penalties**. The maximum civil penalty for the first violation of a provision of this Ordinance is a fine of $2,500. The maximum civil penalty for the second or subsequent violation of a provision of this Ordinance (other than a provision that regulates parking) is a fine of $7,500.

B. **Fees for Permits Obtained After Commencement of Work**. If work requiring a permit commences in violation of this Ordinance, the permit fee is (1) a penalty fee of twice the normal permit fee (not to exceed the maximum penalties noted above), plus (2) the normal fee for the permit.

C. **Subsequent Violations**. The penalties listed above for subsequent violations apply whenever the responsible party commits an additional violation of the same provision within 12 months of the first violation, regardless of whether the additional violation is on the same property as the first violation.

9.14 Citations for Zoning Violations

A. **Notice to Alleged Violator**. An enforcement official may issue a notice citation for a violation of this Ordinance. The enforcement official must advise the alleged violator that the violation may be admitted and, if admitted, is subject to payment of the fixed civil penalty listed in *Table 9-1*. A copy of the citation must be filed with the Ordinance Violations Bureau no later than the next business day following its issuance. A failure to file a copy of the citation does not affect its validity or the alleged violator's option to admit the violation and pay the fixed civil penalty.

B. **Form of Citation**. Citations must be numbered and contain the following information:

1. The date and time of issuance;

2. The specific Ordinance violation for which the citation is issued;
3. The amount of the civil penalty fixed for that violation under Section *Table 9-1*;
4. The date and location of the violation;
5. The name and address of the person alleged to have committed the violation, if known or readily obtainable;
6. The signature of the enforcement official issuing the citation or the enforcement official's name (and badge number, if any) in computer generated form; and
7. The duty of the alleged violator to appear.

C. **Service of Citation**. A citation is served by the enforcement official upon the alleged violator. If the alleged violator is present, the citation must be delivered personally to the alleged violator. If the alleged violator is not present and the violation involves specific premises, it must be served on the owner or other person in possession of the premises either in person or by first class mail.

D. **Duty to Appear**. Any person receiving a citation must appear in person or by attorney at the Ordinance Violations Bureau, or other place approved by the violations clerk, to admit or deny the alleged violation within 10 days of the date the citation is issued. Payment of the civil penalty fixed under *Table 9-1* within 10 days of the date the citation is issued fulfills the duty to appear in person or by attorney and is deemed an admission of the violation.

E. **Procedure on Admission of Violation**. If a violation is admitted to the Ordinance Violations Bureau, the civil penalty fixed under *Table 9-1* for the violation must be paid to the Town in a manner authorized by the violations clerk. Whenever a person assessed a civil penalty fails to mail or deliver payment to the Ordinance Violations Bureau within 10 days of the date the citation is issued, the violations clerk adds a late charge in the amount of $25. Late payments are accepted by the violations clerk only with the consent of the Administrator if the violation has been referred to the Administrator under subsection (F).

F. **Procedure on Denial of Violation, Failure to Appear, or Failure to Pay**. If a person served a citation:

1. appears at the Ordinance Violations Bureau and denies the alleged violation;
2. fails to appear and admit or deny the alleged violation within 10 days of the issuance of the citation; or
3. fails to pay the fixed civil penalty within 10 days after admitting the violation;

the violations clerk reports the circumstances to the Administrator to begin appropriate administrative or judicial proceedings against the person.

G. **Limitations**. The fixed civil penalties specified in *Table 9-1* apply only to violations admitted as provided in this section and are considered offers in compromise. If administrative or judicial proceedings are initiated for an alleged violation, the maximum penalty specified for the violation in *9.13(A) Maximum Penalties* is applicable to the violation.

9.15 Stop Work Orders

A. **Occurrence of Violation**. If the Administrator finds that a violation is occurring or has occurred on a construction site, the Administrator may place a stop work order on any land/property improvement process.

B. **Procedure**. Stop work orders must be a written letter stating the nature of the violation and requiring the work and any other illegal activity to stop immediately until the matter is resolved. If someone other than the property owner occupies the property, a copy of the stop work order must be provided to the occupant. This letter must be posted in a conspicuous place and be delivered or mailed to the property owner.

C. **Reasons**. Reasons for a stop work order may include:

1. Not complying with any element of the development standards or any regulation of the Ordinance.
2. Not obtaining a permit or approval prior to the construction or installation of any improvement requiring a permit or approval by this Ordinance.
3. Not completing structures or other site improvements consistent with any approved improvement location permit, variance, special exception, site plan, or other approval.
4. Not meeting the commitments imposed upon the approval of a special exception, variance, rezoning, site plan, subdivision plat, or other approval, whether recorded or not.
5. Not meeting the conditions of a PUD Ordinance or other rezoning, or any written commitment imposed upon an approval, whether recorded or not.
6. Illegal use or expansion of use of structures, or structures and land in combination.

D. **Appeals**. Any stop work order may be appealed to the BZA. Upon the resolution of the violations to the satisfaction of the Administrator or the BZA, the stop work order is lifted and construction activity may resume.

9.16 Municipal Action to Enforce Compliance

A. **Entry into Property**. According to *IC 36-1-6-2(a)*, if violation of a provision of this Ordinance exists on real property, the Administrator may have employees or contractors of the Town enter the property and take appropriate action to bring the property into compliance with the Ordinance.

B. **Notice Requirement**. Before the Town takes action to bring a property into compliance, anyone holding a substantial interest in the property must be given at least 10 days but not more than 60 days to bring the property into compliance. Notice must be served on such persons in person or by first class mail. In addition, continuous enforcement orders (as defined in *IC 36-7-9-2*) may be enforced, and liens may be assessed, without the need for additional notice.

C. **Expenses Constitute a Lien**. Whenever the Administrator takes action to bring compliance under this section, the resulting expenses incurred by the Town constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the County Recorder. The lien is superior to all other liens except liens for taxes and does not exceed:

1. $10,000 for real property that: (a) contains one or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings, or (b) is unimproved; or
2. $20,000 for all other real property not described in subdivision (1).

D. **Issuance of Bill to Owner**. According to I*C 36-1-6-2(b),* the Administrator may issue a bill to the owner of the real property for all expenses incurred by the Town in bringing the property into compliance, including administrative costs and removal costs. According to *IC 36-1-6-2(c)*, a bill issued under this section is delinquent if the owner of the property fails to pay the bill to the Clerk-Treasurer within 30 days after the bill is issued.

E. **Collection of Fees and Penalties**. According to *IC 36-1-6-2(d)*, the Clerk-Treasurer's office may prepare a list of delinquent fees and penalties enforceable under this section, including:

1. the names of the owners of each lot or parcel of real property on which fees or penalties are delinquent;
2. a description of the premises, as shown on the records of the County Auditor; and
3. the amount of the delinquent fees or penalties.

F. **Preparation and Recording of Instrument**. The Clerk-Treasurer's office may then prepare an instrument for each lot or parcel of real property on which fees or penalties are delinquent. The instrument is recorded with the County Recorder, who charges a recording fee under the fee schedule established in *IC 36-7-2-10*.

G. **Placement of Lien on Tax Duplicate**. According to *IC 36-1-6-2(f)*, the amount of a lien is placed on the tax duplicate by the County Auditor. The total amount, including any accrued interest, is collected in the same manner as delinquent taxes are collected and is disbursed to the general fund of the Town.

H. **Enforcement of Lien against Subsequent Owner**. According to *IC 36-1-6-2(g)*, a fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the Town must notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than 15 days after the date of the notice. If payment is not received within 180 days after the date of the notice, the amount may be considered a bad debt loss.

I. **Release of Lien**. According to *IC 36-1-6-2(h)*, the Town releases:

1. Liens filed with the County Recorder after the recorded date of conveyance of the property; and
2. Delinquent fees incurred by the seller;

upon receipt of a written demand from the purchaser or a representative of the title insurance company or agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

J. **Removal of Lien from Tax Duplicate**. According to *IC 36-1-6-2(i)*, the County Auditor removes the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner, upon receipt of a copy of the written demand under Subsection I.

9.17 Correcting Immediate Public Risk Violations

A. **General Requirements**. According to *IC 36-1-6-2(a)*, if a condition violating a provision of this Ordinance presents an immediate risk to public health, safety, or welfare or to property in the Town, the Administrator may opt to have employees or contractors of the Town enter the property and take immediate action to bring the property into compliance. The Administrator is not required to provide prior notice to the property owner or other person responsible for the violation.

B. **Immediate Public Risks**. Immediate public risk violations may include:

1. Obstructions. Signs, structures, landscaping, or other materials placed in an easement, sight visibility triangle, or rights-of-way in violation of this Ordinance;
2. Distractions. Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public ways, pedestrians, or other members of the public; and
3. Other Threats. Any other immediate threat to public welfare as determined by the Town Manager or the BZA, based upon the advice and recommendation of the Administrator.

C. **Seizure of Materials**. Any sign, structure, landscaping, or other material constituting an immediate public risk violation may be seized by the Administrator in a manner resulting in the least damage to the material or the property on which it is located.

D. **Notice of Violation**. The Administrator provides notice to the owner of the property, as listed in the records of the County Auditor, where the violation was located, or any discernible appropriate owner of materials placed within a public way in violation of this Ordinance, by placing a notice in a conspicuous place on the property and mailing a letter to that property owner. All notice letters are sent to the property owner via certified mail within 24 hours of the seizure. Any notice posted on the property must be posted at the time the material is seized. The letter and posted notice must include:

1. A description of the materials seized;
2. A citation of the sections of this Ordinance that were violated and the characteristics of the violation that posed an immediate threat to public welfare;
3. The address and phone number of the Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized items; and
4. Instructions describing how, where, and when the seized items may be claimed.

E. **Storage and Retrieval of Seized Materials**. The Administrator stores any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was mailed to the property owner. The property owner may claim the seized property following its seizure upon the payment of the fine, and the establishment of a Memorandum of Agreement between the property owner and Administrator regarding the future use of the item in a manner consistent with this Ordinance.

F. **Liability**. Neither the Administrator, the Town, nor any other official or entity involved in the seizure is liable for any damage to the seized materials or the property from which they were taken.

9.18 Administrative Enforcement

A. **Provisions that Restrict or Prohibit Actions Harmful to the Land, Air, or Water**. According to *IC 36-1-6-9*, the Town may opt to enforce any provision of this Ordinance that restricts or prohibits actions harmful to the land, air, or water, through an administrative proceeding before the BZA. The BZA must find that the violation has been proved by a preponderance of the evidence. Upon finding a violation, the BZA may assess a civil penalty within the limits set forth in *7.4(D) Penalties*.

B. **Appeal to Court**. According to *IC 36-1-6-9(e)*, a person who is assessed a civil penalty under this section may appeal the BZA's order imposing the penalty to the Circuit or Superior Court. An appeal under this section must be filed not more than 60 days after the date on which the BZA enters the order.

C. **Payment of Civil Penalty**. Unless a person who is assessed a civil penalty under this section files an appeal, the person must pay the penalty to the Town in a manner authorized by the Clerk-Treasurer. Whenever a person liable for a civil penalty under this section fails to deliver payment to the Town within 75 days after the date on which the administrative body enters the order imposing the penalty, the Clerk-Treasurer reports the circumstances to the Administrator for the initiation of appropriate judicial proceedings against the person.

D. **Effect of Administrative Process**. An Ordinance violation processed under this section does not constitute a judgment for the purposes of *IC 33-37*. An ordinance violation costs fee may not be collected from the defendant under *IC 33-37-4.*

9.19 Enforcement through Judicial Proceedings

A. **Initiation**. According to *IC 36-7-4-1014*, the Administrator or the BZA may bring a civil action to enforce a provision of this Ordinance, or any conditions imposed by the Commission or BZA under the Advisory Planning Law. The action is brought in the name of the Administrator or the BZA as plaintiff. According to *IC 34-28-5-1,* the plaintiff need not prove this Ordinance is valid, unless its validity is controverted by affidavit. The plaintiff may invoke any legal, equitable, or special remedy in an action brought under this section. Actions must be filed in any court having jurisdiction.

B. **Procedure in General**. An action to enforce a provision of this Ordinance must be brought within 2 years after the alleged violation occurred. Proceedings initiated under this section are conducted according to the Indiana Rules of Trial Procedure. The plaintiff must prove the commission of a violation by a preponderance of the evidence. The complaint and summons described in *IC 9-30-3-6* (without the provisions relating to the operation of a vehicle) may be used in any Ordinance enforcement case.

C. **Right to Trial**. A person charged with an Ordinance violation is entitled to a court trial as provided by law unless the person waives the right to trial and enters an admission of the violation.

D. **Judgment**. A judgment may be entered against the defendant upon a finding by the court that the defendant violated this Ordinance. A judgment up to the amount requested in the complaint may be

entered for the violation. A defendant against whom a judgment for a violation is entered is liable for costs. Costs are part of the judgment and may not be suspended; however, whenever a judgment is entered against a person for the commission of 2 or more ordinance violations, the court may waive the person's liability for costs for all but one of the violations, as specified by the court.

Chapter Ten
Definitions

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10.1 Interpretation of Terms or Words

The language of this ordinance is interpreted in accordance with the following relations:

A. The word "person" includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, in each case, if the context so requires;

C. The word "must" is mandatory, the word "may" is permissive;

D. The words "used" or "occupied" include the words "intended", "designed", "constructed", "altered", "arranged" to be used or occupied;

E. The word "lot" includes the words "plot", "tract", or "parcel", and

F. Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either . . . or", the conjunction must be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions or events must apply.

2. "Or" indicates that connected items, conditions, provisions or events may apply singly or in any combination.

3. "Either . . . Or" indicates that all the connected items, conditions, provisions or events must apply singly but not in combination.

G. The terms "more intensive district" and "less intensive district" are terms used herein to describe relationships between zoning districts based on the permitted uses within each district.

1. "More restrictive district" must be synonymous with the term "less intensive district" and the term "less restrictive district" must be synonymous with the term "more intensive district".

2. A "more intense district" means one which permits more uses or the same uses at a greater density, progressing from Agricultural, to Residential, to Business, to Industrial, in the sequence listed within each group of districts from least intensive to the most intensive.

10.2 Definitions

The following terms or words used in the test of this ordinance have the following meanings, unless contrary meaning is (i) required by the context of a particular sentence or phrase or (ii) specifically prescribed in a particular sentence or phrase:

Aa

ABUT: To physically touch or border upon; or to share a common property line.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESSORY: A subordinate structure, building, or use that is:

- Customarily associated with the primary structure, building, and use,
- Appropriately and clearly incidental and subordinate in use, size, bulk, area, and height to the primary structure, building, and use,
- Located on the same lot as the primary building, structure, or use.

ADDITION: A structural modification to the original structure after completion of the original.

ADMINISTRATOR: The Executive Secretary of the Plan Commission or any agent of the Executive Secretary or the Plan Commission.

AGRICULTURE: The production of crops and livestock useful to man and the harvesting, storage and primary processing of agricultural products produced by the agricultural enterprise. Agriculture includes the incidental storage of farm vehicles, farm equipment, farm materials, etc., associated with the agricultural enterprise. Agricultural crop production includes plants raised for human food, fiber, animal feed and forage; tree and vine crops, and other field crops. Also included are extensive horticultural enterprises where a product is raised for sale. Agricultural livestock production includes the raising, breeding, and maintaining of food animals such as cattle, swine, sheep, goats, fowl, fish, and fur-bearing animals raised for their pelt and apiaries.

AISLE: The traveled way where cars enter and depart parking spaces.

ALLEY: A right-of-way, other than a street, road, or easement, designed to provide a secondary means of access for the special accommodation of abutting property.

AMENITY: A natural or man-made feature which enhances a property.

AWNING: A roof-like cover, often of fabric, metal, or glass which protects from the weather or is a decorative embellishment, is attached to a structure, and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.

Bb

BASEMENT: That portion of a building with an interior vertical height clearance of not less than 78 inches and having one-half or more of its interior vertical height clearance below grade level.

BOARD: The Board of Zoning Appeals of Monrovia, Indiana.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA: The total ground area within a lot covered by the primary structure plus garages, carports, and other accessory structures except at grade patios, in-ground swimming pools, and above ground swimming pools without elevated deck areas.

BUILDING HEIGHT, MAXIMUM: See **MAXIMUM BUILDING HEIGHT**.

BUILDING LINE, FRONT: A line parallel to any front lot line which passes through the nearest point of any structure and terminates at the point of contact with any side lot line.

BUILDING LINE, SIDE: A line parallel to a side lot line which passes through the nearest point of any structure and terminates at the point of contact with any front or rear lot line.

BUILDING LINE, STREET SIDE: A line parallel to a street side lot line which passes through the nearest point of any structure and terminates at the point of contact with any front or rear lot line.

BUILDING LINE, REAR: A line parallel to any rear lot line which passes through the nearest point of any structure and terminates at the point of contact with any side lot line.

BUILDING, NONCONFORMING: A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the district in which such building is located.

BUILDING PERMIT: A permit issued by the Monrovia Planning Department in compliance with the terms and provisions of the Building Code.

BUSINESS/TENANT: A single use of premise which is separated from another use by demising walls and has a separate entrance.

Cc

CHILDCARE: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (See ***IC 12-7-2***).

CONSTRUCTION STANDARDS: The standards and specifications governing the construction of improvements within the Town as set forth Articles 7.35 through 7.37 of this Ordinance and Town Code Chapter 152 Storm Drainage, Erosion, and Sediment Control.

COMPREHENSIVE PLAN: The Monrovia Comprehensive Plan.

CONSERVATION AREA: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include fresh water marshes, shallow grassy ponds, hardwood swamps, natural shorelines (other than natural beaches or dunes), and other areas of significant biological productivity or uniqueness.

CONTAINMENT AREA: (1) An above ground area that has been constructed with watertight concrete floors and sidewalls and located within a completely enclosed building; or (2) A floor area located within a completely enclosed building which is designed to slope toward a central point for the

collection, containment, and removal of contaminants. This term is only applicable to the Wellhead Protection Overlay Zoning District.

CONTAINMENT VESSEL: (1) A portable device located within a completely enclosed building that has been made of a watertight material; (2) A secondary containment system integral to an above ground storage tank located within a completely enclosed building; or (3) A portable device used in connection with a remote fueling operation that has been made of a watertight material. This term is only applicable to the Wellhead Protection Overlay Zoning District.

CONTAMINANT: Any solid, semisolid, liquid, or gaseous matter, or any odor, radioactive material, pollutant (as defined in the Federal Water Pollution Control Act (33 U.S.C. 251 et seq., as amended), hazardous waste (as defined by the Federal Solid Waste Disposal Act (42 U.S.C. 690 et seq as amended), any constituent of a hazardous waste, or any combination of the above, that (a) is injurious to human health, plant or animal life, or property; (b) interferes unreasonably with the enjoyment of life or property; or (c) is otherwise violative of *IC 3-7* or any rules adopted thereunder. Examples of contaminants include fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, and petroleum products.

COUNTY COMMISSIONERS: The Board of Commissioners of the County of Morgan, Indiana.

COVENANT: A private legal restriction on the use of land contained in the deed, plat, or other legal documents pertaining to the property.

CUL-DE-SAC: See **STREET, CUL-DE-SAC**.

Dd

DENSITY, GROSS: A unit of measurement representing the number of units per acre of land on the aggregate total land to be developed.

DEPARTMENT: The Town of Monrovia Planning Department.

DEVELOPER: A person improving or proposing to improve a parcel of land who may or may not be the property owner.

DISPOSAL: The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water that the solid waste or hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters. (see *IC 13-7-1*).

DISTRICT: A section of the territory within the jurisdiction of Plan Commission for which uniform regulations governing the use height area size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

DRIVE: For the purposes of this Ordinance, a drive is the same as street.

DRIVE-IN FACILITY: Any portion of a structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DRIVEWAY: A privately owned driving surface which provides access to a lot, or to a use located on such lot, from a street and runs generally perpendicular to property lines.

DWELLING: Any building, or portion of a building, which is designed or used primarily for residential purposes, including a single family, two-family and multi-family but not including transient residential uses such as hotels, boarding houses, lodging houses and tourist dwellings.

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

Ee

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EXTERNAL STREETS: A street identified on Figure 7.1: Existing Functional Classification Map of the Comprehensive Plan as a Major Collector or Minor Collector.

Ff

FAMILY: One or more people related by blood, adoption, foster care, or marriage, living together as a single household unit, exclusive of household servants; or no more than 8 people living together as housemates or roommates though not related by blood, adoption, foster care or marriage.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLASHING: Operation which creates flashing light, change in light intensity, color or copy, or intermittent light impulses more frequently than one every 10 seconds. Electronic Message Centers do not constitute flashing signs; and a sign which creates intermittent light impulses which convey the time of day and/or temperature only do not constitute a flashing sign.

FLOOR AREA, GROSS: The total area, computed on a horizontal plane inclusive of finished basements, attached garages, entrances, hallways, stairways, and other enclosed areas, but exclusive of unfinished cellars and attics.

FLOOR AREA, USABLE: The floor area within a building which is designed for occupancy and use.

FRONTAGE: The line of contact of an abutting property with the street right-of-way along a front lot line which allows unobstructed, direct access to the property.

FRONTAGE STREET: See **STREET, FRONTAGE**.

Gg

GARBAGE: All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials. (For reference see *IC 13-7-1*).

GRADE: The average level of the finished surface of ground adjacent to the exterior walls of the building.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Hh

HAZARDOUS WASTE: A solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (a) cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (For reference see *IC 13-7-1*).

HEIGHT, BUILDING, MAXIMUM: See **MAXIMUM BUILDING HEIGHT**.

HOME OCCUPATION: An occupation or business activity carried on within a legally established dwelling unit by a resident of the dwelling per *4.8 Home Occupations*.

Ii

IMPROVEMENT: Any building, structure, parking facility, fence, wall, work of art, underground utility service, land disturbing activity, or other object constituting development, a physical alteration of real property, or any part of such alteration.

IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement or moving of a structure complies with the provisions this Ordinance.

INCIDENTAL: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensure from normal operations.

INOPERABLE MOTOR VEHICLE: Any automobile, truck, semitrailer, school bus or recreational vehicle, that lacks a motor drive train, wheels, axles, or transmissions.

INTEGRATED CENTER: An area of development (commercial, industrial, or any combination of commercial, industrial, and residential uses) of one or more lots, comprised of:

1. Two or more individual, non-related and separately operated uses in one building sharing common site facilities;
2. One or more buildings containing non-related and separately operated uses occupying a common site, utilizing one or more common site facilities, such as driveway entrances, parking areas, driving lanes, maintenance, and similar common services; or
3. One or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by utilizing one or more common facilities, such as driveway entrances, internal public or private street network developed in accordance with an approved plat, parking areas, maintenance, or other services.

INTERSECTION: A crossing or meeting of 2 streets, or a street and a driveway.

Jj

Kk

Ll

LAND AREA: The total horizontal area within the project boundaries.

LANE: for the purposes of this ordinance, a lane is the same as a street.

LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURE: Any continuous, lawfully established structure erected or constructed prior to the time of adoption, revision, or amendment of this Ordinance, or pursuant to a granted variance of this Ordinance, but which fails by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

LEGALLY ESTABLISHED NONCONFORMING USE: Any continuous, lawful land use having commenced prior to the time of adoption, revision, or amendment of this Ordinance, or according to a granted variance, but which fails by (prior to code) reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

LIMITED ACCESS STREET: See **STREET, LIMITED ACCESS**.

LOADING BERTH: The off-street area required for the receipt or distribution by vehicles of materials or merchandise, which in this Ordinance is a 12 by 35-foot paved loading space with a 14-foot height clearance.

LOCAL STREET: See **STREET, LOCAL**.

LOT: A piece, parcel, plot, or tract of land designated by its owner or developer to be used, developed, or built upon as a unit under single ownership or control and may consist of:

1. A single lot of record; or
2. A portion of a lot of record; or
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:

1. The person who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
2. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has a term (exclusive of non-exercised extensions and renewals) of at least 25 years remaining before its expiration at the time of applying for a permit).

LOT AREA: The area bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access into the subject lot or adjoining lots.

LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from a street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from a street.

LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line not designated as a front, street side, or rear lot line.

LOT LINE, STREET SIDE: A lot line, other than a front lot line or a rear lot line, that abuts a street. A street side lot line does not include lot lines that abut an alley.

LOT, MEW: A lot fronting an open space or common area served by an alley or street at the rear of the lot. The front yard setback of a mew lot is measured from the narrowest lot line abutting the open space or common area.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: The full width of a lot measured along the required front setback line.

Mm

MASONRY: All masonry construction composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Plan Commission or Administrator.

MAXIMUM BUILDING HEIGHT: The vertical distance measured from the highest point of proposed finished grade at the perimeter of the building to the highest point of the roof.

Nn

Oo

OFFICIAL ZONING MAP: The map showing the legally established boundaries of the zoning districts within the jurisdiction of the Plan Commission adopted by the responsible, participating legislative bodies.

OPEN SPACE: In the context of a lot, open space is the outdoor or unenclosed areas of a lot designed and accessible for outdoor living, recreation, pedestrian access, or landscaping. In the context of a development not individually owned or dedicated to the public, open space is designed and intended for the common use or enjoyment of the occupants of the development. The open space may include complementary structures and improvements.

ORDINANCE VIOLATIONS BUREAU. The Ordinance Violations Bureau established for the Town under Title III, Chapter 34 of the Monrovia Municipal Code.

OUTLOT: That portion of land of a plat, integrated center or planned development which is:

1. Usually located adjacent to a street or frontage road; and,
2. Is intended for an additional and separate buildings in the development.

Pp

PARENT PARCEL: See **LOT OF RECORD**.

PARKING AREA: The hard surfaced area required for a parking of automobiles, including all maneuvering areas and aisles.

PARKING SPACE OR STALL: The hard surfaced area required for parking one automobile.

PLAN COMMISSION: The Monrovia Advisory Plan Commission.

PLAT, MAJOR: The subdivision of a tract of land into five or more parcels or lots, including any remainder of the original tract, or any subdivision involving the creation of new streets to an adjoining property, now or in the future.

PLAT, MINOR: The subdivision of a tract of land into four or fewer lots, including any remainder of the original tract, that does not involve the creation of new streets to an adjoining property, now or in the future.

PORTABLE: Movable from one location to another, not attached to a fixed structure nor having supports embedded in the ground. The term "portable sign" includes a sign located in or on a vehicle, except where:

1. Such sign merely identifies the vehicle as belonging to such business by displaying the name, address and/or telephone number of such business and/or identifies the type of product or service offered by such business;
2. The primary use of such vehicle is for the daily transportation of products or the delivery of services in connection with such business; and
3. Such vehicle is currently licensed in the State of Indiana and is in operable condition; however, if such vehicle remains parked for longer than one week in the same parking space, it is deemed a portable sign.

PRIMARY PLAT: Any initial request for the subdivision of real estate filed before the Plan Commission according to *IC 36-7-4-700*, et. Seq.

Qq

Rr

RECOVERY: Obtaining materials or energy for commercial or industrial use from solid waste or hazardous waste. (For reference see *IC 13-7-1*).

RIGHT-OF-WAY: Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare for passage of pedestrians, vehicles, or

utilities, as set forth in a written grant, declaration or conveyance that is recorded in the office of the Morgan County Recorder.

RIGHT-OF-WAY, PUBLIC: A specific strip of land dedicated to the municipality or County for use by the public for general transportation purposes or conveyance of utilities, whether or not improved or used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Morgan County Recorder.

RIGHT-OF-WAY, PRIVATE: A specific strip of privately-held land for use for general transportation purposes or conveyance of utilities, whether or not improved or used for such purposes, as set forth in a written grant, declaration or conveyance that is recorded by the office of the Morgan County Recorder.

ROAD: For the purposes of this ordinance, a road is the same as a street.

Ss

SCREENING DEVICE: A barrier of stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density, and design, at least 6 feet in height, provided any such structure in excess of 8 feet in height is deemed a wall subject to the provision of the Building Code.

SEASONAL RETAIL SALES: A temporary use established for a fixed time, for the retail sale of seasonal products, including food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent structure.

SECONDARY PLAT: Any plat approved by the Plan Commission or Staff and authorized for filing with the Morgan County Auditor and for recording by the Morgan County Recorder's Office according to ***IC 36-7-4-710***, formerly known as a Final Plat.

SETBACK: That distance measured perpendicularly from the property line to the closest point of the building, structure, sign structure, parking area, or any other permanent improvement.

SETBACK LINE: A line that establishes the minimum distance that all or part of a structure can be located from a lot line or right-of-way line.

SOLID WASTE: Any garbage, refuse, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities.

The term "solid waste" does not include:

1. Solid or dissolved material in a domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges, which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. B42);
2. Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
3. Manures or crop residues returned to the soil at the part of a total farm operation; or

4. Vegetative matter at composting facilities registered under ***IC 13-7-35***. (For reference see ***IC 13-7-1***).

STAFF: See **ADMINISTRATOR**.

STORAGE, OUTDOOR: The storage of any product, goods, equipment, machinery, vehicles, boats, supplies, building materials or commodities, including raw, semi-finished and finished materials for more than one week. This storage is not accessory to a residential use and is visible from ground level. Vehicle parking and the display of automobiles, boats, trucks, or farm equipment associated with a legally established dealership is not considered outdoor storage.

STREET: Any public or private right-of-way, except for alleys, essentially open to the sky and open and dedicated to the public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STREET, CUL-DE-SAC: A local street having one open end and being permanently terminated at the other by a vehicular turnaround.

STREET, FRONTAGE: A street located along side and generally parallel with a more heavily traveled street and which provides access to abutting properties. Outlots may be located between the frontage street and the more heavily traveled street.

STREET, LIMITED ACCESS: A street along which access is restricted due to the acquisition of access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such street.

STREET, LOCAL: A street designated in the Monrovia Comprehensive Plan as a local street.

STREET, MAJOR COLLECTOR: A street designated in the Monrovia Comprehensive Plan as a major collector.

STREET, MINOR COLLECTOR: A street designated in the Monrovia Comprehensive Plan as a minor collector.

STREET, PRIVATE: A privately held right-of-way, essentially open to the sky and open to the public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

STREET, PUBLIC: A publicly dedicated, accepted and maintained right-of-way, essentially open to the sky and open to the public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, parking areas, and billboards.

SUBDIVISION: The division of a parcel of land into 2 or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of land opened for residential and non-residential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

The following kinds of division of existing parcels of land are exempt:

1. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites are created by the division.
2. A division of land for the acquisition of street or utility right-of-way or easement.
3. A division of land for the sale or exchange of tracts between adjoining landowners, provided no additional building sites are created by the division and the resulting tracts conform to the standards of this Ordinance.
4. Combining common ownership lots to lessen the total number of buildable lots.
5. Adjusting lot lines to address issues of property line encroachment or buildings across property boundaries.
6. A division of land into cemetery plots for the purpose of burial.

Tt

TECHNICAL ADVISORY COMMITTEE: An advisory group that provides technical review comments on petitions per *9.7 Technical Advisory Committee*.

TEMPORARY USE: A land use established for a limited and fixed time with the intent to discontinue such use upon the expiration of the period.

TOWN COUNCIL: The Monrovia Town Council.

TRAFFIC CONTROL DEVICE: Any sign, light, signal, or other device located at an intersection including, but not limited to stop signs, yield signs, caution signs, flashing lights or traffic lights, the purpose of which is to cause through traffic to slow and exercise caution when proceeding through an intersection.

TREATMENT: When used in connection with a waste that is determined to be hazardous waste under *IC 13-7-8.5-3*, means any method, technique, or process designed to change the physical, chemical, or biological character or composition of the waste so as to:

1. Neutralize the waste;
2. Render it:
   a. Nonhazardous or less hazardous;

b. Safer to transport, store, or dispose of;
c. Amenable to recovery or storage; or
d. Reduce in volume; or

3. Recover energy or material resources from the waste. (For reference see IC 13-7-1).

Uu

UNCONTROLLED ACCESS INTERSECTION: An intersection where the approach to and movement through is not regulated using traffic control devices.

UNDERGROUND STORAGE TANK: A tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks:

1. That is used to contain an accumulation of any toxic or hazardous materials, including without limitation, fuels, oils, lubricants, anti-freeze, hydraulic fluids, cleaning solvents, petroleum products or any other potential contaminant to the underground aquifer; and,
2. The volume of which (including the volume of the underground connected pipes) is 10% or more beneath the surface of the ground.

Vv

Ww

WASTE MANAGEMENT: Any business, operation, process, or function associated with the generation, storage/transportation, processing, or disposal of solid or hazardous waste.

WASTE STORAGE: The storage of solid waste more than 90 days.

Xx

Yy

YARD, FRONT: An open space, unobstructed to the sky, extending fully across the lot while situated between the front lot line and the established front building line.

YARD, SIDE: An open space, unobstructed to the sky, extending fully across the lot while situated between the side lot line and the established side building line.

YARD, REAR: An open space, unobstructed to the sky, extending fully across the lot while situated between the rear lot line and the established rear building line.

YARD, STREET SIDE: An open space, unobstructed to the sky, extending fully across the lot while situated between the street side lot line and the established street side building line.

YARD, REQUIRED: An open space unobstructed to the sky, extended fully across the lot situated between a lot line and a setback line. Required yards may be a front yard, a side yard, a street side yard, or a rear yard depending on which lot line the required yard abuts.

YARD, TRANSITIONAL: A front, side, a street side yard, or rear yard of a non-residential land use on a lot which faces or abuts a residential zoning district.

Zz

Appendix

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Prohibited Plant Species 12

Appendix A - Approved Plant List

Approved Tree Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Street Tree	Use Under Utility Lines
Abies concolor	White Fir	70’	30’	No		
Acer griseum	Paperbark Maple	25’	35’	No	Yes	Yes
Acer miyabei	Miyabe Maple	40’	35’	No		
Acer nigrum/saccharum subsp. nigrum	Black Maple	90’	25’	Yes	Yes	
Acer palmatum ‘Osakazuki’	Osakazuki Japanese Maple	25’	15’	No		
Acer rubrum	Red Maple	90’	70’	Yes	Yes	
Acer saccharum	Sugar Maple	75’	50’	Yes	Yes	
Acer x freemanii	Freeman Maple/Hybrid Red Maple	60’	40’	Yes	Yes	
Aesculus flava	Yellow Buckeye	75’	50’	Yes		
Aesculus glabra	Ohio Buckeye	40’	40’	Yes		
Aesculus x carnea	Red Horse Chestnut	40’	35’	No		
Amelanchier arborea	Downy Serviceberry	25’	20’	No	Yes	Yes
Amelanchier laevis	Allegheny Serviceberry	40’	40’	Yes		
Amelanchier spp.	Serviceberry	25’	20’	Yes		Yes
Amelanchier x grandiflora ‘Autumn Brilliance’	Autumn Brilliance Serviceberry	25’	25’	No	Yes	Yes
Asimina triloba	Pawpaw	30’	25’	Yes		Yes
Betula alleghaniensis	Yellow Birch	75’	65'	Yes		
Betula nigra	River Birch	70’	60’	Yes		
Betula populifolia	Gray Birch	40’	20’	Yes		
Carpinus betulus ‘Fastigiata’	Common Hornbeam	40’	30’	No	Yes	
Carpinus caroliniana	American Hornbeam	30’	30’	Yes	Yes	Yes
Carya cordiformis	Bitternut Hickory	80’	50’	Yes		
Carya glabra	Pignut Hickory	80’	40’	Yes		
Carya illinoinensis	Pecan	100’	70’	Yes		
Carya laciniosa	Shellbark Hickory	80’	60’	Yes		
Carya ovalis	Red Hickory	80’	70'	Yes		
Carya ovata	Shagbark Hickory	90’	70’	Yes		
Carya pallida	Sand Hickory	100’	70'	Yes		
Carya texana	Black Hickory	50’-100’	45'	Yes		

Approved Tree Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Street Tree	Use Under Utility Lines
Carya tomentosa	Mockernut Hickory	80’	60’	Yes		
Catalpa speciosa	Northern Catalpa	70’	50’	Yes		
Celtis laevigata	Sugarberry	70’	60’	Yes		
Celtis occidentalis	Hackberry	80’	60’	Yes	Yes	
Cercis canadensis	Eastern Redbud	30’	20’	Yes	Yes	Yes
Chionanthus virginicus	Fringetree	20’	15’	Yes		Yes
Cladrastis lutea	Yellowwood	50’	55’	Yes		
Cornus alternifolia	Pagoda Dogwood	25’	20’	Yes		Yes
Cornus florida	Flowering Dogwood	30’	35’	Yes		Yes
Cornus kousa	Kousa Dogwood	30’	30’	No		
Cornus mas	Cornelian Cherry Dogwood	25’	20’	No	Yes	Yes
Cotinus coggygria	Smoketree	15’	15’	No		Yes
Crataegus phaenopyrum	Washington Hawthorn	30’	30’	No	Yes	
Crataegus punctata	Dotted Hawthorn	25’	25’	Yes		Yes
Crataegus virids	Green Hawthorn	35’	35’	Yes	Yes	
Cuprocyparis leylandii	Leyland Cypress	70’	15’	No		
Diospyros virginiana	Persimmon	60’	35’	Yes		
Euonymus atropurpurea	Eastern Wahoo	20’	25’	Yes		Yes
Fagus grandifolia	American Beech	80’	80’	Yes		
Fagus sylvatica ‘Tricolor’	Tricolor Beech	30’	30’	No		
Ginkgo biloba	Ginkgo (male)	80’	40’	No	Yes	
Gleditsia triancanthos var. inermis	Thornless Honeylocust	80’	50’	Yes	Yes	
Gymnocladus diocus	Kentucky Coffeetree	100’	40’	Yes	Yes	
Hamamelis virginiana	Witchhazel	15’	15’	Yes		Yes
Juglans cinerea	Butternut	60’	60’	Yes		
Juglans nigra	Black Walnut	100’	100’	Yes		
Juniperus virginiana	Eastern Red Cedar	65’	25’	Yes		
Koelreuteria paniculata	Goldenrain Tree	50’	35’	No		
Larix laricina	Eastern Larch (Tamarack)	80’	30’	Yes		
Liquidambar styraciflua	Sweetgum	60’	40’	Yes	Yes	
Liriodendron tulipfera	Tulip Tree	150’	50’	Yes	Yes	
Maackia amurensis	Amur Maackia	30’	30’	No	Yes	
Magnolia acuminata	Cucumber Magnolia	70’	35’	Yes		

Approved Tree Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Street Tree	Use Under Utility Lines
Magnolia stellata	Star Magnolia	20’	15’	No		Yes
Magnolia tripetala	Umbrella Magnolia	30’	30’	Yes		
Magnolia x soulgiana	Saucer Magnolia	25’	30’	Yes		Yes
Malus ‘Adams’	Adams Crabapple	25’	25’	No		Yes
Malus ‘Centurion’	Centurion Crabapple	25’	20’	No		Yes
Malus coronaria	Wild Sweet Crabapple	25’	25’	Yes	Yes	
Malus floribunda	Japanese Flowering Crabapple	25’	25’	No		Yes
Malus ioensis	Prairie Crabapple	30’	35’	Yes		Yes
Malus sargentii	Sargent Crabapple	10’	15’	No		Yes
Morus rubra	Red Mulberry	50’	40’	Yes		
Nyssa sylvatica	Black Gum	50’	30’	Yes		
Ostrya virginiana	Hophornbeam	45’	40’	Yes	Yes	
Oxydendrum arboreum	Sourwood	50’	25’	Yes		
Picea abies	Norway Spruce	60’	30’	No		
Picea omorika	Serbian Spruce	60’	20’	No		
Picea pungens’ Glauca’	Colorado Blue Spruce	60’	20’	No		
Pinus banksiana	Jack Pine	50’	30’	Yes		
Pinus strobus	Eastern White Pine	80’	40’	Yes		
Pinus sylvestris	Scotch Pine	50’	30’	No		
Pinus virginiana	Virginia Pine/Scrub Pine	30’	20’	Yes		
Platanus acerifolia	Columbia London Planetree	80’	65’	No	Yes	
Platanus occidentalis	Sycamore	90’	70’	Yes		
Populus balsamifera	Balsam Poplar	100’	70’	Yes		
Populus deltoides	Cottonwood	80’	60’	Yes		
Prunus americana	American Plum	25’	20’	Yes		Yes
Prunus cerasifera	Purple-Leaf Plum	20’	20’	No		Yes
Prunus maakii	Amur Chokecherry	25’	20’	No		Yes
Prunus pendula	Weeping Higan Cherry	25’	25’	No		
Prunus pensylvanica	Pin Cherry/ Fire Cherry	40’	30’	Yes		
Prunus serotina	Wild Black Cherry	80’	60’	Yes		
Prunus serrulata ‘Kwanzan’	Kwanzan Cherry	25’	25’	No		
Pseudotsuga menziesii	Douglas Fir	80’	20’	No		
Ptelea trifoliata	Hoptree	25’	15’	Yes		Yes

Approved Tree Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Street Tree	Use Under Utility Lines
Pyrus coronaria	Wild Sweet Crabapple	30’	30’	Yes		
Quercus alba	White Oak	100’	90’	Yes	Yes	
Quercus bicolor	Swamp White Oak	90’	70’	Yes	Yes	
Quercus coccinea	Scarlet Oak	70’	50’	Yes		
Quercus ellipsoidalis	Northern Pin Oak	70’	60’	Yes		
Quercus falcata	Southern Red Oak	80’	50’	Yes		
Quercus imbricaria	Shingle Oak	60’	50’	Yes	Yes	
Quercus lyrata	Overcup Oak	60’	60’	Yes		
Quercus macrocarpa	Bur Oak	80’	80’	Yes		
Quercus marilandica	Blackjack Oak	35’	25’	Yes		
Quercus michauxii	Swamp Chestnut Oak	60	50’	Yes		
Quercus muehlenbergii	Chinkapin Oak	60’	70’	Yes		
Quercus pagoda	Cherrybark Oak	110’	50'	Yes		
Quercus palustris	Pin Oak	70’	60’	Yes		
Quercus prinus	Chestbut Oak	70’	70’	Yes		
Quercus robur f. fastigiata	English Oak	60’	20’	Yes	Yes	
Quercus rubra	Northern Red Oak	70’	60’	Yes	Yes	
Quercus shumardii	Shumard Oak	60’	40’	Yes		
Quercus stellata	Post Oak	50’	50’	Yes		
Quercus velutina	Black Oak	60’	60’	Yes		
Rhus glabra	Smooth Sumac	20’	15’	Yes		Yes
Rhus typhina	Staghorn Sumac	25’	30’	Yes		
Salix amygdaloides	Peachleaf Willow	70’	60’	Yes		
Salix nigra	Black Willow	60’	60’	Yes		
Salix sericea	Silky Willow	12’	12'	Yes		
Sassafras albidum	Sassafras	60’	40’	Yes		
Sophora japonica	Scholar Tree	75’	75’	No		
Syringa reticulata	Ivory Silk Japanese Tree Lilac	25’	15’	No	Yes	Yes
Syringa vulgaris	Common Lilac	20’	15’	No		
Taxodium distichum	Bald Cyprus	70’	45’	Yes		
Thuja occidentalis	American Arborvitae	40’	15’	Yes		
Thuja plicata	Western Arborvitae	70’	25’	Yes		
Tilia americana	Basswood	80’	50’	Yes		

Approved Tree Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native	Approved Street Tree	Use Under Utility Lines
Tilia cordata	Littleleaf Linden	50’	40’	No	Yes	
Tilia tomentosa	Silver Linden	50’	40’	No	Yes	
Tsuga canadensis	Canadian Hemlock	70’	35’	Yes		
Ulmas thomasii	Rock Elm/Cork Elm	80’	50'	Yes		
Ulmus alata	Winged Elm	50’	40’	Yes	Yes	
Ulmus americana ‘New Harmony’	New Harmony American Elm	70’	60’	No	Yes	
Ulmus americana ‘Princeton’	Princeton American Elm	70’	60’	No	Yes	
Ulmus americana ‘Valley Forge’	Valley Forge American Elm	70’	60’	No	Yes	
Ulmus rubra	Slippery Elm	60’	50’	Yes		
Zelkova serrata	Japanese Zelkova	80’	75’	No	Yes	

Approved Shrub Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Abelia x grandiflora	Glossy Abelia	6’	6’	No
Aesculus parviflora	Bottlebrush Buckeye	12’	15’	Yes
Amalanchier canadensis	Serviceberry	25’	20’	Yes
Aronia arbutifolia	Red Chokecherry	10’	6’	Yes
Aronia melanocarpa	Black Chokeberry	6’	6’	Yes
Aruncus dioicus	Goat’s Beard	6’	4’	Yes
Buddleia davdii	Butterfly Bush	6’	6’	No
Buxus microphylla	Littleleaf Boxwood	4’	4’	No
Buxus spp.	Glencoe or Green Velvet Boxwood	4’	4’	No
Callicarpa dichotoma	Beautyberry	6’	6’	Yes
Calycanthus floridus	Carolina Allspice	12’	12’	Yes
Caryopteris x clandonensis	Bluebeard	3’	3’	No
Ceanothus americanus	New Jersey Tea	4’	6’	Yes
Cephalanthus occidentalis	Buttonbush	12’	8’	Yes
Chaenomeles speciosa	Flowering Quince	10’	15’	No
Clethra alnifolia	Summersweet Clethra	6’	5’	Yes

Approved Shrub Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Comptonia peregrina	Sweet Fern	4’	8’	Yes
Cornus amomum	Silky Dogwood	10’	10’	Yes
Cornus sericea	Redosier/Red Stemmed Dogwood	10’	8’	Yes
Corylus americana	American Hazlenut	10’	15’	Yes
Cotinus coggygria	Smoke Bush	15’	15’	Yes
Cotoneaster divaricatus	Spreading Cotoneaster	6’	8’	No
Daphne x burkwoodii	Daphne Burkwood	4’	4’	No
Deutzia gracilis	Slender Deutzia	3’	4’	No
Elaeagnus commutata	Silverberry	10’	6'	Yes
Euonymus americanus	Strawberry Bush	6’	6’	Yes
Euonymus atropurpureus	Eastern Wahoo	20’	15’	Yes
Forsythia x intermedia	Border Forsythia	10’	15’	No
Fothergilla gardenii	Fothergilla	3’	4’	Yes
Fothergilla major	Large Fothergilla	10’	9’	Yes
Fothergilla ‘Mount Airy’	Mount Airy Fothergilla	5’	5’	Yes
Fothergilla x intermedia ‘Blue Shadow’	Blue Shadow Fothergilla	6’	6’	Yes
Hamamelis virginiana	Witchhazel	15’	15’	Yes
Heptacodium miconioides	Seven-son Flower	20’	10’	No
Hibiscus syriacus	Rose-of-Sharon	12’	12’	No
Hydrangea aborescens	Smooth Hydrangea	5’	5’	Yes
Hydrangea quercifolia	Oak Leaf Hydrangea	10’	8’	Yes
Ilex glabra	Inkberry	12’	12’	Yes
Ilex verticillata	Winterberry	12’	12’	Yes
Ilex x meserveae	Blue Holly	8’	8’	No
Itea virginica	Virginia Sweetspire	6’	14’	Yes
Juniperus aquamata ‘Blue Carpet’	Blue Carpet Juniper	1’	5’	Yes
Juniperus aquamata ‘Blue Star’	Blue Star Juniper	3’	4’	Yes
Juniperus communis	Common Juniper	10’	12’	Yes
Juniperus horizontalis ‘Plumosa’	Andorra Juniper	18’	5’	Yes
Kalmia latifolia	Mountain Laurel	10’	10’	Yes
Kerria japonica	Japanese Kerria	6’	9’	No
Kolkwitzia amabilis	Beautybush	10’	10’	No
Ligustrum vicaryi	Golden Privet	12’	13’	No
Lindera benzoin	Spicebush	12’	12’	Yes

Approved Shrub Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Lonicera involucrata	Twinberry	10’	10’	Yes
Myrica pensylvanica	Bayberry	12’	12’	Yes
Persicaria polymorpha	Knotweed	5’	4’	No
Physocarpus opulifolius	Ninebark	8’	6’	Yes
Physocarpus opulifolius ‘Diablo’	Diablo Ninebark	8’	8’	Yes
Prunus glandulosa	Flowering Dwarf Almond	5’	4’	No
Rhamnus alnifolia	Alder-leaved Buckthorn	3’	3'	Yes
Rhododendron carolinianum	Carolina Rhododendron	5’	10’	No
Rhododendron catawbiense	Catawba Rhododendron	10’	20’	No
Rhododendron PJM hybrids	PJM Rhododendron	6’	5’	No
Rhodotypos scandens	Jetbead	4’	3’	No
Rhus aromatica ‘Gro Low’	Gro Low Fragrant Sumac	3’	8’	No
Rhus copallinum	Shining Sumac	15’	20’	Yes
Rhus glabra	Smooth Sumac	15’	15’	Yes
Ribes alpinum ‘Green Mound’	Alpine Currant	3’	3’	No
Rosa glauca/rubrifolia	Redleaf Rose	8’	7’	No
Rosa knockout	Knockout Roses	4’	4’	No
Salix eleagnos	Rosemary Willow	10’	8’	No
Sambucus canadensis	American Elderberry	12’	12’	Yes
Sambucus racemosa	American Red Elderberry	12'	15'	Yes
Shepherdia argentea	Buffaloberry	8’	8’	Yes
Staphylea trifolia	Bladdernut	12’	12’	Yes
Stephanandra incisa	Cutleaf Stephanandra	3’	4’	No
Symphoricarpos x chenaultii	Snowberry	6’	8’	No
Syringa patula	Miss Kim Lilac	8’	10’	No
Syringa x chinensis	Chinese Lilac	15’	15’	No
Taxus x media	Yew	6’	12’	Yes
Vibrunum lentago	Nannyberry	15’	12’	Yes
Viburnum dentatum	Arrowwood Viburnum	15’	15’	Yes
Viburnum ferreri	Fragrant Viburnum	10’	10’	No
Viburnum lantana	Wayfaring Tree	10’	10’	No
Viburnum nudum v. cassinoides	Smooth Witherod Viburnum	10’	10’	Yes
Viburnum opulus	European Cranberry	12’	12’	No
Viburnum plicatum	Doublefile Viburnum	10’	10’	No
Viburnum prunifolium	Blackhaw Viburnum	15’	12’	Yes

Approved Shrub Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Viburnum rufidulum	Rusty Blackhaw Viburnum	15’	12’	No
Viburnum sieboldii	Siebold Viburnum	30’	12’	No
Viburnum x burwoodii	Burkwood Viburnum	10’	10’	No
Viburnum x judii	Judd Viburnum	10’	10’	No
Weigela florida	Old Fashioned Weigla	10’	12’	No
Weigela florida ‘Wine and Roses’	Wine and Roses Weigela	5’	6’	No
Yucca filamentosa	Yucca	5’	5’	Yes

Approved Ornamental Grass Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Caerulea arundinacea ‘Windspiel’	Grass Molinia Moor	7’	4’	Yes
Carex buchananii	Leatherleaf Sedge	2.5’	3’	Yes
Carex morrowii ‘Ice Dance’	Ice Dance Sedge	1’	2’	Yes
Carex morrowii ‘Variegata’	Variegated Japanese Sedge	1.5’	1’	No
Chasmanthium latifolium	Northern Sea Oats	5’	3’	Yes
Clamagrostis x acutiflora	Feather Reed Grass	5’	2’	Yes
Festuca glauca	Blue Fescue	1’	1’	No
Juncus effusus	Common Rush/Soft Rush	4’	4’	Yes
Liriope muscari	Lily Turf	1.5’	9”	No
Panicum virgatum	Switch Grass	6’	3’	No
Pennisetum alopecuroides	Fountain Grass	5’	5’	Yes
Pennisetum alopecuroides ‘Hamein’	Dwarf Fountain Grass	2’	1.5’	No
Sesleria autumnalis	Autumn Moor Grass	1’	1’	No
Schoenoplectus acutus	Hardstem Bulrush	6’	4'	Yes
Schoenoplectus pungens	Common Threesquare	4’	3'	Yes
Sisyrinchium angustifolium	Blue-Eyed Grass	2’	1’	Yes
Spartina pectinata ‘Aureomarginata’	Variegated Prairie Cord Grass	6’	4’	Yes

Approved Groundcover and Vine Species

Scientific Name	Common Name	Max. Height	Max. Spread	Native
Aeqopodium podagraria 'Variegatum'	Bishop's Weed	2'	4'	No
Ajuga reptans	Bugleweed	10"	2'	No
Arctostaphylos uva-ursi	Bearberry	8"	1'	Yes
Asarum canadense	Wild Ginger	1'	1.5'	Yes
Asarum europaeum	Wild Ginger	.5'	1.5'	No
Asclepias incarnata	Swamp Milkweed	5'	3'	Yes
Celastrus scandens	American Bittersweet	20'	6'	Yes
Convallaria majalis	Lily of the Valley	1'	1'	Yes
Cotoneaster dammeri	Cotoneaster Bearberry	2'	1'	No
Epimedium x rubrum	Barrenwort	2'	4'	No
Galium odoratum	Sweet Woodruff	1'	2'	No
Helleborus spp.	Hellebore	1.5'	1.5'	Yes
Iris cristata	Crested Dwarf Iris	9"	1'	Yes
Liatris pychnostachya	Prairie Blazing Star	5'	2'	Yes
Liatris spicata 'Kobold'	Kobold Blazing Star	2.5'	1'	Yes
Lobelia cardinalis (incl. hybrid cultivars)	Cardinal Flower	4'	2'	Yes
Lonicera sempervirens	Coral Honeysuckle	15'	6'	Yes
Lonicera x heckrottii	Everblooming Honeysuckle	15'	6'	Yes
Partenocissus quinquefolia	Virginia Creeper	50'	variable	Yes
Phlox paniculata ' Katherine'	Summer Phlox	2.5'	2'	Yes
Phlox paniculata 'David'	Summer Phlox	4'	3'	Yes
Phlox paniculata 'Shortwood'	Summer Phlox	4'	3'	Yes
Vernonia fasciculata	Prairie Ironweed	4'	3'	Yes
Waldsteinia fragarioides	Barren Strawberry	0.5'	1'	Yes

Appendix B - Prohibited Plant List

Prohibited Plant Species

Scientific Name	Common Name	Reason
Acer campestre	Hedge Maple	Invasive
Acer ginnala	Amur Maple	Invasive
Acer negundo	Box Elder	Weak Wood; Aggressive
Acer platanoides	Norway Maple	Invasive
Acer saccharinum	Silver Maple	Weak Wood; Aggressive
Acer tartarium	Tartarian Maple	Invasive
Achyranthes japonica	Japanese Chaff Flower	Highly Invasive
Ailanthus altissima	Tree of Heaven	Invasive; Suckers; Weak Wood
Alliaria petiolate	Garlic Mustard	Invasive
Alnus glutinosa	Black Alder	Invasive
Ampelopsis brevipedunculata	Porcelain Berry	Invasive
Artemisia vulgaris	Mugwort	Highly Invasive
Arthraxon hispidus	Small Carpgrass	Highly Invasive
Arundo donax	Giant Reed	Invasive
Azolla pinnata	Mosquito Fern	Prohibited Plant Species
Berberis thunbergii	Japanese Barberry	Invasive
Berberis vulgaris	Common Barberry	Invasive
Bromus inermis	Smooth Brome	Invasive
Buddleia davidii	Butterfly Bush	Invasive
Butomus umbellatus	Flowering Rush	Invasive/Prohibited Plant Species
Cardamine impatiens	Narrowleaf Bittercress	Invasive
Carduus acanthoides	Plumeless Thistle	Invasive
Carduus nutans	Musk Thistle	Invasive
Caulerpa taxifolia	Meditteranean Killer Algae	Prohibited Plant Species
Celastrus orbiculatus	Asian Bittersweet	Invasive
Centaurea biebersteinii	Spotted Knapwood	Invasive
Cirsium arvense	Canada Thistle	Invasive/Noxious Weed
Cirsium vulgare	Bull Thistle	Invasive
Clematis terniflora	Sweet Autumn Virginsbower	Invasive
Conium maculatum	Poison Hemlock	Invasive
Convolvulus arvensis	Field Bindweed	Invasive
Coronilla varia/Securigera varia	Crown vetch	Invasive
Cynanchum louiseae	Black Swallow-Wort	Invasive
Cynanchum rossicum	Pale Swallow-Wort	Invasive
Daucus carota	Queen Anne's Lace	Invasive

Prohibited Plant Species

Scientific Name	Common Name	Reason
Dioscorea oppositifolia	Chinese Yam	Invasive
Dipsacus fullonum	Common Teasel	Invasive
Dipsacus laciniatus	Cut-Leaved Teasel	Invasive
Egeria densa	Brazilian Waterweed	Invasive/ Prohibited Plant Species
Eichhornia azurea	Anchored Water Hyacinth	Invasive/ Prohibited Species
Elaeagnus angustifolia	Russian Olive	Invasive; Poor Form; Shallow Roots
Elaeagnus umbellate	Autumn Olive	Invasive; Poor Form; Shallow Roots
Elymus repens	Quack Grass	Invasive
Euonymus alatus	Burning Bush	Invasive
Euonymus fortune	Wintercreeper	Invasive
Euphorbia esula	Leafy Spurge	Invasive
Festuca arundinacea	Tall Fescue	Invasive
Frangula alnus/Rhamnus frangula	Glossy Buckthorn	Invasive
Fraxinus species	Ash	Emerald Ash Borer
Galega officinalis	Goatsrue	Invasive
Ginkgo biloba (female only)	Ginkgo (female only)	Undesireable Fruit
Glechoma hederacea	Creeping Charlie	Invasive
Hedera helix	English Ivy	Invasive
Heracleum mantegazzianum	Giant Hogweed	Invasive
Hesperis matronalis	Dame's Rocket	Invasive
Humulus japonicus	Japanese Hops	Invasive
Hydrilla verticillate	Hydrilla	Invasive/Prohibited Plant Species
Hydrocharis morsus-ranae	European Frogbit	Invasive/Prohibited Plant Species
Hygrophilia polysperma	Indian Swampweed	Invasive/Prohibited Plant Species
Hypericum perforatum	St. John's Wort	Invasive
Imperata cylindrica 'Rubra	Japanese Blood Grass	Invasive Tendencies
Ipomoea aquatic	Chinese Water Spinach	Invasive/Prohibited Plant Species
Iris pseudacorus	Yellow Iris	Invasive/Prohibited Plant Species
Kummerowia stipulacea	Korean Lespedeza	Invasive
Kummerowia striata	Striate Lespedeza	Invasive
Lagarosiphon major	African Elodea	Invasive/Prohibited Plant Species
Lepidium latifolium	Pepperweed	Invasive
Lespedeza bicolor	Bicolor Lespedeza	Invasive
Lespedeza cuneate	Sericea lespedeza	Invasive
Leymus arenarius / Elymus arenarius	Sand Ryegrass	Invasive
Ligustrum amurense	Amur Privet	Invasive
Ligustrum obtusifolium	Border Privet	Invasive

Prohibited Plant Species

Scientific Name	Common Name	Reason
Ligustrum ovalifolium	California Privet	invasive
Ligustrum sinense	Chinese Privet	Invasive
Ligustrum vulgare	Common Privet	Invasive
Limnophila sessiliflora	Asian Marshweed	Invasive/Prohibited Plant Species
Lonicera japonica	Japanese Honeysuckle	Invasive
Lonicera maackii	Amur Honeysuckle	Invasive
Lonicera morrowii	Morrow's Honeysuckle	Invasive
Lonicera spp.	Bush Honeysuckle	Invasive
Lonicera tatarica	Tartarian Honeysuckle	Invasive
Lonicera x bella	Bella Honeysuckle	Invasive
Lysimachia nummularia	Creeping Jenny	Invasive
Lysimachia nummularia	Moneywort	Invasive
Lythrum salicaria	Purple Loosestrife	Invasive/Prohibited Plant Species
Maclura pomifera	Osage-Orange	Invasive Tendencies; Weak Wood
Melilotus spp.	Sweet Clover	Invasive
Microstegium vimineum	Japanese Stiltgrass	Invasive
Miscanthus sinensis	Chinese Maiden Grass	Invasive
Miscanthus x gigantea	Miscanthus Hybrid	Invasive
Monochoria hastata	Arrowleaf	Prohibited Plant Species
Monochoria vaginalis	False Pickerelweed	Prohibited Plant Species
Morus alba	White Mulberry	Invasive
Myriophyllum aquaticum	Parrot Feather	Invasive/Prohibited Plant Species
Myriophyllum spicatum	Eurasian Watermilfoil	Invasive/Prohibited Plant Species
Najas Minor	Brittle Naiad	Invasive/Prohibited Plant Species
Nymphoides peltate	Yellow Floating Hearts	Invasive/Prohibited Plant Species
Ornithogalum umbellatum	Star-of-Bethlehem	Invasive
Ottelia alismoides	Duck Lettuce	Invasive/Prohibited Plant Species
Pastinaca sativa	Wild Parsnip	Invasive
Paulownia tomentosa	Princess Tree	Invasive
Phalaris arundinacea	Ribbon Grass	Invasive
Phellodendron amurense	Amur Cork Tree	Invasive
Phragmites australis	Reed Grass	Invasive
Phragmites australis ssp australis	Common Reed	Invasive
Polygonum cuspidatum	Japanese Knotweed	Invasive
Polygonum perfoliatum	Mile-A-Minute	Invasive
Potamogeton crispus	Curly-Leaved Pondweed	Invasive/Prohibited Plant Species
Pueraria lobate	Kudzu	Invasive/Pest Species

Prohibited Plant Species

Scientific Name	Common Name	Reason
Pyrus calleryana	Callery Pear	Invasive
Pyrus species	Ornamental Pear	Weak Branching/ Invasive
Quecus acutissima	Sawtooth Oak	Invasive
Ranunculus ficaria	Lesser Celandine	Invasive
Rhamnus cathartica	Common Buckthorn	Invasive
Rhodotypos scandens	Jetbead	Invasive
Robinia pseudoacacia	Black Locust	Shallow, Invasive Roots
Rosa multiflora	Multiflora Rose	Invasive/Prohibited Plant Species
Rubus phoenicolasius	Wineberry/Wine Raspberry	Invasive
Sagittaria sagittifolia	Arrowhead	Prohibited Plant Species
Salix species	Willow	Invasive Roots; Weak Wood
Salvinia auriculata/biloba/herzogii	Giant Salvinia	Prohibited Plant Species
Salvinia molesta	Giant Salvinia	Prohibited Plant Species
Saponaria officinalis	Bouncing bet/Soapwort	Invasive
Sicyos angulatus	Bur Cucumber	Noxious Weed
Sonchus arvensis	Perennial Sow Thistle	Noxious Weed
Sorbus spp.	Moutain Ash	Susceptible to Pests and Diseases
Sorghum almum	Sorghum almum	Noxious Weed
Sorghum halapense	Johnson Grass	Invasive/Noxious Weed
Sparganium erectum	Exotic Bur-reed	Prohibited Plant Species
Spiraea japonica	Japanese Meadowsweet	Invasive
Torilis arvensis	Spreading Hedgeparsley	Invasive
Torilis japonica	Japanese Hedgeparsley	Invasive
Trapa natans	Water Chestnut	Invasive/Prohibited Plant Species
Typha angustifolia	Narrow-leaved Cattail	Invasive/Prohibited Plant Species
Typha x glauca	Hybird Cattail	Invasive
Ulmus Americana	American Elm	Dutch Elm Disease
Ulmus pumila	Siberian Elm	Invasive; Susceptible to Disease
Viburnum opulus var. opulus	European Cranberry-Bush	Invasive
Viburnum trilobum	Highbush Cranberry	Invasive
Vicia cracca	Vetch	Invasive
Vinca Major	Large-leaved Periwinkle	Invasive
Vinca Minor	Periwinkle	Invasive
Wisteria Sinensis	Chinese Wisteria	Invasive